

HYPERBOREUS

STUDIA CLASSICA

ναυσὶ δ' οὔτε πεζὸς ἰὼν κεν εὐροῖς
ἔς Ἑπερβορέων ἀγῶνα θαυμαστὰν ὁδόν

(Pind. *Pyth.* 10. 29–30)

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Статьи сопровождаются резюме на русском и английском языке
Summary in Russian and English

PLAY ON THE MEANING OF NAME IN
CICERO'S *VERRINES*: SOME REMARKS
ON *DIV. CAEC.* 48–50*

Cicero was famous for his wit, jokes, and sometimes even biting jests which, according to Plutarch, caused many people to dislike him.¹ In his speeches as well as his letters we find a wide spectrum of jokes, from very subtle play on words to invective irony and sarcasm. It is not a coincidence that the most profound consideration on ancient theory of laughter we have is Cicero's *De Oratore* 2. 217–290. Thus we can rightfully acknowledge both Cicero's theoretical and practical input into our knowledge of ancient laughter. This aspect of Ciceronian rhetoric has been treated more than once.² Among various forms of laughter, the abuse of a person's name was examined by Anthony Corbeill and Hans Holst.³ In this paper I am going to discuss one particular passage (*Div. Caec.* 48–50), which, in my opinion, deserves more detailed discussion.

In my previous paper⁴ I argued that the episode in *Divinatio in Caecilium* § 27–46 can be treated as kind of one of Cicero's earliest textbooks of rhetoric, which comes between the *De Inventione* treatise, written in his early youth (between 91 and 89 BC), and his famous *De Oratore* (55 BC). In this episode Cicero, assuming the role of a teacher, expounds issues of rhetoric to his opponent Quintus Caecilius Niger –

* The material of this paper was first presented as part of a presentation at the Colloquium Balticum XVI Lundense *De risu. Representations and evaluations of laughter in Greek and Roman literature* (Lund, 7–9 November 2018), and I profited from valuable comments and suggestions from the audience. Errors are my own.

¹ Plut. *Cic.* 27: Τὸ μὲν οὖν πρὸς ἐχθροὺς ἢ πρὸς ἀντιδίκους σκώμμασι χρῆσθαι πικροτέροις δοκεῖ ῥητορικὸν εἶναι· τὸ δ' οἷς ἔτυχε προσκρούειν ἔνεκα τοῦ γελοίου πολὺ συνῆγε μῖσος αὐτῷ. “Now, this use of very biting jests against enemies or legal opponents seems to be part of the orator's business; but his indiscriminate attacks for the sake of raising a laugh made many people hate Cicero” (transl. by Bernadotte Perrin).

² Canter 1936, 457–464; Corbeill 1996; Corbeill 2002, 198–217; Haury 1960; Holst 1925; Michel 1960, 271–288; Orlandini 2002, 209–224 etc.

³ Corbeill 1996, 57–98; Holst 1925, 47–50.

⁴ Kućinskiéné 2010, 63–77.

explaining which qualities and skills in rhetoric a good orator must have. At the same time he convincingly shows that Caecilius does not have necessary skills and is unsuitable for the role of prosecutor of C. Verres, corrupt governor of Sicily in the case *de pecuniis repetundis*.

At the end of his instructions Cicero imagines the probable situation of the future court, and enumerates rhetorical tricks which will be used by Q. Hortensius Hortalus who defended Verres, against his weak and untrained opponent Caecilius (*Div. Caec.* 45–46):

Te vero, Caecili, **quem ad modum sit elusurus, quam omni ratione iactaturus**, videre iam videor (= *lusus*); **quotiens ille tibi potestatem optionemque facturus sit ut eligas utrum velis – factum esse necne, verum esse an falsum – utrum dixeris, id contra te futurum** (= *dilemma*). Quid? cum **accusationis tuae membra dividere coeperit** et in digitis suis singulas partis causae constituere? quid? cum unum quidque transigere, expedire, absolvere? Ipse profecto metuere incipies ne innocenti periculum facessieris (= *refutatio*). Quid? cum **commiserari, conqueri**, et ex illius invidia deonerare aliquid et in te traicere coeperit <...> (= *commiseratio*). Mihi enim videtur periculum fore ne **ille non modo verbis te obruat, sed gestu ipso ac motu corporis** praestringat aciem ingeni tui <...> (= *actio*).

But as for you, Caecilius, I can see already in my mind's eye, how he will outwit you, and make sport of you in a hundred ways; how often he will give you the fullest freedom to choose between two alternatives – that a thing has or has not happened, that a statement is true or false; and how, whichever you choose, your choice will tell against you. Think of it, when he begins to subdivide your speech for the prosecution, and tick off with his fingers the separate sections of your case! Think of it, when he proceed to smash them up, and clear them away, and polish them off one after the other! Upon my word, you will begin to feel alarmed yourself at the thought that you may have set out to bring ruin upon an innocent man. Think of it when he begins to bewail his client's unhappy condition: to lighten the load of prejudice against Verres, and shift a portion of it on to your own back <...>. I cannot help feeling the risk that he will not only beat you down with his arguments, but dazzle and confuse your senses with his mere gestures and bodily movements <...>.⁵

Cicero briefly touches on some very important parts of rhetorical theory: *refutatio*, *actio*, *commiseratio*, and two rather specific rhetorical devices – dilemma and laughter, which, we can suspect, were perfectly mastered by

⁵ Quotations from *Divinatio in Caecilium* and the *Verrine* speeches are from Greenwood 1989.

Hortensius. Cicero is familiar with Hortensius' eloquence very well, and probably he foresees that these two devices will be dangerous weapons in the hands of Hortensius.

It is worth noting that Cicero himself makes use of dilemma rather often in the *Divinatio*.⁶ Furthermore, the whole speech is presented as a dilemma for Caecilius: Cicero challenges him to show his command of the art of eloquence with a retaliatory speech worthy of Cicero's rhetoric powers. If he manages to answer Cicero himself properly, there might be hope for him against Hortensius. If not, how can he suppose to overcome a most powerful adversary (*Div. Caec.* 47)? The device of dilemma also underlies the speech of the first pleading against Verres. Cicero gives the senatorial jury a choice: they can convict the accused, who is one of their own rank and thus save the crumbling reputation of the senatorial court, or acquit him and, by doing so, bury any trust that the Roman people still has in them. Cicero's frequent use of dilemma is not coincidental in this context. Obviously, explaining the issues of eloquence to Caecilius, Cicero tries not only to belittle his opponent, but also to display his own knowledge and skills in rhetorical technique, thereby proving himself a worthy opponent to Q. Hortensius. Thus the instruction of Caecilius is not merely a lesson in rhetoric, but also its practical application.

With this in mind, we proceed to the second rhetorical device, which, according to Cicero, will play an important role in Hortensius' defence. We do not know in what form Hortensius was supposed to ridicule his opponent (*quem ad modum sit elusus, quam omni ratione iactaturus, Div. Caec.* 45), but we can rightfully assert that Cicero himself demonstrates his mastery in this field exploiting various forms of laughter both in the preliminary hearing before a court empowered to appoint the prosecutor of Gaius Verres (*Divinatio in Caecilium*), and later in his speeches against Verres. The abuse of a person's name as one form of paronomasia is not the least among them.

In the rhetoric of the late Roman republic jokes and puns on the meaning of names are rather frequent. Quintilian even suggests to his students not to overuse this kind of witticisms: only the names with positive meaning, such as Sapiens, Magnus, Pius, are suitable to support a character in the argument (*quod quidem accidere ei necesse est, sed in argumentum raro cadit, Quint.* 5. 10. 30).⁷ On the contrary, in his treatise *De Inventione* Cicero advises the young orators to exploit the meaning

⁶ Craig 1985, 442–446; Craig 1993, 47–66.

⁷ Cf. Arist. *Rhet.* 1400 b, where name puns are used primarily for praise.

of opponent's names as one possible source for *argumenta ex persona*.⁸ 25 years later in *De Oratore* he still considers this rhetorical device as an effective form of humour. One of the interlocutors in this dialogue is C. Iulius Strabo, who presents the issues of laughter in the second book, discusses the rhetorical use of person's name and presents an example where he did so himself.⁹

Both in the *Divination against Caecilius* and later in the *Second Action against Verres* Cicero masterfully and inventively uses this type of paronomasia¹⁰ in two ways. Firstly, he exploits the meaning of the name itself (*verres* – 'boar, hog').

Sed repente e vestigio **ex homine tamquam aliquo Circaeo poculo factus est Verres**; rediit ad se atque ad mores suos <...> (*Div. Caec.* 57).

But suddenly, as though he had drunk of Circe's goblet, he turned in one flash from a man into a Verres, became the hog that his name suggests <...>.

Hinc illi homines erant qui etiam ridiculi inveniebantur ex dolore; quorum alii, id quod saepe audistis, negabant mirandum esse **ius tam nequam esse verrinum**; alii etiam frigidiores erant, sed quia stomachabantur ridiculi videbantur esse, cum **Sacerdotem exsecrabantur qui verrem tam nequam reliquisset** (*Verr.* 2. 1. 121).

Hence those people whose indignation went so far as to make humorist; some of these made remark you have often heard repeated, that *ius verrinum* was of course poor stuff; others were still sillier, only that their irritation passed them off as good jesters, when they cursed Sacerdos for leaving such a miserable hog behind him.

⁸ *Ex persona autem coniectura capiatur, si eae res, quae personis adtributae sunt, diligenter considerabuntur <...>. nam et de nomine nonnumquam aliquid suspicionis nascitur – nomen autem cum dicimus, cognomen quoque intellegatur oportet; de hominis enim certo et proprio vocabulo agitur <...>* (*Inv.* 2. 28). "Inferences may be drawn from the person of the accused if the attributes of persons are carefully taken into account... For example, some suspicion arises at times from a name – when I say name, it should be understood that the cognomen is also included; we are talking about the fixed and proper appellation of an individual <...>" (transl. by Hubbell 2006).

⁹ *Etiam interpretatio nominis habet acumen, cum ad ridiculum convertas, quam ob rem ita quis vocaretur; ut ego nuper Nummium divisorem, ut Neoptoleum ad Troiam, sic illum in Campo Martio nomen invenisse* (*De Or.* 2. 257). "There is point also in the explanation of a name, when you make fun of the reason for a man being called as he is, as I said the other day of Nummius, the voters' paymaster, that he had found a name in the Election Field, as Neoptolemus had done at Troy" (transl. by Sutton 1967).

¹⁰ Cf. Quint. 2. 6. 55: *Multa ex hoc <genere> Cicero in Verrem <...>.*

Videtis Verrucium? videtis primas litteras integras? videtis extremam partem nominis, **codam illam Verrinam tamquam in luto demersam esse in litura?** (*Verr.* 2. 2. 191).

Do you see the word VERRUCIUS? Do you see how the first letters are all right? Do you see the last part of the name, how the tail-bit there is sunk in the erasure like a pig's tail in mud?

Nam nos quidem quid facimus **in Verre, quem in luto volutatum totius corporis vestigiis invenimus?** (*Verr.* 2. 4. 53).

What does my own chase with Verres amount to – this hog, the print of whose whole body shows me where he has been wallowing in the mud?

Numquam tam male est Siculis quin aliquid facete et commode dicant, velut in hac re aiebant **in labores Herculis non minus hunc immanissimum verrem quam illum aprum Erymanthium referri oportere** (*Verr.* 2. 4. 95).

Sicilians are always ready with some appropriate jets, even under the most trying circumstances; thus on the present occasion they observed that this monstrous hog ought to be counted among the labours of Hercules quite as much as the celebrated Erymanthian boar.

Ridiculum est me nunc de Verre dicere, cum de Pisone Frugi dixerim; verum tamen quantum intersit videte. Iste cum aliquot abacorum faceret vasa aurea, non laboravit quid non modo in Sicilia verum etiam Romae in iudicio audiret: ille in auri semuncia totam Hispaniam scire voluit unde praetori anulus fieret. Nimirum ut **hic nomen suum comprobavit, sic ille cognomen** (*Verr.* 2. 4. 57).

Now it is absurd for me to speak of Verres in the same breath as of Piso Frugi; and yet, consider how they differ. Verres manufactured enough golden cups to furnish half a dozen side-boards, without caring what may be said of him in the Roman law-court, let alone in Sicily: Piso will have all Spain know whence come the half-ounce of gold to make the governor's ring, acting up, plainly, to his third name, just as Verres acts up to his second.

Plutarch (*Cic.* 7. 5) adds one more:

ὥς οὖν ἀπελευθερικὸς ἄνθρωπος ἔνοχος τῷ ἰουδαΐζειν ὄνομα Κεκίλιος ἐβούλετο παρωσάμενος τοὺς Σικελιώτας κατηγορεῖν τοῦ Βέρρου, “τί Ἰουδαίῳ πρὸς χοῖρον;” <...>

when, accordingly, a freedman named Caecilius, who was suspected of Jewish practices, wanted to thrust aside the Sicilian accusers and denounce Verres himself, Cicero said: “What has a Jew to do with a Verres?” (transl. by Bernadotte Perrin).

Secondly, Cicero creates *lusus verborum* based on the similarity of the name *Verres* and the word *everriculum* ‘broom’.

Quod unquam, iudices, **huiusce modi everriculum** ulla in provincia fuit? (*Verr.* 2. 4. 53).

Gentlemen, was ever a province swept by so veritable a broom as Verres?

<...> videte satisne paratus ex illo omine urbano **ad everrendam provinciam** venit <...> (*Verr.* 2. 2. 19).

<...> mark how Rome’s prophetic interpretation of his name was borne out by his full preparation to sweep the province clean on arrival <...>.

Etenim quam tu domum, quam urbem adisti, quod fanum denique, quod non **eversum atque extersum** reliqueris? Quare appellentur sane ista Verria, quae non ex nomine sed ex manibus naturaque tua constituta esse videantur (*Verr.* 2. 2. 52).

What house or town or sanctuary did you ever visit without verily straining and draining it dry [*sweeping and wiping it out. – A. K.*]? Oh, by all means let your festival be called the Verria: we can see that it was established to celebrate not your name but your greedy hands and grasping character.

I would now like to return back to the episode mentioned above, and discuss another instance of wordplay, which has not yet received sufficient attention in the research scholarship. Having proved Caecilius’ incompetence as prosecutor, Cicero takes a further step by criticizing his potential *subscriptores*,¹¹ i. e. those who join the principal prosecutor (*nominis delator*), and sign their name (*subscribit*) at the end of the charge.¹² They would have to collaborate with the main accuser in preparing and analysing the material and would often present certain segments of the case in the court.¹³ One of them, Lucius Appuleus, has nothing to commend himself to Cicero at all because he lacks experience in forensic rhetoric (*usu forensi et exercitatione tironem*). The other, however, named Titus Alienus, is deemed worthy of discussion in two whole paragraphs:

¹¹ *Esto, ipse nihil est, nihil potest; at venit paratus cum subscriptoribus exercitatis et disertis (Div. Caec. 47). “Very well, Caecilius himself is nothing and counts for nothing; but it is suggested that he comes provided with experienced and eloquent supporters”.*

¹² Cf. *Gabinium de ambitu reum fecit P. Sulla, subscribente privigno Memmio (Cic. Q. fr. 3. 3).*

¹³ There could be three to five *subscriptores*, Alexander 2002, 79–80.

(48) Deinde, ut opinor, habet **Alienum**, hunc tamen a subselliis; qui quid in dicendo posset numquam satis attendi, in clamando quidem video eum esse bene robustum atque exercitatum. In hoc spes tuae sunt omnes; hic, si tu eris actor constitutus, totum iudicium sustinebit. Ac ne is quidem tantum contendet in dicendo quantum potest, sed consulat laudi et existimationi tuae, et ex eo quod ipse potest in dicendo aliquantum remittet, ut tu tamen aliquid esse videre. Ut in actoribus Graecis fieri videmus, saepe illum qui est secundarum aut tertiarum partium, cum possit aliquanto clarius dicere quam ipse primarum, multum submittere, ut ille princeps quam maxime excellat, sic faciet Alienus; tibi serviet, tibi lenocinabitur, minus aliquanto contendet quam potest.

(49) Iam hoc considerate, cuius modi accusatores in tanto iudicio simus habituri, cum et ipse Alienus ex ea facultate, si quam habet, aliquantum detractus sit, et Caecilius tum denique se aliquid futurum putet, si Alienus minus vehemens fuerit et sibi primas in dicendo partis concesserit. Quartum quem sit habiturus non video, nisi quem forte ex illo grege moratorum, qui subscriptionem sibi postularunt cuicumque vos delationem dedissetis: (50) **ex quibus alienissimis** hominibus ita paratus venis ut tibi hospes aliquis sit recipiendus. Quibus ego non sum tantum honorem habiturus ut ad ea quae dixerint certo loco aut singillatim uni cuique respondeam: <...> vobis autem tanta inopia reorum est ut mihi causam praeripere conemini potius quam aliquos ad columnam Maeniam vestri ordinis reos reperiatis?

(48) The next, I take it, is Titus Alienus; well, he gets even him from the spectators' seats; nor have I ever observed at all carefully what his power as a speaker may be, though I am certainly aware that he is a powerful and well-trained shouter. He is the mainstay of your hopes; if you are appointed to conduct the case, it is he who will have to bear the full weight of it. And even so, he will not be able to exert his full powers as a speaker. He will have to think of *your* credit and *your* reputation. He will be forgoing some of the success he might achieve by his own speech, in order that you may not, in spite of everything, be a complete failure. We know how Greek actors behave on the stage; very commonly the man who has the second or third part could speak a good deal more loudly and clearly than the man who has the first part, but lowers his voice considerably, in order that the superiority of the chief actor may be as pronounced as possible. That is what Alienus will be doing. He will subordinate himself to you, and play up to you, and exert himself considerably less than he might.

(49) Now let me ask this court to consider the sort of prosecutors we are likely to have in this important trial, if Alienus himself is going to withhold from a good part of such capacity as he does possess, and Caecilius can hope to have any sort of success himself only if Alienus moderates his own energy and hands over the chief part as orator to *him*.

Whom he is likely to find as forth speaker I cannot imagine, unless it is to be the one of that gang of obstructionists who applied for the right of supporting the chosen prosecutor whoever he might be: (50) worse aliens than Alienus, but Caecilius comes here in such a condition that he will have to extend his hospitality to one of them. I shall not pay them the compliment of reserving a definite part of my speech in which to deal with observations, nor shall I reply to each of them separately. <...> And are *they* so badly off for persons to accuse that they must try to snatch my own case out of my hands, instead of finding themselves of their own social standing in the neighbourhood of the Maenian Column?¹⁴

It is peculiar that Cicero's ironic phrase *hunc tamen a subselliis* escapes any in-depth commentary both in translations and commentary books,¹⁵ even though any further interpretation of the text rests on the understanding of this phrase. *Subsellium*, in a general sense, means a low seat, bench (*OLD s.v.*). Such benches could have been occupied by (i) senators in session (*omnes consulares <...> simul atque adsedisti, partem istam subselliorum <...> nudam reliquerunt*, Cic. *Cat. I.* 16), (ii) theatre audiences (*bonoque ut animo sedeat in subselliis*, Plaut. *Poen.* 5), or (iii) by *tribuni plebis* who settled insignificant court cases (*ad subsellia tribunorum res agebatur*, Liv. 42. 33. 1), and other participants of the court. The second and third definitions of the term provide us with two options for interpreting the text: one has to do with theatre, while the other concerns the courtroom environment.

Paola Dalsasso has convincingly shown that Cicero alludes to the theatre a number of times in the *Divination against Caecilius*, and especially in the segment we are currently discussing: "Cicero goes even

¹⁴ Transl. by Greenwood 1989.

¹⁵ Greenwood 1989 translates "he gets even him from the spectators' seats" and adds the comment: "*Subsellium* may be any seat in a court. Alienus began his career as a *claqueur*"; Yonge 1903: "he indeed does belong to the bar"; Zielinski 1901 [М. Туллий Цицерон, *Полное собрание речей I*, перевод В. А. Алексеева и Ф. Ф. Зелинского]: "этот, по крайней мере, ходит сидеть на скамейках в суде"; Krüger 1993: "der sich wenigstens vor Gericht auskennt"; Fuhrman 1903: "he indeed does belong to the bar"; de La Ville de Mirmont 1984: "selui-là, du moins, je l'ai vu sur les bancs des avocats"; Fuhrmann 1971: "der wenigstens in Gerichtssachen bewandert ist"; Halm 1900: "d. i. der doch wenigstens einheimisch auf den Gerichtsbänken ist, im Gegensatz von *usu forensi tironem*. Gemeint sind die *subsellia*, auf denen die Sachwalter der Parteien sassen (vgl. das französ. *barreau*)"; Bellardi 1978 provides the soundest comment we came upon: "'finalmente un avvocato di lugna pratica forense'. Di costui non sis a altro, se non che e uno che proviene 'dai banchi' dove sedevano avvocati e testimony, quindi dotato di esperienza forense; e forse C. vuol dire che non ha altra preparazione per con dirre una causa se non quell'ache gli viene dal sedere in tribunal".

further in denying them [both Caecilius and his *subscriptores*. – A. K.] the qualification of orators by saying that, instead of an oratorical performance, such a team of mock-prosecutors will produce a theatrical one. They will be acting like a troupe of players”.¹⁶ Like Greek actors who have the second or third part in a play deliberately lower their voices, in order that the superiority of the chief actor may be as pronounced as possible, in the same way Alienus will have to drop his voice, and exert himself less than he might (*Div. Caec.* 48). Dalasso points out the frequency of vocabulary derived from the stage: apart from such conspicuous theatrical terms as *in actoribus Graecis, primarum, secundarum, tertium partium*, “we might suppose that the term *actor* in § 47 is preferred to the synonym *accusator* possibly in order to introduce the simile with the *actores Graeci*. Likewise for the verb *sustinere* (*sustinebit*), which recalls the phrase *partes sustinere* in the language of the stage. In addition, it is worth noting that the two verbs *serviet* and *lenocinabitur* in § 47 could remind of the well-known comic characters of *servus* and *leno*”.¹⁷ Finally, when Cicero says that Caecilius will have to choose his fourth *subscriptor* from “that gang of obstructionists” (*ex illo grege* in § 49), the choice of the word *grex* in this context also alludes to the troupe of comic actors in Roman theatre.¹⁸

The sentence which comes immediately after the one containing the mysterious *hunc tamen a subselliis* allows us to argue for ambiguity in its meaning: Cicero continues his ironic description of Alienus, saying that he has never witnessed his speaking skills (*in dicendo*), but is certainly aware that Alienus is well-trained in shouting (*in clamando*). The antithesis based on homoeoteleuton of the gerundives *in dicendo* – *in clamando* may be hinting that Alienus was a hired theatre applauder, and this is how Greenwood explains it in his short comment.¹⁹ In that case, *a subselliis* could mean the theatre benches. However, in my opinion, even Alienus' shouting skills should be associated not with theatrical, but the courtroom environment.²⁰ Such an argument can be supported by examining the meaning of similar words in other contexts.

In his treatises on rhetoric, Cicero makes a distinction, first, between a well-trained and practising orator (*orator*) and a rhetor or student of rhetoric who composes and delivers speeches as an oratorical exercise or

¹⁶ Dalsasso 2010, 57.

¹⁷ Dalasso, *ibid.*

¹⁸ See *OLD* s.v.: 3b. Cf. *Et non recessit a translatione scaenicorum, qui sunt tragici et comici, dicendo quartum actorem et gregem* (Ps.-Ascon. *Div. in Caec.* p. 200 Stangl).

¹⁹ Greenwood 1989, 42, cited above n. 15.

²⁰ Cf. Halm 1900, 38 n. 16; Bellardi 1978, 418 n. 3, cited above n. 15.

entertainment (*declamator*)²¹ and, second, between an orator (*orator*) and a brawler in the forum (*clamator*). In the *Brutus*, after enumerating many unesteemed orators, Cicero explains why he found it worth mentioning these persons, who can hardly be regarded as orators at all – because he wanted to show that in this state “all men have desired to be speakers, no great number have ventured to try, few have been successful”. Nonetheless he characterised everyone in such a way, that participants of the dialogue (or rather Cicero’s readers) may understand who he considers to have been only a shouter, and who a true orator: *ego tamen ita de uno quoque dicam, ut intellegi possit quem existimem clamatorem, quem oratorem fuisse* (*Brut.* 182). We have an antithesis based on paronomasia (*clamatorem–oratorum*), which is analogous in its meaning to the sentence in the *Divinatio in Caecilium* which we have been discussing (*in dicendo – in clamando*). A similar antithesis, though the word *orator* is missing, is recognisable in the first book of the *De Oratore* (1. 202):

Non enim causidicum nescio quem neque **clamatorem** aut rabulam hoc sermone nostro conquirimus, sed eum virum, qui primum sit eius artis antistes.

For in this talk of ours we are not seeking some pettifogger, declaimer or ranter, but that man who, to begin with, is high-priest of that art.²²

Finally, in the *Orator* Cicero distinguishes between the ideal orator, whom he tries to delineate in his treatise, on the one hand, and both a declaimer from the rhetorical school and a forensic shouter, on the other (*Or.* 47):

faciet igitur hic noster [sc. **orator**] – non enim **declamatorem** aliquem de ludo aut **rabulam** de foro, sed doctissimum et perfectissimum quaerimus <...>.

Therefore our orator – it is not mere declaimer in a school that we seek, or ranter in the forum, but a scholarly and finished speaker <...>.²³

Rabula in this context is synonymous for *clamator* as in the earlier cited *De Or.* 1. 202 (*neque clamatorem aut rabulam*).

²¹ A person’s description as a *declamator* can scornfully point both to his inclination to declaim from textbooks and an inability to creatively use his rhetorical knowledge, as in the case of Caecilius (see below *Dic. Caec.* 47), as well as to a theoretical education rather than everyday forensic activities, as in *Plan.* 83: *Non vobis videtur cum aliquo declamatore, non cum laboris et fori discipulo disputare*. “Does he not <...> seem to you to be arguing against some teacher of declamation, and not with one who is a pupil, as I may say, of the real toils of the forum?” (transl. by Yonge).

²² Transl. by Sutton 1967.

²³ Transl. by Hubbell (Hendrickson–Hubbell 1988).

The same disparaging definitions (although not explicit, avoiding the words *declamator* and *clamator*) are easily recognisable in *Divitatio in Caecilium*: Caecilius is depicted as a school boy, who declaims extracts from other people's orations, which he found in a book presented by his schoolmaster and is unable to add a single expression by himself (*si ab isto libro, quem tibi magister ludi nescio qui ex alienis orationibus compositum dedit, verbo uno discesseris, Div. Caec. 47*); and one of his supporters, Alienus, turns out to be a good deal of ranter in a forum. Though he is not a newcomer in forensic affairs, as he comes "from the benches" (*a subselliis*), he is one of those mediocrities, who loiter around in the courts, lives in the bar (*qui habitaret in subselliis*),²⁴ but is not in the ranks of the proper orators.

The latter interpretation can be reinforced with a sophisticated play on words based on the meaning of Alienus' name. The ancient scholiast gives two possible interpretations of this name. According to him, somebody relates it with a river *Al(l)ia*, which in the minds of Cicero's listeners was associated with disaster because in 389 BC the Romans were badly defeated by the Gauls there.²⁵ Following this interpretation, to have Alienus as supporter in the court would be an ill-fated omen *a priori*.

The second option is to read the name Alienus literally as 'alien', which is, to my mind, more probable, because it is exactly this meaning, which creates a paronomasia in the text. According to Pseudo-Asconius, Alienus is "alien" to the constant courtroom business presided over by praetors (*non ex auditorio praetoris maiorumque causarum*), but has experience with the tribunal, triumviral, quaestorial, and other lower-rank courts, where the judge sits not in the *sella curulis* or *tribunalis*, but rather on a bench (*Sunt enim subsellia tribunorum triumvirorum quaestorum et huiuscemodi minora iudicia exercentium, qui non in sellis curulibus nec in tribunalibus, sed in subselliis considerebant. – Ps.-Asc. In Div. 50, p. 201 Stangl*). Alienus is one of such kind of judges of low rank. That is why Cicero sends Alienus to look for clients "in the neighbourhood of the Maenian Column" (*ad columnam Maeniam*). This last remark is far from a friendly advice, but rather a biting jest.

²⁴ Cf. *Verum ego non solum arbitrabar, his praesertim audientibus, a me informari oportere, qualis esse posset is, qui habitaret in subselliis, neque quidquam amplius afferret, quam quod causarum necessitas postularet (De Or. 1. 264)*. "Now I did not think it my duty, especially before my present audience, to delineate only the possible quality of such a speaker as would live in Court, and bring thither nothing more than the needs of his cases demanded".

²⁵ Cf. *quosque secans infaustum interluit Allia nomen (Verg. Aen. 7. 717)*.

Several buildings in the Roman Forum were connected with Maenius' name. Gaius Maenius, consul in 338 BC, in commemoration of his victory over the Latins in the Battle of Antium, decorated the platform from which speakers spoke to the people in the Comitium with bronze prows (*rostra*) captured from enemy ships, and in 318 BC this Maenius as censor built two-storey porticoes (*Maeniana*) over the shops along the Forum, suited for audiences to watch gladiatorial fights.²⁶ An honorific column to the same Maenius (*columna Maeniana*) and an equestrian statue had been erected nearby Curia Hostilia and Carcer Mamertinus (Plin. *NH* 7. 212), approximately in that place, were the Arch of Septimius Severus was later constructed.²⁷ Near this column *tresviri capitales* – an office of the lowest grade on Republican career path – used to judge in litigations of minor importance. Litigants of these courts were usually people from the lowermost stratum, slaves and freedmen.²⁸ Therefore Cicero's advice to seek after the defendants of their own rank (*vestri ordinis*) at the Maenian Column sounds like a bitter offence.

At the end of the episode under discussion, Cicero reminds Caecilius with mock that he will be made to choose a *hospes* from these men who are absolutely alien to him (*ex quibus alienissimis hominibus... tibi hospes aliquis sit recipiendus*, *Div. Caec.* 50). The adjective *alienissimus* which stands in direct juxtaposition with the noun *hospes*, in my opinion, reminds us of the person under discussion – Alienus. *Hospes* in this context means first of all an intimate friend and supporter,²⁹ but also a person who is joined to another one by the ties of hospitality. A man would choose his *subscriptores* from among his friends, but, according to Cicero, Caecilius must get whom he can, and is prepared to accept any of these men, who are perfect strangers to him, just as if he had to receive some strange guest in his house.³⁰

Giovanni Bellardi disagrees with such an interpretation and thinks that there is no need to see a word play on Alienus' name here, and is inclined to read the text literally: Cicero means simply that Caecilius

²⁶ Thereafter *maenianum* became an appellative word for balcony of a separate bank of seats in an amphitheatre: Stambaugh 1988, 110; Höcker, 2006, 117.

²⁷ Livy mentions only a statue, and remarks, that this was a rare honour in those days (*statuae equestres eis, rara illa aetate res, in foro ponerentur*, 8. 13. 9), so it is possible that there was a single monument – a column with an equestrian statue of Maenius on the top.

²⁸ De Libero – Klose 2009, 891.

²⁹ The examples of such use in *Verrine* speeches are numerous: *amicus et hospes*: *Div. Caec.* 67; *Verr.* 2. 2. 83; 91; 117; 2. 4. 32; 2. 5. 20; *Verr.* 2. 1. 16: *hospes et necessarius*; *Verr.* 2. 1. 28: *amici, hospites, patroni Dionis*; *Verr.* 2. 3. 18: *hospes et familiaris*; *Verr.* 2. 4. 49: *hospiti ac perfamiliari* etc.

³⁰ Long 1851, 27.

must accept the *subscriptores* who are absolutely foreign to him.³¹ But, to my mind, it is exactly this antithesis *alienissimus–hospes* which, by referring to the person's name, brings us back to the beginning of the paragraph and adds an ironic poignancy to the characteristic of Alienus.

We may conclude that the bitterly sarcastic characterisation of his opponent in *Div. Caec.* 48–50 demonstrates not only incompetence of Alienus but that of Caecilius as well: despite his name, Alienus “from the benches” is familiar to the bar,³² in contrast to Caecilius himself, who is absolutely alien to the reality of criminal courts, as has been shown by Cicero previously. Thus the phrase *hunc tamen a subselliis* sounds as an ironic compliment, which highlights the lack of competence of Cicero's main opponent even further, a topic already discussed by the orator in the previous chapters of the speech (*Div. Caec.* 27–46).

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³¹ Bellardi 1978, 418 note 5: “S'è voluto vedere un intenzionale gioco di parole in *Alienus-alienissimus*, ma non c'è bisogno di forzare il testo. Cicerone vuole dire semplicemente che Cecilio deve accogliere tra i *subscriptores* delle persone che gli sono assolutamente estranee”. On the contrary, Long 1851, 27: “Cicero after his fashion is playing on the name of Allienus (which Zumpt [1831] writes Alienus), and he is speaking sarcastically when he says ‘paratus’”.

³² Cf. Dalsasso 2010, 56–57.

- Ch. P. Craig, *Form as Argument in Cicero's Speeches: A Study of Dilemma* (Atlanta 1993) 47–66.
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Cicero's use of wordplay with the names of his opponents is well-attested in his speeches, in the *Verrines* among other works, and has been discussed more than once. Both in the *Divinatio in Caecilium* and later in the *Second Action against Verres* Cicero masterfully and inventively uses this type of paronomasia in two ways: he not only exploits the meaning of the name itself (*verres* 'boar, hog'), but also creates *lusus verborum* based on the similarity of words, such as between *Verres* and *everriculum* 'broom'. The passage in *Divinatio in Caecilium* 48–50, which, as we argue, contains one more pun on the name of the Alienus, lacks more detailed commentary.

Having proven Caecilius' incompetence as prosecutor (*Div. Caec.* 27–46), Cicero takes a further step by criticizing other potential supporters of this prosecution (*subscriptores*). One of them, Titus Alienus, receives treatment in two whole paragraphs (*Div. Caec.* 48–50), which are analyzed in this paper. The main focus of the discussion is the interpretation of the ironic phrase *hunc tamen a subselliis*, as well as paronomasia based on the meaning of Alienus' name (*ex alienissimis*).

I argue that the bitterly sarcastic characterisation of Alienus in *Div. Caec.* 48–50 demonstrates not only the incompetence of Alienus but that of Caecilius as well: despite his name, Alienus "from the benches" is familiar to the reality of criminal courts in contrast to Caecilius himself. Thus the phrase *hunc tamen a subselliis* sounds as an ironic compliment, which highlights the lack of competence of Cicero's main opponent even further, a topic already discussed by the orator in the previous chapters of the speech (*Div. Caec.* 27–46).

Речи Цицерона, в том числе против Верреса, наглядно демонстрируют, что оратор обыгрывает имена своих противников, и этот прием неоднократно исследовался. В *Divinatio in Caecilium* и впоследствии во *Второй речи против Верреса* Цицерон виртуозно и изобретательно применяет этот вид паронимии двумя способами: он не только обыгрывает значение слова *verres* 'вебрь, кабан', но и основывает игру слов на сходстве *Verres*, например, с *everriculum* 'метла'. Аналогичная шутка, связанная с именем *Alienus* в *Div. Caec.* 48–50, заслуживает более пристального внимания комментаторов.

Доказав несостоятельность Цецилия как обвинителя (*Div. Caec.* 27–46), Цицерон идет дальше и подвергает критике других возможных сторонников обвинения (*subscriptores*). Одному из них, Титу Алиену, посвящены два параграфа (*Div. Caec.* 48–50), которые разбираются в этой статье. Основное внимание уделяется ироническому выражению *hunc tamen a subselliis* и паронимии, основанной на имени Алиена (*ex alienissimis*).

Саркастическая характеристика Алиена призвана не только дискредитировать его самого, но и отразить некомпетентность Цецилия: в отличие от последнего, Алиен "со скамеек" все-таки знаком с криминальными судами. Таким образом, фраза *hunc tamen a subselliis* звучит как иронический комплимент, призванный сделать еще очевиднее тезис, раскрытый оратором выше (*Div. Caec.* 27–46), – несоответствие Цецилия взятой на себя роли.