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CICERO'S *DE INVENTIONE* AND THE SHAPING
OF THE POLITICAL SPHERE¹

All written works escape their creators at the point at which they are disseminated, but Cicero's *De inventione* has been exposed to this phenomenon to an unusually significant degree. Its format as a textbook, and the exemplary status of its author, have made it part of history of western European education and rhetorical training and at the same time have taken it out of its original cultural and political context at Rome in the first quarter of the first century BCE². If however we approach the work in the context of the 80s when it was composed, it emerges as a innovative attempt to present a distinctive political viewpoint at a time of rapid and substantial change in the Roman *res publica* in the aftermath of the Social War, the enfranchisement of Italy, and the prospect of the new citizens' engagement with the mechanisms of civic life at Rome. *De inventione* responded to these challenges by a distinctive presentation of the character and role of its author and of the Roman *res publica* and its recent history: these considerations combine to shape rhetoric as a skill open to all, regardless of their connections within Roman society and their prior intellectual and cultural formation.

1. *Author and Rationale*

Cicero's keen interest in his own autobiography has been the object of much study in recent years³. Within this context, the *De inventione* plays

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² On Cicero as an educational model, Keeline 2018; La Bua 2019.

³ Dugan 2005; Steel 2005; van der Blom 2010; Diegel 2020, 47-237; Kenty 2020; Berno-La Bua 2022; Guérin 2023.



a minor but distinctive role⁴. Cicero acknowledged its existence only once in his surviving works, near to the beginning of his *De oratore*:

Vis enim, ut mihi saepe dixisti, quoniam, quae pueris aut adulescentulis nobis ex commentariolis nostris incohata ac rudia exciderunt, vix sunt hac aetate digna et hoc usu, quem ex causis, quas diximus, tot tantisque consecuti sumus, aliquid eisdem de rebus politius a nobis perfectiusque proferri⁵ (Cic. *de orat.* 1, 5).

vix sunt: sunt *add. Sorof*

The reference to Cicero's age when he composed the earlier work is the basis of any attempt to date *De inventione*, but the phrase *pueris et adulescentulis* is frustratingly elliptical as a statement of his age at the time of composition, and thus as a dating mechanism⁶. It is vital to observe, though, that it is *deliberately* elliptical: had Cicero wished to specify the time of the work's composition more precisely, he could easily have done so. By imposing an absence of a fixed chronology Cicero consigns the earlier work to a undefined period of time whose point is to offer a contrast across a range of axes with the present of 55 BCE. Whereas Cicero's writings on the topic were hitherto rough, unfinished and uninformed by experience they are now polished, complete and the result of his extensive forensic activity: in short worthy of the man he has become. The *De inventione* exists here as an inferior work, whose function is to be transcended by an improved version which better aligns with "Cicero" as he now is. The emphasis is not on the process which connects these two works – and whose elucidation would require an understanding of Cicero as the author of the earlier piece – but on the differences between the two: as a result the earlier can and must sit outside the details of Cicero's career as it has developed up to the time of the composition of *De oratore*.

⁴ On *De inventione*, Rawson 1985: 143-155; Achard 1994; Corbeill 2002; Caparrotta 2008; Schwameis 2014; Riesenweber 2019; Helms 2024; Hirsch forthcoming.

⁵ «You want, as you have often said, since what fell out of my notebooks in a rough and unfinished state when I was a boy or very young man are scarcely suitable to my current age and the experience which I have gained from the range of important cases I have handled, something rather more polished and shaped on these topics to be put forward by me».

⁶ On the dating of *inv.*, cf. Calboli 2020, 8-12, and T. Hirsch in this volume. I return to the question later in this article.

And yet: Cicero did choose to bring the existence of the earlier work to the attention of readers of *De oratore*. He was not obliged, in 55 BCE, to remind the world of its existence nor to establish its relationship to his new work⁷. The readers of *De oratore* have no choice but to learn, or remember, at the very outset that there was another work on rhetoric by Cicero. *De inventione* is, then, part of the story that Cicero tells at this point in his career about his role as a rhetorical educator. What he had offered in the earlier work is, according to *De oratore*, not a complete answer to the challenges of speaking at Rome: but its inclusion suggests that insofar as such technical instruction is a part of rhetorical education, Cicero has already provided that – and perhaps also directs his readers towards this earlier work. This insistence that *De inventione* was an element in Cicero's narrative of himself as a rhetorical educator was, however, temporary. When he came to write *Brutus* – a work which presents oratory as an art formed by practice and performance in the specific context of Rome – there is no explicit glimpse of *De inventione* in the detailed description he offers of his intellectual training between 91 and the mid-70s BCE, nor is there any reference to it in his other rhetorical and oratorical treatises.

It is not difficult to interpret *De inventione* in ways that accord with Cicero's analysis in *De oratore*. It is indeed unfinished, in the sense that it covers only *inventio* among the five tasks of the orator; and many aspects of the theory of speaking that it presents reflect the teaching of others, as comparison with the *Rhetorica ad Herennium* demonstrates. Nonetheless, Cicero's own conviction that *De inventione* retained its value as one element in a consular's written oeuvre should encourage us to be receptive to its distinctive characteristics. In particular, a review of the ways in which it may have spoken to a wider political environment at the time of its composition and original dissemination is, I hope to demonstrate, a valuable exercise in pursuing the work's complexities. The existence of the *Rhetorica ad Herennium* and the comparative opportunities it provides confirm what *De inventione*'s own characteristics indicate: this is a most peculiar textbook, distinctive in its authorial persona, its framing of the role of oratory within a *res publica* and in the cultural milieu which it shapes for its readers⁸.

⁷ The extent to which *De inventione* had circulated cannot be gauged, but even if there were copies in private libraries in the mid-50s Cicero could have ignored it entirely when writing *De oratore*.

⁸ I do not think on the current evidence that we can determine the chronological relationship between the two works; I refer to the *Rhetorica ad Herennium* in this paper

The status of *De inventione* as one of Cicero's works is not in doubt, but the ascription cannot be based on anything that the work's author says about himself. The author of *De inventione* is reticent about his characteristics and experience, demanding the reader's attention for his work not because of who the author is but because of its inherent intellectual quality. He presents his own starting point for the work, in its opening sentence, as a conviction he has formed through the exercise of thought (Cic. *inv.* 1, 1):

ac me quidem diu cogitantem **ratio ipsa** in hanc potissimum sententiam ducit, ut existimem sapientiam sine eloquentia parum prodesse civitatibus, eloquentiam vero sine sapientia nimium obesse plerumque, prodesse nunquam⁹.

It is this insight, so these words suggest, which has started the process which leads the author through reflections on the origins of eloquence to a conviction of its teachability and a desire to explore existing instruction¹⁰. In the opening part of the second book, the author pushes his commitment to the process of inquiry itself even further. Having considered the corpus of earlier writers (in Greek) on rhetoric and philosophy he states his own commitment to scepticism, a commitment which he presents as far more important than the quality of the work which he is writing and one to which he is prepared to sacrifice the work's effectiveness (Cic. *inv.* 2, 10):

quare nos quidem sine ulla affirmatione simul quaerentes dubitanter unum quicque dicemus, ne, dum parvulum consequamur, ut satis haec commode perscripsisse videamur, illud amittamus, quod maximum est, ut ne cui rei temere atque arroganter assenserimus. Verum hoc quidem nos et in hoc tempore et in omni vita studiose, quoad facultas feret, consequemur: nunc autem, ne longius oratio progressa videatur, de reliquis, quae praecipienda videntur esse, dicemus¹¹.

because it provides a series of demonstrations of possible alternatives at Cicero's disposal when he composed *De inventione*.

⁹ «And reason itself leads me during extended reflection to this conclusion above all: wisdom without eloquence is of little use to states, but eloquence without wisdom is mostly very harmful and never beneficial».

¹⁰ Cic. *inv.* 1, 5.

¹¹ «For that reason without any definitive statements I shall with continuous investigation make each statement sceptically in case, whilst pursuing a trivial end – the appearance of writing with adequate usefulness – I shall lose the most important thing, that is not to assent to anything in a rash or arrogant way. This course I shall pursue

As the statement of an author attempting to maintain the reader's interest and confidence – to convince him or her to follow him into a consideration of *reliqua* – this is a striking confession: writing *satis commode* is to be considered *paruulum* in comparison with the much more important task of refraining from rash assent¹². Not only does this conclusion put the reader's convenience far behind Cicero's intellectual integrity: it also seems, on a practical level, a counter-intuitive approach to an instructional handbook¹³.

Cicero thus shapes *De inventione* as a work which appeals to its readership purely on its intellectual quality, and the author's role is simply to show himself as someone convinced by the merit of the ideas which he is sharing. He makes no claim beyond that: he deploys no personal authority with which to convince the reader to follow his lead. If the reader does accept the treatise's teaching, he or she does so because of the didactic encounter and not because of any external characteristics which "Cicero" the author indicates that he possesses. Nor does Cicero present his work as a gift to a particular individual. There is no dedicatee. In both these respects the contrast with the *Rhetorica ad Herennium* is instructive. Although the name of the author of that work is not preserved, more is evident about him from his text than can be ascertained about Cicero from *De inventione*. Its opening sentence, in contrast to the process of thought of the first sentence of *De inventione*, draws attention to the author's involvement in business, and the enthusiasm of the dedicatee Herennius to hear the author's views:

etsi negotiis familiaribus inpediti vix satis otium studio suppeditare possumus et id ipsum, quod datur otii, libentius in philosophia consumere consuevimus, tamen tua nos, Gai Herenni, voluntas commovit, ut de ratione dicendi conscriberemus, ne aut tua causa noluisse aut fugisse nos laborem putares. et eo studiosius hoc negotium suscepimus, quod te non sine causa velle cognoscere rhetoricam intellegebamus: non enim in se parum fructus habet copia dicendi et commoditas orationis, si recta intellegentia et definita animi moderatione gubernetur (*rhet. Her.* 1, 1)¹⁴.

carefully now and throughout my life, as far as ability allows; but now, not to seem to hold forth at too great a length, I shall indicate the topics which remain to be treated».

¹² On scepticism in *De inventione*, see Lévy 1995; Lévy in this volume.

¹³ On Cicero's use of scepticism in didactic contexts later in his career, see Fox 2007, 244-256; Gildenhard 2007; Brittain 2016.

¹⁴ «Even if given my personal business I can scarcely find the time for intellectual activity and what time I have I would prefer to dedicate to philosophy, nonethe-

This opening sets the author in a social network of Romans with complex and demanding personal and public obligations. A relationship with the dedicatee, Gaius Herennius, is evoked: in some way the two possess a connection of sufficient intimacy that the author has shown himself to be an authority on rhetoric such that Herennius wants to know more and have the material in writing. The author, in turn, has a link to Herennius which makes him reluctant to neglect this desire that Herennius has, in some way, already articulated. This is the world of *beneficia* rendered and *gratia* thereby procured¹⁵. The reader who is not Herennius is welcome to join this world, but it is a defined world of shared values and beliefs. The author of *De inventione*, by contrast, creates a world with far fewer defining features and therefore far less which might serve to exclude a reader. For Cicero, the impulse to write is internal; and it is the exercise of *ratio* that has led him to his initial preliminary conclusion, that philosophy must be combined with oratory in order to produce the ideal *vir*, one who does not ignore his own interests but combines a capacity to fight for both public and private utility. There is no dedicatee here, whose practical needs drive the process of composition. In a similar fashion, the opening of the second book is constructed to show Cicero's rationale for his eclectic approach to the principles and techniques of persuasion. The promise of a superior method in the context of a manual is not of course unique to Cicero, but it is more difficult to parallel his inward focus¹⁶. *De inventione* consciously eschews the networked interdependency of elite literary life for a different kind of authorial persona, where the author's private and apparently solitary intellectual pursuits have led him inexorably to the position that he now presents¹⁷. The reader is welcome to join him, but there is no rationale to do so other than the quality of the ideas themselves: it is a question of *ratio*, not *auctoritas*.

less your desire, Gaius Herennius, moves me to write about the theory of speech, so that you may not think that I was unwilling or disinclined for the work in a matter relating to you. And I take up this task all the more enthusiastically because I know that you have good reasons for wanting to learn rhetoric: a readiness to speak and ease of expression offer not inconsiderable rewards if they are controlled by clear understanding and mental control».

¹⁵ Griffin 2003; Rollinger 2020.

¹⁶ On Cicero's presentation of solitude in his later works, Kachuck 2021, 45-82.

¹⁷ On literary networks in late Republican Rome, Stroup 2010; Baraz 2012; Bernard 2013; Volk 2021.

2. *Rhetoric, Oratory and the Res Publica*

Both *De inventione* and the *Rhetorica ad Herennium* are based on the assumption that oratory matters in public life. For the author of the *Rhetorica ad Herennium*, that usefulness and importance underpins the whole work, which begins with the topics of oratory – «the things which have been established by custom and law to sustain societal functioning» – and its division into epideictic, deliberative and forensic types of speech¹⁸. Oratory is therefore presented in relation to its public functions, which are assumed to be its end, without further interrogation. The *De inventione* shares this conviction that speech matters to public affairs, but grounds it initially in a theory of human society which makes eloquence central to the emergence of civilisation. Yet at the same time Cicero's pursuit of his argument in the opening sections also brings out the dangerous capacity of speech when used by those lacking moral and intellectual virtue, a problem to which he offers no response at this point other than an exhortation to *homines ingeniosissimi* and *optimi* to oppose the *temeritas* and *audacia* of those who use speech to ends destructive of the *res publica*¹⁹. Indeed at this point the problem, he suggests, is that those with the intellectual capacity for the task of speaking have abandoned it and the public sphere for other pursuits, though Cato, Laelius, Africanus and the Gracchi act as examples of a different and better way. It is only as a conclusion of this line of thought that Cicero presents eloquence as an attractive goal, and it is to be pursued first and foremost because of its civic value, as a means to prevent *mali* from assuming power. It is relevant to public and private concerns, providing benefit to the community as a whole, and honour and security to individuals. The personal benefits are not ignored, but are presented alongside urgent public concerns; and it is difficult to reach the end of the opening chapters without feeling that the author is primarily concerned with an argument about the nature of public speech (whose logic forces him to acknowledge its destructive capacity) rather than with a protreptic towards the study of the subject (which might arguably concern itself more emphatically with

¹⁸ *Rhet. Her.* 1, 2, *quae res ad usum civilem moribus et legibus constitutae sunt.*

¹⁹ *Inv.* 1, 5, *nam quo indignius rem honestissimam et rectissimam violabat stultorum et improborum temeritas et audacia summo cum rei publicae detrimento, eo studiosius et illis resistendum fuit et rei publicae consulendum* («For the more distressingly the rash carelessness of stupid wicked people damaged a most honourable and upright skill, the more vigorous should have been the opposition to them, and the care for the *res publica*»).

its value and benefits to the individual practitioner). The author of *De inventione* appears from the outset to eschew easy answers.

This initial presentation of speech as an integral element in a *res publica* is confirmed throughout *De inventione* by its willingness to place its instruction into the context of public life at Rome. At the most general level, this involves instruction through examples which evoke the interests of the *res publica*. Thus, for example, factors in *exordia* (1, 23) that will make the audience attentive include the demonstration that the topic to be discussed relates *ad summam rem publicam*; a situation is imagined where a speaker deals with *incommoda* affecting the *res publica* (1, 32); *maiestas* is used in the example of how to offer a good definition (2, 55); and public service is suggested as an element from which effective *deprecatio* can be constructed (2, 104). The discussion of *deprecatio* also includes a rare example of the reader being imagined as someone who might speak in the Senate: Cicero explains that he will still include *deprecatio*, despite its limited use in forensic cases, as it can in a partial form have some value there, and *et in senatu aut in consilio saepe omni in genere tractanda*. It can at the very least be said that Cicero wishes to seem to be writing for an audience for whom senatorial oratory is not completely alien; he may even be pointing to his own ambitions. However, the role of *consilia* in this rationale must not be overlooked. Property-owning Romans almost inevitably found themselves participating in domestic *consilia*, whether as the summoner or as a participant. Men who possessed *patria potestas* were expected to take the advice of such a group before imposing a punishment on an individual in his *potestas*: the relevance of *deprecatio*, whether on one's own behalf or on that of another, to this setting is thus obvious²⁰. Family councils may also have been consulted on other decisions, including marriage, adoption, and inheritance²¹. An individual's personal interests could easily, therefore, and to a significant degree be directly affected by the decisions taken in this kind of body, and the relevance of being able to speak well in such a context is evident. But the word *consilium* also includes the *consilia* of magistrates. These, particularly those of military commanders on campaign, incorporated a wider group of men than those who were already

²⁰ Perry 2015.

²¹ There seems little doubt that Romans could and did consult friends and relatives before making such decisions and these meetings could involve the setting out of positions orally in a relatively formal manner; it is less clear whether they were called *consilia* and, if so, the precise technical meaning of the term in this context: Rosillo-López 2021, 399.

active in public life through the tenure of elected office: Cicero himself participated in the *consilia* of his Social War commanders Pompeius Strabo and Sulla. Senate and *consilia* are also placed side-by-side a little later in the text during a consideration of the arguments that can be used to request rewards or punishments: *nam et apud iudices de praemio saepe accusatorum quaeritur et a senatu aut a consilio aliquod praemium saepe petitur*²². In this case the situation envisaged appears to be a military *consilium* and the award of *praemia* to soldiers for their conduct. The frame of reference of *De inventione* is constructed to include the value of oratory in contexts of public service as well as its role in securing individual benefit through effective forensic speech, and the relevant public sphere is broad and includes the *consilia* of magistrates, which a much larger number of elite Roman men experienced than entered the Senate²³.

The importance that *De inventione* accords in its analysis of speech to the public sphere beyond forensic activity is confirmed towards the end of the work in its treatment of deliberative oratory (2, 155-176)²⁴. This section is relatively brief in comparison with the much longer earlier discussions which are directed towards forensic oratory: and it is easy to overlook its importance because of the apparently rather jejune way that Cicero lists virtues and resources as qualities which can be used to construct deliberative arguments which appeal either to ethical or material considerations. The section presents him as someone who is confident to talk about *causae civiles* (2, 167); he also suggests that he possesses an intellectual hinterland which extends far beyond the parameters of his current work, when he declines to explain why virtue is to be sought for its own sake since that does not fit his current purpose or the brevity required for teaching (2, 164). The integration of rhetoric into the *res publica* in both theory and practice evident in the work as a whole creates a balance: on the one hand, a conscious effacement on the part of the author: he does not – yet – claim to speak for and about contemporary Roman political life. But he also suggests that he and his audience can envisage themselves in the world of public policy, as well as in forensic settings.

²² *Inv.* 2, 110, «As there is often discussion in front of jurors about rewards for prosecutors, and some reward is often demanded from Senate or from a *consilium*».

²³ Whatever the date of *De inventione* it was almost certainly composed, and circulating, before Sulla's increase in the size of the Senate as dictator brought large number of equestrians into the Senate.

²⁴ On this section, see Kotarcic in this volume.

3. *Past and Present in De inventione*

The civic context of *De inventione* is reflected in its references to Roman history. But there are also some striking gaps in the coverage of Roman events, most particularly its very recent history. The latest datable episode is the demand by L. Crassus for a triumph in 95 or 94 from his consular province of Cisalpine Gaul (2, 111), as an example of a request for a reward²⁵. There is also an acknowledgement of *lex Servilia Caepionis* from 106: Cicero notes that it is unwise to praise this law in front of an equestrian jury²⁶. That observation is presented as though the point is obvious and well-known to his readers. But recent civil strife is entirely absent. Not only is there no mention of the Social War; Saturninus' tribunes and death are also ignored. The only indication that not all is well in the contemporary Roman *res publica* are the brief, elliptical and undated references in the opening chapters to disasters that have occurred when good men have turned away from the study of eloquence, and the accompanying exhortation to study it now in order to prevent the dominance of *mali*²⁷.

The absence of the Social War from *De inventione* has been used as an argument that it was written before the war; but that argument produces an implausibly early date for the composition of *De inventione*²⁸. It is more promising to consider the implications if the silence is deliberate. Mouritsen has recently observed that Cicero says little about the Social War in any of his writings, a silence which he connects to the difficulty that Cicero found in identifying a way to talk about a catastrophically destructive war which nonetheless had resulted in Rome's opponents becoming Roman citizens²⁹. Mouritsen also notes that Cicero himself cultivated these new Roman citizens throughout his own career. The silence of *De inventione* is not deployed in Mouritsen's discussion, but it can easily be fitted into this narrative: even at this early stage of his career Cicero wished to avoid committing himself to a perspective on this conflict between Romans and other Italians, since to do so would almost

²⁵ For the possibility that *inv.* 2, 122 is a reference to the *causa Curiana*, see Hirsch in this volume.

²⁶ Cic. *inv.* 1, 92, *offensum est quod eorum qui audiunt voluntatem laedit: ut, si quis apud equites Romanos cupidos iudicandi Caepionis legem iudiciariam laudet* («What damages the good-will of those who are listening is offensive: as when someone praises Caepio's law in front of Roman equestrians who are keen to be jurors»).

²⁷ Cic. *inv.* 1, 4-5.

²⁸ On dating, see above n. 6.

²⁹ Mouritsen 2019.

inevitably mean giving a position of moral superiority to one side or the other. Moreover, if the absence is indeed deliberate, a comparison with the *Rhetorica ad Herennium* is again revealing. In the discussion of style in that work, the precepts are illustrated with worked examples of good and bad approaches to different kinds of style³⁰. The “good” examples of both Grand and Middle styles clearly evoke the forensic environment of Rome early in the Social War, after the passage of the *lex Varia*. The Grand style is illustrated by an appeal to jurors in a case where the guilty party is described as one *qui prodere hostibus patriam cogitarit* («who was planning to betray the fatherland to the enemy»), and the result of his action, if successful, would be the destruction of Rome and the enslavement of its citizens. The example of the Middle style sets out an argument that those whom Rome is fighting would only have begun the war if they had received encouragement from within Rome itself, since their own resources could not possibly have given them the necessary impulse to fight. In this conflict Rome is fighting *cum sociis qui pro nobis pugnare et imperium nostrum nobiscum simul virtute et industria conservare soliti sunt*, «against allies who used to fight for us and to join with us in preserving our power through their courage and hard work». The *lex Varia*, a law *de maiestate*, was aimed at those who had encouraged the outbreak of war and that is the unmistakable context of these examples: the first sets out the catastrophic results of such treachery and the second the proof that it must exist³¹. In including these examples, the author of the *Rhetorica ad Herennium* unambiguously commits himself to a Romanocentric view of the conflict, which stresses that Rome’s former allies, whatever their earlier good qualities in the role of ally, are now fighting against it, and their object is the total destruction of Rome³². Cicero’s complete silence on the subject means that he, by contrast, does not commit himself to an interpretation of the Social War, let alone one as unmistakably hostile to Rome’s enemies as that put forward in the *Rhetorica ad Herennium*.

³⁰ *Rhet. Her.* 4, 11-16.

³¹ On the provisions of the *lex Varia*, Asc. 22C (*Q. Varius tr. pl. legem tulit ut quaereretur de iis quorum ope consiliove socii contra populum Romanum arma sumpsissent*; cf. Asc. 73C); on its relevance to the *Rhetorica ad Herennium*, Mouritsen 1998, 134-136.

³² This perspective becomes particularly striking if the *Rhetorica ad Herennium* was not disseminated until after the end of the Social War.

4. *De inventione and its Shaping of an Intellectual and Didactic Context*

In contrast to its taciturnity on the subject of its author's identity, *De inventione* is open about its intellectual origin, context and indebtedness. The language of the work is Latin, and as we have seen it draws on Roman history for some of its examples and bases its fundamental rationale on the Roman *res publica*. But at the same time it places itself in an intellectual history of rhetoric which starts with Aristotle (Cic. *inv.* 2, 6) and Isocrates as originators of the two streams of rhetorical instruction, philosophically informed and not philosophically informed, and whose named authorities are all writers in Greek. Cicero is clear that his work has something new to add to this tradition, but it is also very evidently an existing tradition about which he is both respectful and deeply knowledgeable. Early on the work offers a history of its discipline which begins with writers in Greek in the fifth century BCE (Cic. *inv.* 1, 7), and throughout it integrates Greek material into an ostensibly Roman cultural and legal context, in which examples drawn from Greek and Roman history sit alongside patently fictitious problem cases. It presents itself, that is, as a work for and about Rome and Romans, but Romans whose cultural horizons, at the very least, include and are open to Greek rhetorical writings and the outlines of Greek history. The result is a work which steers a notably conciliatory and integrative line between Greek and Roman intellectual contributions³³.

5. *A Work of Crisis and Renewal?*

De inventione, then, displays a range of characteristics which are not necessarily essential to its role as a textbook. Effective speaking is presented as a skill integral to the safe functioning of the *res publica* and one which is not confined in its usefulness to forensic oratory alone. Although its author does not refer to his personal experience as a speaker in presenting his instruction, and indeed eschews any deployment of personal authority, he sets himself and his readership up as individuals who are not only familiar with the institutions of Roman public life but might also see themselves within those institutions. His presentation of

³³ On the cultural background of *De inventione*, Schmidt 1975; Caparrotta 2008; Rashed 2017; Bishop 2019, 1-39; Brouwer 2021, 1-19.

Roman history carefully avoids controversy, and in particular avoids taking any position on recent Roman history; and his readership is expected to be open to the integration of Greek rhetorical and philosophical ideas into their Roman context.

What conclusions can be drawn from these characteristics? First, and perhaps most clearly, they represent Cicero's choices, as a comparison with the *Rhetorica ad Herennium* makes clear at every turn. The result is a version of rhetoric that matters to the wider community, and also, crucially, is accessible on the basis of thought and study rather than through specific social contexts or networks. The absence of a dedicatee or of information about the personal details and connections of the author mean that *De inventione* does not create in- and out-groups, in contrast to the *Rhetorica ad Herennium* whose dedicatory framing privileges Gaius Herennius and the wider network of those who know the author; other readers are inevitably placed in a more remote position³⁴. *De inventione* offers a subject which is open to anyone who is willing to engage with the author's model of speech and method of instruction. This openness is reflected in the examples deployed within the work: they are not obscure, they are self-explanatory and they combine Roman and non-Roman material. The text's focus is on forensic oratory, but it sees a broader contribution for oratory in service to the wider *res publica*. Indeed, as Hilder has argued, one of the distinctions between *De inventione* and the *Rhetorica ad Herennium* is in its treatment of jurors, with *De inventione* constructing them as individuals who based their decisions, rightly, on their understanding of the law, as opposed to the *Rhetorica ad Herennium* which constructs jurors as the objects of successful emotional manipulation³⁵. It is of course entirely possible that the readers of *De inventione* were jurors as well as potential litigants and/or advocates, and readers' potential role as jurors is reflected in the way that jurors are constructed within the work.

This interpretation of *De inventione* makes it a rather different work from the picture given in the opening chapters of *De oratore*, of a tentative piece of juvenilia abandoned before it could take a full and final shape. Its distinct characteristics also point firmly towards the post-Social War period as the most probable context for the composition and

³⁴ This remains the case even if Gaius Herennius did not exist, though there is no evidence to suggest that that is the case.

³⁵ Hilder 2016.

dissemination of *De inventione*³⁶. It is easy to underestimate the very peculiar nature of the peace settlement which concluded the Social War, with its extension of Roman citizenship to populations which had been allies, then enemies, and were in many cases culturally and linguistically distinct from Rome itself³⁷. It created a world in which, on a practical level, legal activity at Rome could be expected to change as it incorporated new actors; and it is also perhaps a world which particularly needed oratory and its community-building capacity. I suggest that Cicero offered *De inventione* to an audience in that strange and poorly documented period between 87 and 82, when the post-Social War *res publica* was hesitantly taking shape before Sulla's dictatorship set it in a rather new and arguably unexpected direction. In that context it can be seen as an offer of a *res publica* accessible to all those willing to engage with it through debate and reason.

If we are prepared to place *De inventione* in this context, then its characteristics cohere into a distinctive contribution to the role of oratory in a *res publica* which had undergone and continued to undergo a startlingly rapid transformation. It takes the form of a manual, and there is no reason to think that Cicero did not hope that his work would indeed be used didactically³⁸. But the handbook was also a literary form appropriate to his age and stage which could additionally be used in order to set out and share with others his thinking on oratory and the *res publica*. Cicero's absence of *auctoritas* is, as I have argued, a device shaped so that no-one is excluded from joining his readership by their lack of entry into his circle. It was also, however, an accurate reflection of the author's position as an equestrian, in his early twenties, whose experience of public life was confined to military service in a war which he wished to avoid discussing, insofar as his audience might contain those who fought on the opposing side. By presenting his work in the form of a handbook and without relying on authorial experience and networks, Cicero found a literary form which he could use without a lack of *decorum* and which enabled him to shape an audience of all Romans. Placing *De inventione* in the context of the eighties permits us to approach the way in which it might have landed on first dissemination: the work of an unknown author, who a brief en-

³⁶ Compare the argument on dating put forward by Hirsch in this volume.

³⁷ For a summary, Vervaeke 2023.

³⁸ It remains the case that *De inventione* suffers as a handbook in comparison with *Rhetorica ad Herennium*: consider, for example, the relative clarity of the works' respective introductions of the rhetorical syllogism (*inv.* 1, 57; *rhet. Her.* 2, 28).

quiry would reveal as a clever young equestrian from Arpinum, who had fought in the armies of Rome during the Social War and possessed connections to Roman *nobiles*, though he draws no attention to those biographical details in this intellectually ambitious if at times rather clunky analysis of current approaches to rhetorical instruction. The *De inventione* is no more, but also no less, than that. And it is on those terms, I suggest, as an innovative and elegant identification of a way to contribute to a debate which he wished to be part of but was too young to affect in any other way, that Cicero, as he composed *De oratore*, thought *De inventione* continued to be part of his story.

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