CHAPTER 10

Cicero, Documents and the Implications for History

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This paper examines Cicero’s interpretation of documentary evidence for the past in his speeches.¹ The various contributors to the present volume, rightly, strike a variety of balances between establishing the function(s) of particular Roman memory practices (or even of the actual events recalled therein) and theoretical reflection on points of method. This paper is situated towards the methodological end of the spectrum. My conclusions will concern, first, the extent to which Cicero is constrained by the documentary evidence he cites, and, second, the extent to which similar considerations are relevant to (ancient) history-writing.

When one speaks of ‘interpretation’ in Ciceronian oratory, the reference is typically to juristic or quasi-juristic reasoning – the parsing of statutory or edictal language – such as is found in Pro Caecina (passim) or Pro Cluentio (esp. 144–157). But this hardly exhausts the field of Cicero’s use of documents. In fact, at least initially, I will exclude such juristic passages from consideration as potentially constituting a separate phenomenon from the documentary use under consideration. Rather, what I have in mind is to consider texts Cicero uses not for what they say about norms, but about events in the immediate past (though we will see eventually that the line is actually hard to draw, but that it is probably unnecessary to do so in the first place). After examining a number of specific cases, I will argue ultimately (1) that Cicero has a powerful set of tools at his disposal which allow him to read both ‘with’ and ‘against’ the grain of a variety of texts in a variety of circumstances to get the results he needs, (2) that there is evidence, both direct and indirect, for the deployment of similar reading strategies in contexts other than forensic oratory, and (3) that the availability of such strategies to historians might mean that their use of documentary evidence could have paradoxical effects, accentuating rather than tempering their shaping of events to fit various preconceptions.

¹ My thanks to the editors and the press’s anonymous referee for valuable suggestions on the manuscript and to Tony Corbeill for extensive discussion of both the background issues and the crucial speech De haruspicium responsis. For argument-neutrality, the translations are mostly those of Younge, with a few clarifications and one correction (see n. 6).
Ciceronian oratory presents notorious complications as a source of evidence for many historical questions; consider, for instance, the need for a recent book-length treatment of the topic. But for present purposes skepticism about Cicero’s accounts of the world outside the courtroom is not a problem. Our interest is in the repertoire of interpretive moves or strategies he deploys directly before the jurors, thus creating a scene more-or-less before our own eyes as well. What he can get away with is the evidence, not the problem. Given that general methodological outlook, my specific method will be unsurprising. I will begin with a catalog of passages illustrating what I take to be the principal interpretive strategies in Cicero’s arsenal. Then I will offer some suggestions about the relationship of what we find in the forensic context to other interpretive practices, those of jurists and (most importantly) historians.

I have arranged my discussion along a rough spectrum that I will describe as ranging from ‘textual’ strategies to increasingly ‘extra-textual’ ones, that is, interpretive strategies that appeal just to the text itself on the one hand and those that rely on increasingly broad swaths of material outside the text (other texts, whole genres, and more) on the other. The divisions between these categories and my ordering of them are theoretically problematic, so I should stress that I do not mean them to have explanatory significance; they are merely intended as structuring devices.

Starting with the most narrowly textual strategies, then, I want to look first at appeals to textual coherence. That is, cases in which a potentially ambiguous segment of text is read so as to make it fit as ‘well’ as possible with the text that surrounds it. In practice, this is usually done by flattening the meaning of the text as a whole to make it as redundant as possible. For instance, in De haruspicum responsis, Cicero spends most of his time interpreting the titular oracular response. His repeated conclusion is that all signs point to the gods’ distress at Clodius’ profanation of the mysteries of the Bona Dea in 61 BCE, rather than anything to do with Cicero’s more recent recovery of his confiscated house. About half-way through the speech he comes to the following clause (har. resp. 36):

‘THAT GOOD FAITH AND OATHS HAVE BEEN DISREGARDED.’ What this means by itself, I cannot easily explain; but from that which follows, I suspect that it refers to the manifest perjury of your judges.... And this is the

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3 I take the position that Cicero’s published speeches are a fairly good representation of what he said in court or, at a minimum, what he reasonably could have said in court. On the vexed topic, see Riggsby (1999), 178–184; Powell – Paterson (2004), 52–57.