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BEYOND LAELIUS. THE ORTHOPRAXY OF FRIENDSHIP
IN THE LATE REPUBLIC

1. *What is a friend?*

Throughout his life, Cicero himself wrestled with friendships and with the very concept of friendship, both on a practical, day-to-day level and on a higher, philosophical and ideal plane. Likewise, the nature and notion of *amicitia* in both the philosophical works and the *Letters* of Cicero have been the subject of intense scholarly interest since the 19th century. Nowadays, scholarly literature on the subject has multiplied to the point that it is increasingly difficult, if not impossible, to gain an appreciation of the whole of it. However, many even of the most notable and important studies of the past century have limited themselves to individual aspects or figurations of friendship.

Thus, those interested in Latin philology and Greco-Roman philosophy have dedicated themselves to determining and qualifying the seeming dichotomy between ideal (*Anspruch*) and reality (*Wirklichkeit*) in the case of Cicero's personal relationships¹. Others, ancient historians in particular, have approached the subject of *amicitia* from a different point of view altogether and have long interpreted it as a political concept above all else, emphasising the possible implications of Roman *amicitiae* as described for instance in the famous *Commentariolum petitionis* traditionally attributed to Cicero's brother Quintus². In this sense, the close connec-

* I wish to thank Prof. Dr. Gregor Vogt-Spira (Marburg) and Prof. Ermanno Malaspina (Torino), the organisers, with Prof. Giovanna Galimberti Biffino, of the Marburg conference from which this paper and this special issue of *COL* originate, for inviting me to participate in what proved to be a very stimulating event, as well as the participants of said conference for a fruitful discussion. I also gratefully acknowledge the helpful comments offered by two anonymous reviewers for *COL*. Translations from Latin are from the Loeb Classical Library series unless otherwise indicated.

¹ Thus, for instance, Gotter 1996; Konstan 1997.

² Syme 1939; Taylor 1949; but also Spielvogel 1993. On the other hand, the works of Peter Brunt (in particular 1988a and 1988b) have fiercely questioned the political effects of

tion between aristocratic *amicitiae* and Roman politics, which can hardly be denied, has been subsumed into Lily Ross Taylor's famous dictum that *amicitia* was the «good old word for party politics»³ and that the relationships described by the Romans as *amicitiae* were in fact but mere patron-client relationships, politely and euphemistically (but ultimately misleadingly) termed «friendships». Indeed, many scholars have even categorically stated that there is no clear distinction to be drawn between *amicitia* and *clientela* and have instead, when describing these relationships, opted to use a language inspired by the social sciences: in this view, with which I do not agree, we are dealing with «patronage», regardless of what terms the Romans themselves used⁴. Others, including myself, have argued against such a language as eliding the subtle yet present difference between both types of relationships⁵ and I have stated elsewhere that a blanket application of the term of «patronage» is in my opinion counterproductive as it obscures these differences. Cicero and his contemporaries, after all, never used *amicus* and *cliens* synonymously.

Indeed, while the language of *amicitia* was generally meant to evoke a basic equality and «same-ness» and at the same time subtly hint at gradations of hierarchical differences, the language of *clientela* was always accompanied by explicit semantic markers of differences in authority, power and position⁶. In both cases, questions of status were not only demonstrated performatively in day-to-day interaction (more on which below) but also inscribed in the very vocabulary. In the case of *amicitia*, this vocabulary (as employed for instance by Cicero and his correspondents in the *Letters*) is an expression of the philosophically-based notion of equality between friends which is emphasised ostentatiously by the parties involved. Regardless of differences in actual influence or position within the *res publica* (which correspondents were naturally aware of), epistolary conventions called for egalitarian and almost hyper-emotional language. This language, which constantly recalled the personal affections (*amor*) of friends and common amical tropes (such as similarities in

amicitia. His views have now been widely accepted (see, e.g., Rollinger 2014; Ganter 2015), but had already been anticipated to some degree by Meier 1997.

³ Taylor 1949, 8.

⁴ Cf. e.g. Saller 1982; Ganter 2015.

⁵ Eilers 2002, 31-37.

⁶ Cf. e.g. Gell. 5, 13, 2: clients as those who <ses> [...] in *fidem patrociniūque nostrum dederunt*.

characters and interests, a shared *humanitas* and *urbanitas*)⁷ was not necessarily an expression of what Cicero termed a *vera et perfecta amicitia*⁸. But it was a reflection of this ideal and the constant employ of epistolary strategies designed to evoke this very ideal shows its continued importance. A hyper-emotional language also served to bridge differences in status, importance, wealth or any other element that could conceivably threaten the basically equal nature of friendship⁹. This was part of the accepted linguistic conventions of the aristocracy and in the case of Cicero's *Letters* we may observe how much time and energy was spent on formulating individual letters¹⁰.

For the modern historian, it has to be said, this can pose significant problems. Depending on any scholar's personal interpretation of the differences between *amici* and *clientes*, such epistolary conventions make it hard to differentiate between the two. For instance, in his *Letters*, Cicero avoids the word *patronus* and there are very few occasions on which his correspondents use the word *cliens* – and where they do, we should be very careful not to take it at face value¹¹. Nevertheless, among the correspondents of the *Letters* there are also persons and groups of persons which we may be inclined to categorise as clients, as differences in status, wealth, and power between them and Cicero (who was, himself, by no means among the most powerful or wealthy senators) were too important. In the end, it remains a truism that, a clear differentiation between the two categories is hard to arrive at and at times we are reduced to the famous colloquialism of «knowing it when we see it»¹².

To solve (or perhaps to avoid) this problem, German scholars have proposed alternative formulations, from Matthias Gelzer's famous «Treu- und Nahverhältnisse» to Christian Meier's «Bindungswesen»¹³. The importance of these close personal relationships is not in doubt. There is, however, considerable dispute as to the precise way in which they were important. Taylor's dictum (above) is by no means universally accepted now and the possible influence of Roman politicians over their *amici*

⁷ Bernard 2013, 165-248; De Giorgio 2015, 65-86; 107-156.

⁸ Cf. *Lael.* 22.

⁹ Rollinger 2014, 180-219. Cf. Hall 2009 *passim*.

¹⁰ But see also the opposing case, as for instance with the letters addressed to Cicero by Pompey: cf. Rollinger *forthcoming* (a).

¹¹ The most well-known case is that of Vatinius (*fam.* 5, 9).

¹² Coined by United States Supreme Court Justice Potter Stewart with regard to the threshold test for obscenity in the 1964 case *Jacobellis v. Ohio* (cf. 378 U.S. 184 [1964]).

¹³ Gelzer 1912, 49 (*e.g.*); Meier 1997, 30-31.

(much less over the more or less homogeneous blocks of “clients” postulated by earlier scholarship) is seen in a much more nuanced light today¹⁴, while increasing attention has been paid to the use of a language of *amicitia* as applied by Romans in everyday use, but also, *e.g.*, in diplomatic relationships¹⁵.

This focus on the part of scholars on philosophical ideals on the one hand, and the public sphere and political implications of *amicitiae* on the other, has for a long time obscured the more practical import of *amicitia* for Roman elite society as a whole. If real-life *amicitiae* seldom (if ever) corresponded to the ideal picture drawn by Cicero in his *Laelius*, and if its (and *clientela*'s) fundamental importance for the functioning of politics in republican Rome has been vastly overstated by earlier scholarship, a troubling question poses itself. If *amicitia* was not, in fact, instrumental in shaping policies and securing voting majorities, then what was its importance? Why was it important at all? It is only recently (and still fairly rarely) that this importance has been localised in other areas of Roman social life and a number of important studies have shown this to be the case, for instance with respect to the economic function of *amicitia*¹⁶, or to the functioning of aristocratic society.

In this paper, I will take up this theme and show the importance and functionality of *amicitia* in Roman (aristocratic) society by analysing its influence on a variety of individual sectors of private and public daily life¹⁷. I will argue that friendship in the Roman sense was a vital element of social life of the Roman aristocracy in particular, of which it permeated every aspect because it provided a mechanism and medium of exchanging goods (both material and immaterial). In doing so, the perspective adopted in this paper will be a decidedly practical one, even if the philosophical rationalizations of friendship undertaken by Cicero are today, as they were then, a necessary foundation for the functioning of *amicitiae*.

The ideals of friendship in *Laelius*, then, were not mere philosophical fantasies, even if the *vera et perfecta amicitia* that Cicero strove for could hardly have been the norm. Instead, they formed a normative back-

¹⁴ Brunt 1988a and 1988b; Citroni Marchetti 2000; Dingmann 2007, 80-108; cf. now Jehne-Pina Polo 2015 and Rollinger 2017.

¹⁵ Cf. *e.g.* Burton 2011; Zack 2013; 2015, but see also Williams 2012.

¹⁶ Verboven 2002; Rollinger 2009.

¹⁷ In this, I draw heavily on previously published work, in particular Rollinger 2014, where a fuller and more detailed argument is presented.

ground in front of which the practice of *amicitia* played out¹⁸: the rules of *amicitia*, as propounded (inter alia) by Cicero in his philosophical works, can be observed in action in Cicero's behaviour as found in his *Letters* (and other sources), where considerations of amity and friendship also govern his descriptions of verbal, performative, and epistolary interactions with aristocrats (i.e. senators and knights) and non-aristocrats (the rest) alike. From a close reading of the sources, I will draw up a catalogue of amical orthopraxy within the Roman aristocracy. What were the rules that governed friendships? In which areas of social life did they operate and how? What, precisely, were the actual benefits that Roman nobles could and did gain from them?

In compiling the ample evidence for these interactions and the benefits accrued from them on all sides, we can arrive at a new appreciation of *amicitia* and the fundamental role it played in late republican Rome not as a means for political decision-making, but rather as a mechanism by which aristocratic social cohesion was generated and maintained. It will become apparent that the *amici* of a Roman noble were not (only) important because they could be (and frequently, but not necessarily, were) political allies but rather because every aspect of aristocratic life was governed by an almost totalitarian ideology of *amicitia* – and because vital parts of aristocratic society could only function within it.

2. *Amicitia sanctissime colenda: performative aspects of amicitia*

As part of the widely-accepted conventions of *amicitia*, it was universally understood that these relationships had to be activated and publicly demonstrated at regular intervals. One means of doing so was to affirm friendships in performative contexts that members of the elite could both witness and participate in. This could take the form of a number of almost set-piece rituals performed by the elite, including dinner parties (*convivia*), morning greeting ceremonies (*salutationes*), and joint appearances in public, such as accompanying a friend to the *forum* (*deductio*) or

¹⁸ The literature on Cicero's theory of friendship has grown to almost unmanageable proportions; beyond the papers presented in this issue of *COL*, the reader is referred, e.g., to Steinmetz 1967; Heldmann 1976; Narducci 1989; Gotter 1996; Fürst 1996; 1997; Konstan 1997; Fürst 1999; Citroni Marchetti 2000; Schievenin 2000; Heil 2005; Merklin 2005; Konstan 2010. For my own views on Cicero's model of *amicitia* and its connection to Roman aristocratic practices, which I cannot elaborate on here, see Rollinger 2014, 52-132.

on ambulatory walks through the city (*adsectatio*)¹⁹. These rituals served, among other things, both to publicise relationships of *amicitia* among the elite and to visualise subtle differences in rank and hierarchy. Seemingly innocuous considerations, such as which positions on the dining couches were assigned to which guests or which morning visitor was favoured by a personal and prolonged greeting, served to draw up a map of elite relationships that, although it may at times seem obscure to us, would have been clear and intelligible to contemporaries socialised in this stratum of society. The claim to parity and equality among friends, so vivid in philosophical discussions of *amicitia*, could not totally (and was not meant to) obscure differences and gradations²⁰.

Fascinatingly, the language of equality is, however, also present in what survives of aristocratic correspondence of the late republic. Here, it served a very specific purpose: if friendships relied (partly) on regular public (and private) affirmations and demonstrations, then the prolonged absence of one partner in the relationship could pose a significant problem. Such absence may have been occasioned not only by the duties imposed on active politicians (such as a provincial command), but also by voluntary decisions of elite individuals to remove themselves from Rome for long periods of time, as was the case with Atticus. In these circumstances, members of the elite expended a significant amount of energy on communication by letters, which served to inform each other about events in the city or the provinces, to seek and give advice, or to ask for and receive confirmation of favours²¹. A surprising number of letters, however, at first glance seem to have had no clearly discernible aim. Rather, they were simply intended as epistolary greetings, the ancient equivalent to modern day postcards. As such, however, they served a very important purpose, namely to constantly reactivate feelings of *amicitia*. Among Cicero's letters, such missives are regularly found in his correspondence with Atticus, but there are other examples.

To P. Cornelius Dolabella, for instance, he wrote the following²²:

¹⁹ For detailed analyses of these rituals, for which there is no place here, see Goldbeck 2010; Schnurbusch 2011; Rollinger 2014, 133-179. For the aspect of public movements, see especially O'Sullivan 2011; Östenberg 2015; Hartmann 2016, 94-102.

²⁰ Although see, e.g., *Lael.* 69 ff., where notions of parity and equality are weighed against the Roman realities of finely graded hierarchies.

²¹ On (late) republican epistolary culture, see, among others, Cugusi 1983; 1989; Hutchinson 1993; Cordier 1995; Cugusi 1998; Hutchinson 1998 and Rollinger 2014, 180-194 for a short overview with additional literature.

²² *Fam.* 9, 10, 1.

Non sum ausus Salvio nostro nihil ad te litterarum dare; nec mehercule habebam quid scriberem, nisi te a me mirabiliter amari, de quo etiam nihil scribente me te non dubitare certo scio.

I had not the courage to give our friend Salvius nothing in the way of a letter to you; and, upon my word, I did not know what to write, except that I am amazingly fond of you; and of that, even without my writing anything, I am quite sure that you have no doubt.

Such letters are inscribed in the ancient notion of personal, epistolary correspondence as *amicorum colloquia absentium*²³; they are meant to maintain and strengthen *amicitia* relationships in the face of the impossibility of regular personal contact. An emotionally charged language was standard in such cases, as it helped bridge physical distance. As such, the letters were a performative affirmation of friendship meant to replace the personal rituals described above. That they played an important part in sustaining Roman friendships is evident in Cicero's fervent entreaties to his friends to send them²⁴:

Quam dudum nihil habeo quod ad te scribam! Scribo tamen, non ut delectem meis litteris, sed ut eliciam tuas. Tu, si quid erit de ceteris, de Bruto utique, quicquid.

How long it is since I have had anything to write to you! However, I write, not to charm you with my letter, but to draw your answer. Do send me any news you have, especially about Brutus, but about anything else too.

These letters (but also aristocratic letters in general) are marked by a florid and at times overblown language that is a sign of the enduring importance of the philosophical foundations of *amicitia* expounded on, among others, by Cicero. By no stretch of the imagination could we assume that Cicero enjoyed close personal friendships akin to those described in his *Laelius* with all or even many of his correspondents. But this did not at all mean that the precepts of loving friendship covered in this treatise were not effective in day-to-day interactions. On the contrary: *amicitia* was clearly conceptualised as an emotional relationship

²³ *Phil.* 2, 7.

²⁴ *Att.* 14, 12, 3.

founded, ideally, on love (*amor*). Even if the emotional reality in most cases did not match this ideal, its importance is manifest in the manner in which aristocrats tied by *amicitia* interacted with and talked to and about each other. Much of the sometimes exaggeratedly emotional language that Cicero employs, and that has caused so much anxiety and surprise among his modern-day admirers (Petrarch most of all), can and should be explained by the enduring effect of philosophical ideals of friendship. The conventions and ideals of friendship, as they were, engendered social and epistolary conventions that harked back to these ideals.

A particularly eloquent (or, to some observers, galling) example of this is the correspondence between Cicero and his great enemy, Mark Antony. In a testimony to the indispensable function that conciliatory, hyper-emotional language was meant to fulfil, Antony addresses Cicero in an almost subservient way in the spring of 46 B.C. In his letter, Antony claims that there was nobody closer to his heart than Cicero, with the sole exception of Caesar himself²⁵. He goes on to say that his deeply-felt *amicitia* with Cicero was at the core of his reason for writing to him²⁶:

Nisi te valde amarem et multo quidem plus quam tu putas, non extimuissem rumorem, qui de te prolatus est, cum praesertim falsum esse existimarem. Sed quia te nimio plus diligo, non possum dissimulare mihi famam quoque, quamvis sit falsa, magni esse. [...] cum tanti [...] ab omnibus nobis fias, quibus mehercule dignitas amplitudoque tua paene carior est quam tibi ipsi.

Had I not a great affection for you, and much more than you think, I should not have been alarmed at a report which has been spread about you, especially as I thought it to be false. But, just because I like you so very much, I cannot hide from myself that the report, although it may be false, causes me great concern [...] and you are rated so highly by all of us, who, I dare swear, care almost more than you for your dignity and position.

Jon Hall has strikingly termed this language, so typical for aristocratic epistolary communication, «aristocratese»²⁷, and it is remarkable that even in the early stages of what would prove to be an acrimonious civil war, Antony, working on Caesar's behalf to ensure either Cicero's support or at least his benevolent neutrality, used a distinctly emotional lan-

²⁵ Cic. *Att.* 10, 8A, 2. For the letter cf. Huzar 1978, 55.

²⁶ Cic. *Att.* 10, 8A, 1.

²⁷ Hall 2009, 87 (quotation) and generally 87-99.

guage for his appeal²⁸. The latter could not see his way clear to acquiescing in Caesar's demands and in his reply to Antony's *odiosae litterae*, the language is abrupt²⁹. Seeing that his traditionally formulated attempt to pull Cicero to their side had failed, Antony's follow-up was equally gruff. But it is nevertheless telling, that even in times of crisis and in communicating with somebody who never counted among his real "friends" (in the modern sense), Antony would fall back on a language of pointed emotionality as his epistolary strategy of choice. Revealingly, a later exchange of letters after Caesar's murder shows identical patterns³⁰; Cicero and Antony both attempted (unsuccessfully) to plaster over their deep personal aversions by a ritualised language of friendship.

3. *Practical aspects and effects of friendship*

It should perhaps not surprise us that traditional strategies lost much of their effectiveness in times of extreme crises. But during more quiet times, they were, in fact, strikingly effective and we are able to gauge their effect on aristocratic day-to-day interactions from the sources available to us. Epistolary strategies and performative conventions, both closely connected to the philosophical underpinnings of *amicitia*, served to facilitate the reciprocal exchange of both material and immaterial services between friends and spared both parties from having to demand or claim such services. There was a more or less clearly defined catalogue of offices (*officia*) that friends were expected to provide. Cicero himself gives an incomplete catalogue of possible benefits in his *De officiis*, when describing the actions that characterised the *liberales*³¹:

Liberales autem [sunt], qui suis facultatibus aut captos a praedonibus redimunt, aut aes alienum suscipiunt amicorum aut in filiarum collocatione adiuvant aut opitulantur vel in re quaerenda vel augenda.

The generous, on the other hand, are those who employ their own means to ransom captives from brigands, or who assume their friends' debts or help in

²⁸ Cf. *Att.* 14, 13B.

²⁹ *Att.* 10, 8, 10.

³⁰ *Att.* 14, 13; 14, 13A; 14, 13B. Cf. in general Rollinger 2014, 194-219.

³¹ *Off.* 2, 56. Cf. Dion. H. *ant.* 2, 10 for the correspondence of these friendly services with the services expected of clients and patrons.

providing dowries for their daughters, or assist them in acquiring property or increasing what they have.

This is by no means a complete list and it is given in a different context. From Cicero's *Letters* and other sources of late republican history, however, it is possible to piece together a fuller picture of what being an *amicus inter amicos* entailed: a friend was expected to be a constant and diligent champion of the interests of his friends in all conceivable fields of activity. Cicero calls this unrelenting commitment to the interests of others a *proprium amicitiae*³² and in his 2014 dissertation, Jan Wolkenhauer has, in almost untranslatable German, rightly termed it a «Sich-aufreiben für die Belange anderer»³³, a working oneself into the ground on behalf of others.

Although services were mostly conceptualised not as *officia* (which implied a duty), but rather as *beneficia* (which implied voluntary services, given freely and without attachments), this should not detract from their very real compulsory nature. Social pressure and aristocratic *habitus* ensured that such services were regularly and willingly rendered; to refuse one's help was almost unheard-of³⁴. But, just as ideally and philosophically each *amicitia* was based on emotional connection and love, likewise each act in the service of friends was ideally rendered out of love and devotion, as Cicero describes it in the *Laelius*³⁵:

Amor enim, ex quo amicitia nominata est, princeps est ad benevolentiam coniungendam. Nam utilitates quidem etiam ab iis percipiuntur saepe, qui simulatione amicitiae coluntur et observantur temporis causa; in amicitia autem nihil fictum est, nihil simulatum, et, quidquid est, id est verum et voluntarium.

For it is love, from which the word friendship is derived, that leads to the establishing of goodwill. For while it is true that advantages are frequently obtained even from those who, under a pretence of friendship, are courted and honoured to suit the occasion; yet in friendship there is nothing false, nothing pretended; whatever there is is genuine and comes of its own accord.

³² *Lael.* 26.

³³ Wolkenhauer 2014, 241-242.

³⁴ Rollinger 2009, 135-147; Rollinger 2014, 92-132.

³⁵ *Lael.* 26.

Hence, rudely demanding that services be provided was not acceptable. Members of the elite, familiar with and schooled in the social *mores* of their circles, instead used hyper-emotionalised language, stock vocabulary, set-pieces, and epistolary tropes in their communication. For instance, while brute reminders of the services one had previously performed for epistolary partners were very much frowned upon, it was acceptable to call to mind favours that one had performed for members of the addressee's family. It was much more elegant, however, simply to stress the many valuable services that the addressee had already provided for oneself, thus emphasising his proven generosity and laying the groundwork for future services. This was often connected to verbose appeals to the origins and long duration of the friendship, its intimate nature, the commonalities in interests, lifestyle, or intellectual leanings, as well as to the good character, loyalty, amiableness and generosity of the addressee.

It is here that the true importance of the philosophical notions of *amicitia* in late republican society becomes manifest: both the rather grandiose sentiments of the *Laelius* and the occasionally embarrassing fulsomeness of emotion in the *Letters* are important, not because they tell us something of the true emotional attachment between Cicero and his peers, but rather because they show the relevance of emotionality to the day-to-day functioning of *amicitia* relationships. These relationships were confirmed, activated, and reinforced by pointed reminders of affect and even love. Furthermore, since aristocratic life was inextricably aligned with *amicitiae*, which provided a very real, down-to-earth foundation for much of the elite's activities, it was also of supreme importance in governing social and economic life. Specific services could be asked for and were granted because they were formulated and conceptualised as expressions of the love connecting two *amici*³⁶. The rules of *amicitia*, which were in turn closely connected to and influenced by the philosophical understanding of *amicitia* as a sincere and emotional connection between two people, was thus instrumental for the functioning of Roman elite society and decisively shaped its conventions and *habitus*.

³⁶ In terms of modern economic theory, both emotions (as abstract background or as what might be conceptualised as a specific resource, as for instance *fides*) and pronounced emotionality (as a predominantly epistolary strategy) served to reduce transaction costs in the day-to-day interactions (both economic and social) of the elite. For *Transaction Cost Theory*, a part of what has become known as *New Institutional Economics*, and its uses for ancient history, see, e.g., Silver 1995; Lo Cascio 2005; 2006; 2007; Terpstra 2008; Kehoe-Ratzan-Yiftach 2015.

In the socio-economic sphere, *amicitia* was thus especially important in redistributing scarce goods, both material and immaterial. Apart from specifically economic resources such as money, capital, or credit, this could also mean social capital, as described by Bourdieu, or access to specific functions or magistracies that promised prestige or financial rewards. Social capital could be augmented by performative stagings of *amicitia* such as those already mentioned above (e.g. *convivia* or *salutationes*). The *deductio*, that is, being accompanied by a throng of *amici* while making one's way through the forum, is a particularly striking example of how *amicitia* could be useful in achieving advancement on an individual level (i.e. prestige) or a political one (i.e. winning an election). The greater his entourage of friends (and clients), the more clout any given politician was perceived to have and the better his chance of attracting voters³⁷.

Other forms of *beneficia* could deliver more tangible benefits, including the following:

- giving or obtaining favours, as well as writing or obtaining letters of recommendation³⁸;
- giving or procuring loans and lines of credit and/or standing surety for friends or obtaining guarantees from them³⁹;
- giving or obtaining monetary or other gifts⁴⁰;
- procuring positions and military appointments that further both political careers and economic prosperity⁴¹;
- acting as advocate or character witness in court or generally supporting a defendant, as well as benefiting from a friend acting in this capacity⁴²;
- acting as economic (or general) agent, as well as benefiting from a friend acting in this capacity⁴³;
- including friends as beneficiaries in wills and testaments, as well as benefiting from such legacies⁴⁴.

³⁷ See, for instance, the specific mention and analysis of the different kinds of *adsectatores* and *deductores* in the *Commentariolum petitionis* (34-37) and cf. Östenberg 2015.

³⁸ On letters of recommendation in general, see Deniaux 1993.

³⁹ Verboven 2002, 140-148; Ioannatou 2006, 229-308; Rollinger 2009; 2014, 306-334.

⁴⁰ Verboven 2002, 71-115 with Rollinger *forthcoming* (c).

⁴¹ For the *cohors amicorum*, see Schulz 1997, 123-199. Concerning military positions, see Suolahti 1955 for military tribunes, Schleussner 1978 for *legati*, and Cotton 1981; Welch 1995; Badian 1997 for *praefecti fabrum*. For the social implications of this practice of appointing friends, see Rollinger 2014, 247-279.

⁴² David 1992, esp. 49.

⁴³ Verboven 2002, 227-274; Ioannatou 2006, 327-340; Rollinger 2012.

⁴⁴ Verboven 2002, 183-219; Rollinger 2014, 335-352 and generally Champlin 1991.

This is not the place to study these individual *beneficia* in detail; we must instead be satisfied with select (but representative) examples⁴⁵. The importance of language charged with emotion in epistolary contexts has already been made clear; it is no surprise, then, to see that we find this language in a highly ritualised form being employed in the letters of recommendation that were an important part of aristocratic communication. Hundreds or conceivably thousands of such letters were written by aristocrats of all ranks; those of Cicero have been collected in the 13th book of his *Ad familiares* and they offer a look behind the scenes at how the Roman senatorial elite operated. Cicero himself was an avid writer of commendations and one that spared no pains to place his protégés in the entourages of powerful man. A prime example of such efforts is the matter of the young C. Trebatius Testa, an up-and-coming lawyer whom Cicero commended to Caesar in the hopes of procuring for his young friend a place on the former's military staff in Gaul⁴⁶. From Cicero's correspondence both with Caesar and with Testa, we learn a great deal about the customs surrounding letters of recommendation. Thus, it seems to have been customary to inform the commended, in explicit terms, of one's effort on his behalf, as Cicero did with regard to Testa⁴⁷:

In omnibus meis epistulis, quas ad Caesarem aut ad Balbum mitto, legitima quaedam est accessio commendationis tuae, nec ea vulgaris sed cum aliquot insigni indicio meae erga te benevolentiae.

In all my letters to Caesar or to Balbus there is a sort of statutory appendix, to wit, my recommendation of you; and it is no conventional one, but conveys a distinct intimation of my kindly feeling toward you.

More remarkable however, than Cicero writing to one of the most powerful figures of the political scene and commending to him someone with whom he (Cicero) had built up a close rapport, are cases where such letters were produced even when the relationship between writer and recipient of commendation, or that between writer and addressee of the commendation, was damaged or distant. Such examples provide a clear indication of the degree to which the procuring and writing of letters of

⁴⁵ For a full analysis, cf. Rollinger 2014, 220-352 and see *ibid.* 491-528 for detailed appendices enumerating known instances of such favours and counter-favours.

⁴⁶ *E.g. fam.* 7, 5, 1; 7, 5, 3.

⁴⁷ *Fam.* 7, 6.

recommendation was taken for granted among the nobility. For instance, in a telling departure from aristocratic *mores*, Cicero makes it clear that after his consulate, he had resolved to break off his epistolary contact with his former colleague, C. Antonius Hybrida, *except* for letters of recommendation⁴⁸. Cicero himself wrote that he could not be certain of how much weight such commendations would carry with Hybrida; he nevertheless continued to write them, firstly, so that he would not be forced to deny requests for such letters from friends, and, secondly, perhaps also so as not to have to acknowledge publicly that his relationship with Hybrida was disturbed. In a similar case, Cicero also agreed to write a commendation for Cn. Sallustius (not to be confused with the historian C. Sallustius). Sallustius had asked for a letter of recommendation addressed to M. Calpurnius Bibulus. This was unusual since Sallustius was then most likely already serving as *quaestor* to Bibulus, who was governor of Syria in 50 B.C.⁴⁹, and would not have needed a recommendation. Additionally, Cicero's relationship with Bibulus was extremely strained⁵⁰.

There was (and is) reason to doubt the efficacy of any recommendation that Cicero could address to Bibulus. He wrote one nevertheless⁵¹:

Sed tibi morem gessi; litteras ad eum scripsi, quas cum acceperis, facies, quod voles.

But there, I have humoured you, and written him a letter, on receipt of which you will do as you please.

Indeed, it never seems to have entered his mind to deny Sallustius' request. It should also be mentioned here that we possess (almost) no irrefutable evidence either of a single request for a letter of recommendation being denied, or of such a letter not leading to the desired effect. The one well-known instance of such a refusal is political in nature and also involves Cicero. As governor of Cilicia, he had received a missive from M. Iunius Brutus recommending his agent in the region, M. Scaptius, and asking Cicero to grant him a prefecture so as to be in a better

⁴⁸ *Fam.* 5, 5, 1, *nullas ad te litteras mittere nisi commendaticias*.

⁴⁹ Cf. the commentary on *fam.* 2, 17 in Shackleton Bailey 1977.

⁵⁰ E.g. *Att.* 5, 20, 4 and *fam.* 2, 17. Cf. Rollinger *forthcoming* (a).

⁵¹ *Fam.* 2, 17, 7.

position to collect outstanding debts owed to Brutus by local cities⁵². Cicero was rightly afraid that Scaptius would abuse the powers of such an official position, as indeed he had done earlier⁵³, and refused the request since it would have directly contravened his previously published edict as governor outlining the principles of his administration. But this was a notable exception from ordinary behaviour and, indeed, Cicero was quick to grant just such prefectures to Scaptius and another of Brutus' agents, L. Gavius, in another case where cities of his own province were not liable to be despoiled⁵⁴.

In the overwhelming majority of cases, requests such as that by Brutus were granted, especially when the subject was the elevation of friends or agents of a friend in Rome to the *cohors amicorum* of a governor or to a number of subordinate military positions, such as *praefectus fabrum*, *legatus* or military tribune. Aristocratic debutantes such as Trebatius Testa were in this way introduced into the orbit of powerful and influential politicians and were given the opportunity to establish their own contacts and networks. There was also the high probability of financial gains, as officers and members of the *cohors amicorum* participated in the spoils of military campaigns.

Indeed, since the publication of two important works by Koenraad Verboven and Marina Ioannatou in 2002 and 2006 respectively, there can be no more doubt that financial interests and relations of *amicitia* often-times closely coincided⁵⁵. Among the nobility, loans, credit lines, sureties, as well as monetary and other gifts were conceptualised and exchanged as *beneficia* to be obtained from friends and intimates – and not as legal transactions between them and professional bankers or money-lenders, based on verbal or written contracts and, if the necessity should arise, enforceable by the courts.

Aristocratic money lenders could count on social pressure and the *mores* of the nobility to ensure that loans were paid back – in one form or another. This did not necessarily mean that monetary loans would have to be refunded in kind; among *amici*, one could return the favour by other means or in other ways. Attitudes differed from individual to

⁵² *Att.* 6, 1, 5-6.

⁵³ *Att.* 6, 1, 6.

⁵⁴ *Att.* 6, 1, 4.

⁵⁵ Verboven 2002; Ioannatou 2006; cf. Rollinger 2009; 2012; 2014, 306-352.

individual: some nobles charged interest on loans, as Q. Caecilius did⁵⁶; others such as Caesar or Atticus did not⁵⁷. Crassus likewise did not charge interest, but insisted on prompt repayment by an arranged date, while Caesar often loaned without demanding repayment on a fixed day; occasionally boundaries between loans and gifts could be blurred. Because of the informal nature of lending among the elite, civil litigation between nobles, though it did occur, was the exception, and initiating court proceedings was equated to breaking off any existing amicable relationship since any guilty verdict entailed harsh penalties (both legal⁵⁸ and social)⁵⁹ that destroyed the social standing of the guilty party.

Thus, there was a high threshold before one even contemplated initiating such proceedings⁶⁰. Cicero, again, is a good example of this. After P. Cornelius Dolabella divorced Cicero's daughter Tullia, he was unable, or unwilling, to pay back Tullia's dowry. Even though he could have sued Dolabella, Cicero did not do so; it is only when his erstwhile son-in-law sided with Antony during the political upheavals of 44 B.C. that Cicero seems to have seriously considered this option⁶¹. Even then, however, he hesitated, as it was considered bad form to call upon the guarantors of a loan (*sponsores appellare videtur habere quondam δυσωπίαν*)⁶². Cicero's reserve was, by that time, probably the exception rather than the rule⁶³. Compared to earlier times, the need for money on the part of Roman aristocrats and nobles had risen dramatically during the 1st century B.C., and it had entailed a wide-spread and excessive indebtedness of large sections of the elite. Caesar's infamous and exorbitant debts were exceptional only in so far as scale was concerned⁶⁴ and Catiline had shown the extremes to which individuals could be driven by their financial miseries. Even so, the informal and generous system of providing loans and standing surety among friends proved to be somewhat effective (for a time) in reducing the pressures inherent in this overheated fi-

⁵⁶ Cic. *Att.* 1, 12, 1; Val. Max. 4, 8, 3.

⁵⁷ Suet. *Iul.* 27, 1; Nep. *Att.* 2, 4.

⁵⁸ Rollinger 2009, 168-187; 2014, 280-305; 306-335.

⁵⁹ Kroppenbergs 2001, 268-269; 2009, 297.

⁶⁰ Cf. Sen. *ben.* 3, 14, 2, *etiam atque etiam, cui des, considera: nulla actio erit, nulla repetitio. Erras, si existimas succursurum tibi iudicium; nulla lex te in integrum restituet, solam accipientis fidem specta.*

⁶¹ *Att.* 15, 13, 1; 16, 15, 1.

⁶² *Att.* 16, 15, 2.

⁶³ But see Ioannatou 2006, 412-482.

⁶⁴ Jehne 2016.

nancial environment. All the while the disparity in wealth among senators and knights grew, and individuals such as Crassus, Pompey or Caesar amassed fortunes that were vastly beyond the means of their peers, loans (and further loans, to pay off previous ones) could still be obtained. Members of the elite borrowed and loaned with remarkable abandon and thus ensured that credit among their class did not collapse. Thus, the strains of an ever-growing need for funds could, for a time and to a certain degree, be alleviated.

The penalties for defaulting or insolvent debtors according to the Roman law of obligations, were indeed drastic, as were those that followed any conviction in the public courts (*iudicia publica*): while the latter ended mostly either in acquittal or in exile, those unable to pay back their debts and sued by their debtors were liable not only to have their personal property confiscated and auctioned off, but were also punished by losing their social (and much of their legal) standing (*infamia*)⁶⁵. This also entailed disenfranchisement and the loss of passive voting rights - as Cicero puts it, a kind of social death penalty (particularly for members of the nobility)⁶⁶:

Ergo hercule, cuius bona ex edicto possidentur, huius omnis fama et existimatio cum bonis simul possidetur; de quo libelli in celeberrimis locis proponuntur, huic ne perire quidem tacite obscureque conceditur; cui magistri fiunt et domini constituuntur, qui qua lege et qua condicione pereat pronuntiant, de quo homine praeconis vox praedicat et pretium conficit, huic acerbissimum vivo videntique funus indicitur, si funus id habendum est quo non amici conveniunt ad exsequias cohonestandas, sed bonorum emptores ut carnifices ad reliquias vitae lacerandas et distrahendas.

Therefore, in truth, when a man's goods are taken possession of according to the praetor's edict, all his fame and reputation are seized at the same time with his goods. A man about whom placards are posted in the most frequented places, is not allowed even to perish in silence and obscurity; a man who has assignees and trustees appointed to pronounce to him on what terms and conditions he is to be ruined; a man about whom the voice of the crier makes proclamation and proclaims his price, – he has a most bitter funeral procession while he is alive, if that may be considered a funeral in which men meet not as

⁶⁵ On *infamia*, see Kaser 1956; Wieacker 1963; Wolf 2010. On the related problem of the *iudicia bonae fidei*, which always carried the penalty of infamy, see now Rollinger forthcoming (b) with further references.

⁶⁶ Cic. *Quinct.* 50. Transl. by Yonge 1903.

friends to do honour to his obsequies, but purchasers of his goods as executioners, to tear to pieces and divide the relics of his existence.

In view of these harsh consequences of a guilty verdict, it is hardly surprising that one of the most valued services that a friend could render was to undertake the legal defence before the courts. In its purest form, this would entail appearing either as single advocate or as one of a group, as Cicero, Crassus and Caesar did on more than a few occasions. However, it could also mean appearing as supporter or character witness during the trial⁶⁷. Cicero himself, in his *De officiis*, acknowledges the importance of these appearances both for one's reputation and for one's influence and political clout⁶⁸:

Nam in iure cavere, consilio iuvare atque hoc scientiae genere prodesse quam plurimis vehementer et ad opes augendas pertinet et ad gratiam. [...] Haec igitur opera grata multis et ad beneficiis obstringendos homines accommodata. [...] Diserti igitur hominis et facile laborantis, quodque in patriis est moribus, multorum causas et non gravate et gratuito defendentis beneficia et patrocinia late patent [...] et] quod qui faciunt, plurimum gratiae consequuntur, latissimeque eorum manat industria.

To protect a man in his legal rights, to aid him with counsel, and to serve as many as possible with that sort of knowledge tends greatly to increase one's connections and influence. [...] Service such as this, then, finds many to appreciate it and is calculated to bind people closely to us by our good services. [...] The door of opportunity for generous patronage to others, then, is wide open to the orator whose heart is in his work and who follows the custom of our forefathers in undertaking the defence of many clients without reluctance and without compensation [..., and] those who perform such services win the most gratitude and find a most extensive sphere for their activities.

Legal advocacy was always understood and conceptualised as a *beneficium* that was freely given to friends and that was required vis-à-vis of clients; indeed, this intensely personal underpinning of the legal profession was explicitly and implicitly acknowledged, as, for instance, in the terminology itself: in Latin, an advocate was a *patronus* and his client (in

⁶⁷ David 1992 *passim*.

⁶⁸ *Off.* 2, 65-67.

modern parlance) a *cliens*⁶⁹. This did not change in the late republic, nor, indeed, in the early empire, as the Elder Seneca still referred to a former defendant of Cicero's as *ille Ciceronianus cliens, amicus*⁷⁰. And even though a lawyerly profession had already begun to develop in the late republic and would later flourish under the high empire, both the terminology and the ideological underpinnings of the activity remained.

4. Conclusion: Friendly is, as friendly does

The few examples treated in this paper naturally cannot be more than a very brief glimpse into the intricacies of Roman *amicitia* as a social phenomenon. I have attempted to show the important day-to-day functions of *amicitiae* and *amici* and their respective roles. Far from being merely a philosophical question divorced from any practical reality, the debate as to what was an *amicus* was central to the inner workings of the elite, and *amicitia* was a crucial cog in the machine of aristocratic society. Since nearly all pertinent spheres of aristocratic life were governed by rules closely connected to and influenced by wide-spread notions and concepts associated with *amicitia* (or its opposite, *inimicitia*)⁷¹, there is a clear correlation between philosophical thought and practical reality.

From this point of view, the philosophical ruminations and precepts in Cicero's *Laelius* are doubly important, not only for the *cultural* history of the late republic, but also for its *political, economic, and social* history, as they are the result of Cicero's own intense reflection on the real-life practices of his social class.

From such a historical point of view, the *vera et perfecta amicitia* that Cicero depicts as the climactic ideal state of personal relations is strikingly relevant still, but not because of its implications for Cicero's philosophical worldview or his attitudes towards (*e.g.*) Epicurean philosophy, but rather because of its implications for daily aristocratic interactions. Strict adherence to the conventions and expectations of friendship was more important (and is easier to discern and to analyse for historians)

⁶⁹ The *advocatus*, however, was one that was called to the side of the defense (as the name indicates) in a general supporting capacity; cf. Ps.-Ascon. *div. Caec.* 11 (190 St), *qui defendit alterum in iudicio aut patronus dicitur si orator est, aut advocatus, si aut ius suggerit aut praesentiam suam commodat amico.*

⁷⁰ Sen. *contr.* 7, 2, 12.

⁷¹ Epstein 1987; Rollinger 2014, 122-132.

than the question of emotional involvement in *amicitia*. In other words: orthopraxy won over orthodoxy. It would not only be futile to try and ascertain degrees of emotional intimacy for, e.g., all of Cicero's friendships (with the obvious exception of Atticus and one or two others), we would not benefit from such a line of enquiry. For the historian, what counts is the question of how effective the ideology of friendship was in enforcing societal norms and what role it played in strengthening and maintaining aristocratic cohesion, particularly during the turbulent final century of the *res publica libera*. The manifold services that members of the aristocracy rendered each other within relationships viewed as *amicitiae* served a double purpose: they were instrumental both in distributing scarce goods, and, by their personal nature and the emotionally charged language this necessitated – indeed by their prevalence and sheer ubiquity – they bound members of the elite closely together in a myriad of individual connections and networks. Thus, the moral and theoretical foundations of *amicitia* were stabilised and supported by a multitude of very real benefits and obligations incurred by each individual. If properly mobilised, the sum of all these connections could form a basis of power, wealth, influence, social and symbolic capital of any given *nobilis*. What, then, is an *amicus*? For Roman nobles, clearly, friendly was, as friendly did.

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