Catulus' Speech in Cassius Dio 36.31–36

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> *qui cum ex vobis quaereret, si in uno Cn. Pompeio omnia poneretis, si quid eo factum esset, in quo spem essetis habituri, cepit magnum suae virtutis fructum ac dignitatis, cum omnes una prope voce in eo ipso vos spem habituros esse dixistis.* (Cicero *Leg.Man.* 59)
>
> When he asked you, if you entrusted everything to Pompey alone, on whom you would rely if something happened to him, he received a great reward for his valor and standing when you all with practically one voice said you would place your hopes on him himself.

When the Roman people paid Catulus this compliment Cicero reported the incident and others thought it worth remembering; it survives in several other versions: Sallust fr.5.24 M., Velleius Paterculus 2.32.1–3, Valerius Maximus 8.15.9, Plutarch *Pomp.* 25.10, Dio 36.36 (supplied from Xiphilinus). Of the historians, only Dio is known to have given Catulus a speech in *oratio recta* to go with the occasion.

In 36.31–36 Dio represents Catulus arguing in a *contio* against another extraordinary command for Pompey, one which Dio cites[1] as another aspect of Pompey's δυναστεία. Despite consensus that Dio wrote up his orations himself without translating or accurately representing even famous speeches that were and are extant,[2] many still cite this representation of

[1] In the persona of the tribune Roscius, who at 36.30.3 proposes adding a second commander. M.-L. Freyburger-Galland, "ΔΥΝΑΣΤΕΙΑ chez Dion Cassius," *Ktema* 21 (1996) 23–27, examines the negative connotations of δυναστεία in Dio's Republican contexts.

[2] Even when Dio writes a Philippic for Cicero, it does not represent any one of those orations. F. Millar, "Some Speeches in Cassius Dio," *MusHelv* 18 (1961) 11–22, studies the three speeches attributed to Cicero in Dio's history. He observes that both Cicero's speech against Antony (45.18–47) and the response of Calenus (46.1–28) contain elements of most of the *Philippics*. In these sections Dio pillages other passages in Cicero, too;

Greek, Roman, and Byzantine Studies 48 (2008) 295–318

Catulus' beliefs as if it were somehow genuine, either as part of a narrative of events of the day the Gabinian law against pirates was discussed, or as sentiments appropriate to Catulus or to the year 67. It is worth pursuing what Catulus said, and when, as an indication of how Dio understood the process whereby the Republic became a monarchy,[3] as an argument for the appropriate use of Dio as a source for the late Republic, and for Dio's use of his predecessors' treatment to construct his own account. Yet discovering the real Catulus from the speech Dio gives him is as unlikely as discovering the real Maecenas from Dio's account of his advice to Augustus.[4]

There are three parts to this argument: Dio's source or sources, his understanding and representation of the late Republic and its leaders, and his method of composing speeches, which as a rule unites ideas and information from a variety of texts and handbook *exempla* and clothes these in the language, down to specific phrases and arguments, of classical Greek models. While Dio certainly read many of Cicero's orations and much else in addition to narrative histories, he employed orations as sources only for his speeches, not for his narrative,[5] and one can show that he mined Cicero's *Pro lege Manilia*, which he might instead have adapted to highlight the political quarrel in 66, to create arguments for and against Pompey's command in 67. What Dio saw in the history of the early Sixties were two special commands for Pompey in two suc-

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Calenus' accusation that Cicero was too timid actually to speak in court (46.7.2–4) is a perversion of *Clu.* 51, partly expressed with a well-known Demosthenic analogy (Dem. 4.26) that Dio uses again elsewhere (see below). F. Millar, *A Study of Cassius Dio* (Oxford 1964) 52–55, revisits the issue of Calenus and Cicero and lists various ancient sources available to the historian. On the "Philippic" and Calenus' speech in Dio, see also A. Gowing, *The Triumviral Narratives of Appian and Cassius Dio* (Ann Arbor 1992) 147–148, 237–239; L. de Blois, "Volk und Soldaten bei Cassius Dio," *ANRW* II.34.3 (1997) 2652 with n.5.

[3] See W. Steidle, "Beobachtungen zum Geschichtswerk des Cassius Dio," *WürzJbb* 14 (1988) 203–224, at 216–217.

[4] Cf. T. Dorandi, "Der 'gute König' bei Philodem und die Rede des Maecenas vor Octavian (Cassius Dio LII, 14–40)," *Klio* 67 (1985) 56–60.

[5] Millar, *Study* 54–55.

cessive years. It was more effective, if less accurate, to address what he perceived as fears of Pompey's power when the first opportunity arose, and a series of speeches marks an important decision by their inclusion as well as by their content. Dio's choices of speakers and occasions often serve his philosophical or moralizing agenda better than they serve history. The disservice is even more apparent for 44–43 than for 67–66; in his comparison of Appian's and Dio's use of speeches in the period following Caesar's death, Gowing has discerned a more faithful adherence to sources' indications of public speech in Appian and a more balanced narrative as a result. Dio not only deprives the tyrannicides of the chance to present their arguments in direct speech, he omits Antony's role in the discussion of amnesty after Caesar's assassination and offers the reader little to understand Antony's motives, actions, and influence in 44.[6] In the case of Pompey's commands over twenty years earlier, Dio added to the record rather than subtracted from it, although his improvements are misleading and erroneous.

I. Sources

The ultimate source for all later accounts of Catulus' comment is Cicero *Leg.Man.* 51–68. Although Dio read widely in both languages,[7] there was no other contemporary source for Catulus' remarks than Cicero's oration itself, unless Catulus published his remarks made at the *contio*. It is fair to assume, in light of Cicero's judgment of his oratorical abilities (*Brut.* 133, 222) and lack of comment about extant orations, that he did not in fact publish any. Nevertheless, several scholars have believed that Dio found in his sources independent evidence for the details of Catulus' arguments[8]—some have suggested

[6] Gowing, *Triumviral Narratives* 225–245, especially 228–233.

[7] Millar, *Study* 28–40, discussed in general what is and can be known of Dio's research methods; particular problems, e.g. Dio's hostile treatment of Cicero, follow in the remainder of his chapter 2, "The Composition of the History."

[8] F. Hinard, "Dion Cassius et l'abdication de Sylla," *REA* 101 (1999) 427–432, at 429; F. Münzer, "Lutatius 8," *RE* 13 (1927) 2082–2094, at 2090, had earlier suggested the same thing. S. Jameson, "Pompey's Imperium in 67: Some Constitutional Fictions," *Historia* 19 (1970) 539–560, at

Sallust,[9] or Sallust by way of Livy.[10] Yet neither Sallust nor Livy can be shown to be independent of Cicero for details of this incident, or even to have details, given what remains of their histories of the period. Before turning to Dio, it will be necessary to examine both Cicero's oration on the Manilian law and the treatment of Catulus in writers earlier than Dio, as he surely consulted narrative sources as well as Cicero's orations to construct his account of the Sixties.

Dio places Catulus' speech in the wrong year and was not the first to do so. Catulus raised this objection when he spoke against the *lex Manilia*, not the *lex Gabinia*. Lintott observed that Velleius 2.32.1 makes the same error.[11] So does Plutarch and perhaps Sallust, but possibly not Livy. Who spoke when is clear from Cicero, who says (*Leg.Man.* 51) that Catulus and Hortensius disagreed with the motion to give Pompey the command against Mithradates, and (52) that on a previous occasion, in the senate and in a *contio*, Hortensius had also spoken before both senate and people against Gabinius' proposal to create an extraordinary commission against the pirates. Cicero emphasizes Hortensius' role in 67 during two debates surrounding the Gabinian law, one in the *curia* and one at a *contio*, although none of the later sources does the same. As a contemporary who needs to face and answer the opposition, Cicero is to be preferred over the historians.[12] Yet Dio 36.24.3 relates that

546–548, rejects the authenticity of specific arguments of the speech in Dio but accepts its memorable effect.

[9] M. Gelzer, *Das erste Konsulat des Pompeius und die Übertragung der großen Imperien* (*AbhBerl* 1943.1) 34.

[10] E.g. E. Schwartz, "Cassius 40 (Cassius Dio Cocceianus)," *RE* 3 (1899) 1684–1722, at 1699.

[11] A. W. Lintott, "Dio and the History of the Late Republic," *ANRW* II.34.3 (1997) 2497–2523, at 2521–2522. Many scholars have followed this erroneous chronology, following historical accounts that appear consistent but could have arisen from a misplaced oration in one historian such as Sallust or Livy.

[12] E. S. Gruen, *The Last Generation of the Roman Republic* (Berkeley 1974) 128–129; H. Heftner, *Plutarch und der Aufstieg des Pompeius. Ein historischer Kommentar zu Plutarchs Pompeiusvita Teil I: Kap. 1–45* (Frankfurt am Main 1995) 193; F. Millar, *The Crowd in Rome in the Late Republic* (Ann Arbor 1998) 80; R. Morstein-Marx, *Mass Oratory and Political Power in the Late Roman Republic*

after the tumultuous senate meeting the optimates (οἱ δυνατοί) kept quiet and tried to work through the tribunes instead. It makes rhetorical sense for Dio or an earlier historian to transfer Hortensius' appearance at the *contio* in 67 to Catulus, both because they were on the same side, as a rule, and because Hortensius was not portrayed as the paragon of virtue that Catulus was said to be.[13] Catulus' role as exemplary political figure is marked in writers of the Empire, as it is in Cicero.[14]

In his support of the Manilian law, Cicero answers Hortensius' arguments first, then turns to Catulus' objections, citing both Catulus' concern for Pompey and his reluctance to innovate (*Leg.Man.* 60, *at enim ne quid novi fiat contra exempla atque instituta maiorum*, "but let nothing new be established contrary to the example and practices of our ancestors"). He says nothing about Catulus' role in discussion of the Gabinian law; the episode and arguments to which he refers are to Catulus' recent address to the people. If he had meant to refer to an appearance by Catulus the year before, he would have made this explicit, as he did for Hortensius. Cicero is clearly describing a very recent event when he tells of the scene with Catulus and the Roman people (63–64):

> *atque haec tot exempla tanta ac tam nova profecta sunt in eodem homine a Q. Catuli atque a ceterorum eiusdem dignitatis amplissimorum hominum auctoritate. Qua re videant ne sit periniquum et non ferendum illorum auctoritatem de Cn. Pompei dignitate a vobis comprobatam semper esse, vestrum ab illis de eodem homine iudicium populique Romani auctoritatem improbari, praesertim cum iam suo iure populus Romanus in hoc homine suam auctoritatem vel contra omnis qui dissentiunt possit defendere, propterea quod isdem istis reclamantibus vos unum illum ex omnibus delegistis quem bello praedonum praeponeretis.*
>
> These many innovations regarding the same man proceeded from the influence of Catulus and of the rest of the senators of the same standing. They should take care that it not seem unfair and insupportable that you have always approved their author-

(Cambridge 2004) 181–182, acknowledge that Hortensius must have spoken since Cicero says that he did.

[13] On the contrary: see e.g. *Off.* 3.73 for Hortensius' and Crassus' willingness to profit from a forged will.

[14] See below under Velleius Paterculus and Valerius Maximus.

> ity regarding Pompey's status, while they have disapproved of your judgment about him and the authority of the Roman people, especially when by its own right the Roman people, in Pompey's case, can defend its authority against pretty much anyone who dissents, because although those same people[15] objected you chose him alone out of all men as the one to put in command of the pirate war.

Cicero may join Catulus with Hortensius and others in opposition to the Gabinian law, if the subject of *videant* includes Catulus among the unnamed *ceteri eiusdem dignitatis amplissimi homines*. Catulus probably also belongs to the group *isdem istis reclamantibus* who definitely opposed the Gabinian law (as well as the Manilian). Yet there is no contemporary record of what he may have said or done. Nevertheless, his association with Hortensius, who did speak to the people against the Gabinian law in 67, provided historians, including Dio, with an excuse to elaborate his public role at that time.

Sallust and Livy

The confusion of events preceding the passage of the Gabinian and Manilian laws is something that Dio may have found in one or more sources, since some earlier authors have the same mistake. One cannot prove what Livy had in his ninety-ninth book, although the *Epitome* provides a clue by its silence, but Livy and Velleius, as well as Plutarch and Dio, had a potential model in Sallust, who preserved in some form the question Catulus asked of the people.

If commentators on the *Histories* are correct,[16] Sallust ac-

[15] These would likely include Hortensius, Metellus Pius, M. Terentius Varro Lucullus, Mam. Aemilius Lepidus (from Asconius *Pro Cornelio* 49 Stangl, where they are listed as opponents of C. Cornelius; G. V. Sumner, "Manius or Mamercus?" *JRS* 54 [1964] 41–48, correctly identifies Mam. Lepidus), C. Piso (cos. 67) (Plut. *Pomp*. 25.4, 27.1–2, Dio 36.24.3, 36.37.2; see Broughton, *MRR* II 142–143; A. M. Ward, *Marcus Crassus and the Late Roman Republic* [Columbia 1977] 141–142). See E. S. Gruen, "Pompey and the Pisones," *CSCA* 1 (1968) 155–170 at 157–159, on this Piso's hostility to Pompey and to his supporters.

[16] E.g. R. Syme, *Sallust* (Berkeley/Los Angeles 1964) 197, 211, who holds that Sallust would not have wanted to recreate Cicero's oration on the Manilian law. Syme believes (202) that Sallust's *Histories* ended around the time of the passage of the Gabinian law. See also P. McGushin, *Sallust The*

knowledged the debate on Pompey's command in the context of the proposal of the *lex Gabinia* with at least one speech, by Gabinius,[17] and may have attributed to Catulus more than the one phrase extant, although it is clear from what remains that he did not compose a speech in *oratio recta*; the fragment *nam si in Pompeio quid humani evenisset* ("for if something should happen to Pompey," fr.5.24) is indirect statement. If Sallust attributed other remarks to Catulus in his *Histories* these may have been similar to what is found in Dio, yet this does not guarantee an accurate report or one independent of Cicero, even if Sallust is Dio's source.[18] But Sallust, who can ignore a precise time in favor of making a point in a speech, may have prompted the creation of an important role for Catulus in 67.[19]

If Livy wrote an oration for Catulus it would have been no more a verbatim transcript than any Sallust composed. Yet Livy may have saved the fireworks for the year 66, if the *Periochae* are a reliable guide to his account of Pompey's career, as Hayne argued.[20] *Per.* 99 (67 B.C.) preserves only the follow-

Histories (Oxford 1994) II 216–217. A. La Penna, "Per la ricostruzione delle Historiae di Sallustio," *StIt* 35 (1963) 5–68, at 53, does not discuss this fragment but believes that Sallust's *Histories* included the creation of the *lex Gabinia*, whether or not Sallust finished the history of Pompey's campaign against the pirates.

[17] B. Maurenbrecher, *C. Sallusti Crispi Historiarum reliquiae* (Leipzig 1891) 198–199 *ad* 5.21 and 5.22; K. Büchner, *Sallust*[2] (Heidelberg 1982) 205–206, suggests that a response by Catulus or Hortensius may have been added in *oratio obliqua*. Although he notes that speeches are apparently less frequent in the *Hist.* than in the *Iug.*, he does not believe that Sallust would have left such an important political decision unmarked by debate. Maurenbrecher wrote that Pompey spoke on his own behalf in 67 (*Hist.* 5.19 and 5.20). Fr.5.19 may well have to do with the Gabinian law: *cupientissimus legis*, "most desirable of the law," paralleled by Dio 36.24.5 ἐπιθυμῶν μὲν πάνυ ἄρξαι. But 5.20, relating from Pompey's point of view Sulla's esteem for him, finds no place in the speech Dio writes for Pompey.

[18] See discussion in Syme, *Sallust* 198–201. Similarly, H. Schnorr von Carolsfeld, *Über die Reden und Briefe bei Sallust* (Leipzig 1888) 77.

[19] The apparent chronological difficulties manifest in Lepidus' speech (*Hist.* fr.1.55), for example, have led to the supposition that the speech is not Sallustian. It is more likely that the historian was dishonest; see Syme, *Sallust* 183–185.

[20] L. Hayne, "Livy and Pompey," *Latomus* 49 (1990) 435–442, at 438–

ing information about Pompey's command against the pirates:

> *Cn. Pompeius lege ad populum lata persequi piratas iussus, qui commercium annonae intercluserant, intra quadragesimum diem toto mari eos expulit, belloque cum his in Cilicia confecto acceptis in deditionem piratis agros et urbes dedit. praeterea res gestas a Q. Metello adversus Cretenses continet et epistulas Metelli et Cn. Pompei invicem missas. queritur Q. Metellus gloriam sibi rerum a se gestarum a Pompeio praeverti, qui in Cretam miserit legatum suum ad accipiendas urbium deditiones. Pompeius rationem reddit hoc se facere debuisse.*
>
> After a law was passed by the people Pompey was ordered to pursue the pirates, who had shut off transport of grain, and within forty days he forced them from the whole sea, and after finishing up the war with them in Cilicia and receiving the pirates in surrender he gave them land and cities. Further it contains the accomplishments of Quintus Metellus against the Cretans and correspondence between Metellus and Pompey. Metellus complains that the credit for his accomplishments has been stolen by Pompey, who sent his legate to Crete to receive the surrender of cities. Pompey explains that he had to do this.

Pompey's quarrel with Metellus Creticus appears to be the political highlight of the book. For the next year, however, Livy's epitomator indicates that there was considerable senatorial anxiety when Manilius wanted to transfer the command against Mithradates to Pompey and that Livy wrote a speech for Manilius (*Per.* 100):

> *C. Manilius tr. pl. magna indignatione nobilitatis legem tulit, ut Pompeio Mithridaticum bellum mandaretur. contio eius bona.*
>
> Gaius Manilius tribune of the people carried a law to the great disgust of the nobility, that the Mithradatic war be given to Pompey. His excellent oration.

There is no evidence that Livy's Book 99 contained a debate

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439. On the value of the *Periochae*, see C. M. Begbie, "The Epitome of Livy," *CQ* 17 (1967) 332–338; W. J. Bingham, *A Study of the Livian Periochae and their Relation to Livy's Ab Urbe Condita* (diss. U.Illinois 1973); P. A. Brunt, "On Historical Fragments and Epitomes," *CQ* 30 (1980) 477–494. The consensus is that the *Periochae* gather Livian material into appropriate books, if not always in correct order within those books, but that one cannot tell from the *Periochae* how much scope Livy allotted to each incident, nor can one assume that something omitted in the epitome was not in Livy.

on the pirate command, and Sallust *Hist.* fr.5.24 offers little enlightenment. This leaves open the question who first misdated the incident that Cicero related, but by the early first century CE the tradition had been fixed, as is shown by Velleius Paterculus.

Velleius Paterculus and Valerius Maximus

Sources for both authors, writing under Tiberius, were plentiful, and included, and were influenced by, orators and the rhetorical tradition.[21] That Velleius was under the influence of Sallust is well established.[22] Scholars sometimes cite Velleius and Valerius Maximus as corroboration for Dio's account of Catulus' speech, but their brief notices offer no details not already in Cicero; they belong to the same rhetorical tradition. Valerius Maximus 8.15.9 does not secure the incident in time when he offers Catulus as an example of a man well regarded by the Roman people. Cicero himself contributed to contemporary and subsequent assessment of Catulus, and not only in his orations where Catulus as *exemplum* was useful; instances are *Sest.* 101, *Off.* 1.76.[23] One might add also the fragment of

[21] For a recent study of Velleius as an historian, with bibliography, see K. Christ, "Geschichtsbild und Zeitgeschichte bei Velleius Paterculus," in T. Hantos (ed.), *Laurea internationalis. Festschrift für Jochen Bleicken zum 75. Geburtstag* (Stuttgart 2003) 61–80; for a survey of scholarly work up to the early 1980's and discussion of Velleius' sources, see J. Hellegouarc'h, "Les buts de l'œuvre historique de Velleius Paterculus," *Latomus* 23 (1964) 669–684, and *Velleius Paterculus. Histoire romaine* (Paris 1982) I xxx–xl. For Valerius Maximus see G. Maslakov, "Valerius Maximus and Roman Historiography. A Study of the *exempla* Tradition," *ANRW* II.32.1 (1984) 437–496; W. M. Bloomer, *Valerius Maximus and the Rhetoric of the New Nobility* (Chapel Hill 1992); J.-M. David (ed.), *Valeurs et mémoire à Rome: Valère Maxime ou La vertu recomposée* (Strasbourg 1998).

[22] See A. J. Woodman, "Sallustian Influence on Velleius Paterculus, I," in J. Bibaux (ed.), *Hommages à M. Renard* (Brussels 1969) 785–799; A. Jacquemin, "Valère Maxime, lecteur et utilisateur de Salluste (l'image du deuxième siècle)," in David, *Valeurs* 97–110.

[23] When Cicero cites senatorial authority, Catulus often comes first, or is the only senator named: *Red.Sen.* 9, *Sest.* 121, *Balb.* 35 and 39, *Pis.* 6, *Planc.* 12, *Phil.* 2.12. See also Gruen, *Last Generation* 50–51; Hellegouarc'h, *Velleius* II 179 n.1; C. Meier, *Res publica amissa. Eine Studie zur Verfassung und Geschichte der späten römischen Republik*[3] (Frankfurt 1997) 274.

Sallust's *Histories* usually thought to describe Catulus (fr.5.23): *sane bonus ea tempestate contra pericula et ambitionem* ("a man good enough at that time against dangers and ambition").[24] Dio himself attests to a great regard for Catulus' disinterested concern for the common good (37.46.3).

Velleius believed that the optimates were disturbed by the pirate bill and explained that no one minded Antonius' similar mandate against the pirates because others were not suspicious of how he might use such power (*vis non timetur*, 2.31.4). This reads as hindsight, but is hindsight shared by Dio. Velleius says Catulus was speaking against the law in a *contio* when the question and answer took place (2.32.1–3):

> *digna est memoria Q. Catuli cum auctoritas tum verecundia. qui, cum dissuadens legem in contione dixisset esse quidem praeclarum virum Cn. Pompeium, sed nimium iam liberae rei publicae neque omnia in uno reponenda adiecissetque: "si quid huic acciderit, quem in eius locum substituitis?" succlamavit universa contio: "te, Q. Catule." tum ille victus consensu omnium et tam honorifico civitatis testimonio e contione discessit.*
>
> It is worthwhile to relate both Catulus' influence and the respect in which he was held. When he was arguing against the law in a public meeting and said that Pompey was indeed an excellent man, but excessively [excellent] for a republic still free and that everything ought not to be placed on one person, and added, "If something happens to him, whom will you appoint in his place?" the entire crowd shouted back, "You, Quintus Catulus." Thereupon, overcome by universal agreement and such a complimentary testimonial of the citizenry, he left the meeting.

Wherever Velleius found the information, his decision to introduce Catulus at this point, and the method of introduction, reveal his familiarity with the rhetorical tradition, but nothing else. Like Dio later, Velleius has little to say about controversy

[24] W. Steidle, *Sallusts historische Monographien* (*Historia* Einzelschr. 3 [1958]) 85 n.2, refers this to the equivalent passage in Plutarch *Caes*. 6.6 where Catulus opposes Caesar's use of images of Marius (Κάτλος Λουτάτιος, ἀνὴρ εὐδοκιμῶν τότε μάλιστα Ῥωμαίων, "Lutatius Catulus, the most well regarded of Romans then"). See also, for characterizations of Catulus as the most prominent Roman of his time, Vell. Pat. 2.43.3 and Plut. *Cat.Min.* 16.6.

before the passage of the Manilian law.[25]

Plutarch

If Dio read Plutarch's *Life* of Pompey, he would have found in the account of the Gabinian law remarks attributed to Catulus (*Pomp.* 25.5–6):

> Κάτλου δὲ κατὰ τοῦ νόμου προελθόντος, πολλὴν μὲν αἰδούμενος ὁ δῆμος ἡσυχίαν παρεῖχεν, ἐπεὶ δὲ πολλὰ μετὰ τιμῆς ἀνεπιφθόνως ὑπὲρ τοῦ Πομπηίου διελθών, συνεβούλευε φείδεσθαι, καὶ μὴ προβάλλειν τοιοῦτον ἄνδρα κινδύνοις ἐπαλλήλοις καὶ πολέμοις, καὶ "τίν'" εἶπεν "ἕξετ' ἄλλον, ἂν ἀπολέσητε τοῦτον;" ἐκ μιᾶς γνώμης ὑπεφώνησαν ἅπαντες "σὲ αὐτόν." ὁ οὖν Κάτλος ὡς οὐκ ἔπειθεν ἀπέστη.
>
> Catulus came forward against the law, and the people in reverence held very quiet; when he had spoken at length about Pompeius honorably and without envy, he counseled them to spare him and not expose such a man to dangers and wars one after another. He said, "Whom else will you have, if you lose this man?" With one accord all shouted out, "You yourself!" So Catulus, since he did not persuade them, departed.

The story is similar to the brief notices in Valerius Maximus and Velleius; Plutarch's Catulus says nothing here about danger to the constitution, only danger to Pompey.[26] At *Pomp.* 30.3–4 when Plutarch describes the reaction of the senators to Manilius' proposal in 66 to give the command of both Lucullus' and Glabrio's provinces to Pompey, he says that the senators were alarmed that Pompey was setting up a tyranny, but that when the time for discussion came only Catulus spoke against the law and the rest kept silent. This is not what Cicero indicated. Despite telling of objections to the Gabinian law, Plutarch writes up the Manilian law as a much more threatening proposition, and says that Catulus spoke vehemently and at length before urging the senators to secede to maintain their freedom. Thus Plutarch's narrative of how Pompey received the two extraordinary commands seems to follow Livy's emphasis, whereas Velleius and Dio present the danger to the

[25] Vell. Pat. 33.1–2, Dio 36.42.3–43.2.

[26] Heftner, *Plutarch* 194–196, argues that Catulus in fact spoke in 67 and defends the order of events, and speakers, in Plutarch against that in Dio.

constitution at the earlier opportunity.[27]

By the time Dio came to write the history of the Sixties, Catulus' interchange with the people was an established feature of the tradition, and in at least two of Dio's predecessors the incident was placed a year early. Thus the tradition was ready for what Dio wanted to make of it. The sources available to us have nothing about Catulus that cannot be found or invented from Cicero's oration in 66, and from that oration we know that there was senatorial objection to the *lex Gabinia* and the *lex Manilia*, that both Catulus and Hortensius spoke against the latter, and that Hortensius spoke twice against the former. It is also worth remembering that an objection to multiple commands makes sense only in 66, not in 67, when it had been a decade since Pompey had been given a military commission.

II. Cassius Dio: Roman Preoccupations

Historians earlier than Dio, with the exception of Appian, made an issue of both special commands, but in different ways. Velleius and Dio are the only extant sources whose choices make the Gabinian law a more contentious issue than the Manilian, the passage of which Dio dismisses in a few words after observing that the optimates were distressed because Q. Marcius Rex and M'. Acilius Glabrio had not finished the terms of their commands (36.43.1), and that Caesar and Cicero both supported the law for their personal advantage (36.43.3–4).

In discussing the role of the army in Roman history de Blois shows that Dio recognized the first century B.C. as the time when military leaders carved out mini-empires for themselves, that Dio identified Pompey's extraordinary command in 67 as the first decisive step, after Sulla's death, toward monarchy, and thus that he inserted the speeches of Pompey, Gabinius, and Catulus into the thirty-sixth book.[28] What de Blois says of

[27] There is no mention of difficulty surrounding Pompey's appointment in Appian, although he narrates the pirate war in *Mith.* 94–96.

[28] L. de Blois, *ANRW* II.34.3 (1997) 2671 with n.92. D. Fechner, *Untersuchungen zu Cassius Dios Sicht der Römischen Republik* (Hildesheim 1986) 45, wrote that although one cannot establish that Catulus' speech is genuine, its *sententiae* are clearly those central to Dio's conception of an ideal republic.

Dio may apply as well to one of his predecessors, and Dio himself may have emphasized the first special command for Pompey in the Sixties with the group of speeches he composed because the misdating, and the emphasis, were already in one or more of his sources. There is no contemporary evidence that most of the senators in 67 foresaw a pirate command leading to a monarchy, but it is the kind of hindsight that would inform ancient historians, especially those who could be careless of chronology. Catulus voices for Dio a prediction which the historian knows will come true.[29] That the pirate command was voted to Pompey by the people would add to the likelihood that a later historian would observe a pattern, especially given the people's vote the following year to have Pompey take over the war against Mithradates. It would not have been hard later on to see in Lucullus and Pompey parallels to the rivalry between Marius and Sulla, especially with Mithradates' misbehavior as unifying theme.

Steidle observes that Catulus' warning of ramifications adversely affecting the Republic was not likely to have been so apparent to contemporaries.[30] We may speculate that the perceived relationship between Mithradates and the Cilician pirates might have led contemporaries to a prediction of Pompey's future ambitions,[31] and that someone may have suspected that if Pompey were successful against the pirates he would find a way to ask to complete the job by taking on Mithradates. This suspicion would not appeal to friends of Lucullus. In later years Cicero's letters might have provided insight, but his few letters to Atticus from 68–66 relate nothing about Pompey; there is barely a mention of Cicero's election as praetor. We cannot know whether or not fear of Pompey existed in 67, but

[29] Cf. Steidle, *WürzJbb* 14 (1988) 217 n.71, on Dio's pursuit of this Thucydidean device.

[30] *WürzJbb* 14 (1988) 217 with n.71.

[31] Plut. *Pomp*. 24.1, App. *Mith*. 94; see E. Maróti, "Die Rolle der Seeräuber in der Zeit der Mithradatischen Kriege," in L. de Rosa (ed.), *Ricerche storiche ed economiche in memoria di Corrado Barbagallo* (Naples 1970) I 479–493; S. Tramonti, *Hostes communes omnium. La pirateria e la fine della Repubblica Romana* (Ferrara 1994) 64, 66–68.

it was an accepted theme by Dio's time, and the best way for an historian to make a prediction, mark an important event, or to moralize is to write a speech for an appropriate character. For Republican discourses alone one may find in Dio various motivations and themes, from concern for contemporary events and problems to a fondness for expatiating on general principles, with his understanding of Republican problems, practices, and institutions often warped by the passage of time and intervening changes.

Given the various functions of and problems with speeches, to use oratorical content in Dio to learn something specific about the Sixties B.C. seems difficult at best. One may examine Dio's intentions, as far as that is possible, but must especially address the process he used to write his speeches, and their purpose. Dio's method of composition also makes it unlikely that, even if he had a contemporary document to work from, he would have consulted it for particulars in the composition: by his own account he collected notes for ten years before spending twelve years writing up his narrative (73[72].23.5), and from his researches selected what to include.[32] Lintott, after documenting that Dio followed a topical rather than annalistic method for events of the Sixties, and of other decades as well, concluded that Dio's notes were inadequate to provide temporal links between political wrangling in Rome and military campaigns in the East.[33]

In Dio's account, Pompey (36.25.1–26.4) and Gabinius (36.27.1–29.3) speak before Catulus addresses the people at Gabinius' request; Dio wrote that Gabinius thought Catulus would want to help the tribunes from their difficulties (36.30.5). J. van Ooteghem has a table of parallel arguments from Cicero (*Leg.Man.* 61–62, 27–28) found in the orations which Dio attributes to Pompey and Gabinius.[34] Some examples: both Pompey

[32] See Millar, *Study* 29–33; Gowing, *Narratives* 43–44. The notice of his selection, which Millar would place in the second stage of the work, is given in fr.1 Boissevain.

[33] See Lintott, *ANRW* II.34.3 (1997) 2506, 2510–2511, for a breakdown of Dio's confused account of the years 67–66.

[34] J. van Ooteghem, *Pompée le Grand* (Brussels 1954) 170 n.1.

and Gabinius rehearse all the campaigns Pompey fought when he was very young (36.25.2–3, 36.27.4, 36.28.1; cf. *Leg.Man.* 61–62); Gabinius says that Pompey owes it to the state to die if he has to (36.28.4; cf. *Leg.Man.* 59). Dio's speech for Catulus also borrows from Cicero's oration in support of the Manilian law and from the *Pro Fonteio*, while the language and some specific arguments come from Greek models. Fechner acknowledges the similarities to Cicero but sees no reason to believe that Dio accessed Cicero's oration directly, believing with Gelzer that it was Sallust who was Dio's model.[35] The evidence that Sallust did not give Catulus a direct speech and the wealth of detail in Dio's three speeches relating to the *lex Gabinia* from the *Pro lege Manilia* indicate rather that Dio composed the speech himself. Catulus begins with a specific Roman problem and for his opening assertion Cicero is his source; Dio uses Catulus to foretell the problems inherent in the special command for Pompey (36.31.3–4):

> ἐγὼ τοίνυν πρῶτον μὲν καὶ μάλιστά φημι δεῖν μηδενὶ ἑνὶ ἀνδρὶ τοσαύτας κατὰ τὸ ἑξῆς ἀρχὰς ἐπιτρέπειν. τοῦτο γὰρ καὶ ἐν τοῖς νόμοις ἀπηγόρευται καὶ πείρᾳ σφαλερώτατον ὂν πεφώραται. οὔτε γὰρ τὸν Μάριον ἄλλο τι ὡς εἰπεῖν τοιοῦτον ἐποίησεν ἢ ὅτι τοσούτους τε ἐν ὀλιγίστῳ χρόνῳ πολέμους ἐνεχειρίσθη καὶ ὕπατος ἑξάκις ἐν βραχυτάτῳ ἐγένετο, οὔτε τὸν Σύλλαν ἢ ὅτι τοσούτοις ἐφεξῆς ἔτεσι τὴν ἀρχὴν τῶν στρατοπέδων ἔσχε καὶ μετὰ τοῦτο δικτάτωρ, εἶθ᾽ ὕπατος ἀπεδείχθη.
>
> First and foremost I aver that it is proper to grant to no single man so many commands one after another, for this is forbidden in the laws and has been detected to be very dangerous in practice. No other thing made Marius such as he was than that he managed such great conflicts in a very short time and became consul six times within a brief space, nor Sulla than that for so many years in a row he held command of the camps and afterwards became dictator, then consul.

When Dio's Catulus says that such a series of commands is contrary to the laws and dangerous he voices Hortensius' actual objections to which Cicero replied (*Leg.Man.* 52: *quid igitur ait Hortensius? si uni omnia tribuenda sint, dignissimum esse Pompeium,*

[35] Fechner, *Untersuchungen* 43–44 n.35.

sed ad unum tamen omnia deferri non oportere, "So what does Hortensius say? If everything must be turned over to one man, Pompey is certainly worthy, but nevertheless everything ought not to be turned over to one man"), while Cicero related that Catulus, besides wanting to spare Pompey, had mentioned precedent (60: *at enim ne quid novi fiat contra exempla atque instituta maiorum*, "but let nothing new be done contrary to the practices and precepts of our ancestors"). Dio has given Catulus Hortensius' reasoning as well as his own, and added criticism of Marius and Sulla. Catulus would not cite Sulla as a negative *exemplum*; neither would Hortensius.[36]

When Cicero addressed the people he spoke of Marius for a number of reasons independent of Catulus' putative statement that Marius' series of commands was the very thing that caused him to become what he was (Dio 36.31.3). It has, however, been suggested that when Cicero described Marius' career in 66 (*Leg.Man.* 60) he was responding to objections raised by Catulus in 67.[37] Cicero need not be replying to anyone; he usually spoke well of Marius,[38] Marius was popular with the people, and Marius' succession of consulships and rescue of Italy in the last decade of the second century had become a commonplace topic,[39] along with the extraordinary commands given in more traditional times to other commanders, especially Scipio Aemilianus (*Leg.Man.* 60). Cicero would not have spoken of Sulla because his example was less apt to the present situation and a precedent more difficult to explain away. And although Catulus, an associate and supporter of Sulla, would be unlikely to have cited the dictator as a bad *exemplum*, Dio and other writers of the Empire link Sulla with Marius in

[36] R. J. Seager, in *CAH*[2] IX (1994) 202. See however Hinard, *REA* 101 (1999) 428–429.

[37] Heftner, *Plutarch* 217; Hinard, *REA* 101 (1999) 428–429.

[38] See T. F. Carney, "Cicero's Picture of Marius," *WS* 73 (1960) 83–122; G. B. Lavery, "Cicero's 'Philarchia' and Marius," *G&R* 18 (1971) 133–142.

[39] E.g. Cic. *Font.* 36, *Rab.Perd.* 28, *Cat.* 3.24, 4.21, *Arch.* 20, *Red.Pop.* 10, *Sest.* 37–38, *Prov.Cons.* 32, *Pis.* 58 (catalogue of military heroes); for later authors, e.g. Val. Max. 2.3.1, 2.10.6, 3.8.5, 5.2.8, 6.9.14; Tac. *Germ.* 37.5; Plin. *HN* 33.150; Quint. 9.3.24; [Quint.] *Or.* 3.3, 3.5.

nearly all contexts of military endeavor or civil misbehavior, actual, anticipated, or denied.[40] In Dio, Marius and Sulla appear together in many passages,[41] all relating to civil strife, and their presence in Catulus' speech is another mark of the historian's tendency to moralize.

Catulus says that the Romans did not know whom to send against Sertorius ὅτι τὸν πρὸ τούτου χρόνον τοῖς αὐτοῖς ἐπὶ πολὺ ἐχρῆσθε (36.32.3, "because before this time you have employed the same men for the most part"). Cicero twice in his oration (*Leg.Man.* 10, 62) refers to the conflict with Sertorius; in section 62 he says that Pompey was sent instead of the two consuls. In 69 B.C. Cicero noted a lack of experienced commanders (*Font.* 42–43), but did not argue that this dearth was due to reliance upon one person. He said that the young neglected military science, and of the bravest men and greatest commanders some had grown old, others had been carried off by civil war. He named many and asked his listeners to look round to see how few were left. Dio has borrowed Cicero's earlier observation without Cicero's rationale; the reason that Dio invents for Catulus serves the historian's purpose much better.

Catulus next suggests that if the Roman people want an extraordinary commander they should look to tradition and name a dictator, provided they adhere to the six-month term of office and keep the dictator within the boundaries of Italy (36.34.1–2). Leaving aside the question how effective a dictator in Italy would be against the pirates, and the speech acknowledges that, Catulus' observation expresses a concern about power, and that is why Dio added the suggestion (36.34.3):

[40] The association was inevitable. See Vell. Pat. 2.12.1, 2.22.1; Sen. *Ben.* 5.16.2, *Dial.* 4.2.3; Tac. *Hist.* 2.38, *Ann.* 12.60; Suet. *Tib.* 59.2; Val. Max. 2.8.7, 5.6.4.

[41] Dio 37.20.6 (praise of Pompey for dismissing his troops when he returned to Italy), 41.5.1, 8.5 and 16.3 (thoughts of or concerns about Caesar and Pompey in 49), 43.15.3 (Caesar reassures the senate), 44.28.1 (Cicero's speech on amnesty), 45.37.4 (Cicero's speech against Antony), 47.13.4 (Dio speaking in his own voice about the proscriptions in 43), 52.13.2 and 17.3 (debate of Agrippa and Maecenas), 56.38.4 (Tiberius' funeral oration for Augustus), 63.13.2 (Otho before his suicide), 76.8.1 (Septimius Severus' admiration for their severity, and Augustus').

> εἰ δ' οὔτε δεῖται ἡ Ἰταλία τοιούτου τινός, οὔτ' ἂν ὑμεῖς ὑπομείναιτε ἔτι οὐχ ὅτι τὸ ἔργον τοῦ δικτάτορος ἀλλ' οὐδὲ τὸ ὄνομα (δῆλον δὲ ἐξ ὧν πρὸς τὸν Σύλλαν ἠγανακτήσατε), πῶς δ' ἂν ὀρθῶς ἔχοι καινὴν ἡγεμονίαν, καὶ ταύτην ἐς ἔτη τρία καὶ ἐπὶ πᾶσιν ὡς εἰπεῖν καὶ τοῖς ἐν τῇ Ἰταλίᾳ καὶ τοῖς ἔξω πράγμασιν, ἀποδειχθῆναι;
>
> But if Italy is not in need of such a person, and you would no longer submit not only to the fact of a dictator but even to the name (it is clear from your anger against Sulla), how would it be right to create a new kind of command, and that for three years and more or less over everything, both affairs in Italy and those outside of Italy?

Here Catulus raises two issues: the indication that Sulla's dictatorship was anomalous, and the declaration that even the title of the office was offensive. This is an anachronism. Despite rumors that one person or another, usually Pompey, desired a dictatorship,[42] the sentiment that the title itself is hateful does not occur in a contemporary Republican context until after the death of Caesar,[43] and in Dio's own narrative the people demand that the senators create Augustus dictator (54.1.1–5). Catulus concludes (36.34.3–4) that a special magistrate operating with full powers in Italy and abroad for three years is even worse than a dictator within Italy for six months, but given the nature of his reference to Sulla this does not necessarily follow.

[42] E.g. Cic. *Cat.* 2.19–20 (conspirators); *Fam.* 8.4.3, *Q.f.* 1.2.15, 3.6.4–6, 3.7.3, Asconius *in Milon.* argumentum p.29 (32 Stangl) (Pompey); Suet. *Iul.* 9.1 (Crassus). See also Dio 40.45.5 on the suggestion that Pompey should be chosen dictator, and the reaction of people to this (πρὸς γὰρ τὴν τοῦ Σύλλου ὠμότητα ἐμίσουν πάντες τὸ πολίτευμα, "they all hated the institution in consequence of Sulla's cruelty"). Dio's account contradicts not only Asconius but the conclusion implicit in Cicero *Q.f.* 3.6.4 *rumor dictatoris iniucundus bonis* ("rumor of a dictator, unwelcome to the optimates"). This is not advice that the people objected; Cicero also wrote (*Q.f.* 3.7.3) about Pompey's possible dictatorship that the people were not exercised: *populus non curat, principes nolunt, ego quiesco* ("the people don't care, the leaders don't want it, I keep quiet").

[43] Cic. *Phil.* 1.3–4, 32; 2.91, 115; 5.10; Liv. *Per.* 116. Cicero had a good opinion of the office, when held by the right person. See *Phil.* 1.4, *Rep.* 6.12, and T. Stevenson, "Readings of Scipio's Dictatorship in Cicero's *De re publica*," *CQ* 55 (2005) 140–152.

The Roman people may not have enjoyed Sulla's dictatorship, but surely they had small concern for what a magistrate with *imperium* did to people outside of Italy, and his pursuit of pirates would have kept him mostly outside of the peninsula.

III. Greek Models

Catulus' oration owes much to Greek models, especially Demosthenes. Catulus begins his remarks like a latter-day Demosthenes in his protestations that his advice is the best thing for the Roman people, down to his admonition that they not shout before hearing what he has to say (θορυβήσαντες), that he needs to speak freely (μετὰ παρρησίας), and that he simply (ἁπλῶς) says what he knows is to their advantage (ἃ γιγνώσκω συμφέρειν) (Dio 36.31.1; cf. Dem. 3.3, 4.51, 10.76, 5.15, 8.71–72, 15.1, 16.32, 21.190, *Exordia* 4.1, 5.1, 6.2, 21.4, 27.1). But what Dio owes to Demosthenes is not merely standard material, e.g. *aporia* or asking to have one's arguments heard respectfully, nor is Demosthenes' influence limited to vocabulary or special constructions, although there is evidence of these. Dio owes to Demosthenes the most striking arguments and analogies in Catulus' speech, other than specific references to Roman events.[44] Inspiration comes from several of Demosthenes' orations, some relating to Philip but others spoken against several of his fellow citizens: Aeschines, Aristogeiton, Meidias, Timocrates, or Aristocrates, one of whose faults was to try to persuade the Athenians that only one general (Charidemos) could do what they wanted (23.13–14). And while the circumstances and alleged improper behavior were different for the objects of Demosthenes' ire, Dio has been able to employ in a different context several expressions that fit what he wants Catulus to say about Pompey or any man who exercises ex-

[44] Thucydides and Demosthenes are not Dio's only literary models; H. W. Parke, "Echoes of Aeschines III in Dio Cassius," *CR* 61 (1947) 11, has found traces of Aeschines, and anyone with abundant time and patience could doubtless uncover many more parallels. Over a century ago N. P. Vlachos, "Demosthenes and Dio Cassius (D.C. 38, 36–46)," *CR* 19 (1905) 102–106, in an analysis of a speech attributed to Caesar, both revealed the particulars of that literary effort and offered sound conclusions for anyone reading any speech in Dio.

cessive powers.[45]

Catulus' first claim is that the law forbids a succession of commands (36.31.3): τοῦτο γὰρ καὶ ἐν τοῖς νόμοις ἀπηγόρευται καὶ πείρᾳ σφαλερώτατον ὂν πεφώραται. One may find the two relatively rare verbs ἀπαγορεύω and φωράω at several places in Demosthenes: 2.10 and 21.41 for the latter, which has the word "thief" as its root, and 23.63, 24.123, 26.1, 19.211 and 212 for what the laws forbid.

The letter of the law is not the only issue; the arguments that Dio gives to Catulus rely upon a belief in the frailty of human nature and appeals to democracy and equality in sharing both honor and toil (36.32.1; cf. Dem. 21.67, Thuc. 2.37.1). Catulus adds a practical reason for not allowing one person to monopolize military commands: a resultant scarcity of experienced commanders (36.32.2–3); Dio's phrase σπάνιν καὶ τῶν ἀσκησόντων τὰ προσήκοντα καὶ τῶν ἐπιτραπησομένων ("a scarcity of men practicing necessary duties and of men to be entrusted [with affairs]") is a narrowing of Demosthenes' τοσαύτη σπάνις ἀνδρῶν ("so great a scarcity of men," 25.31) and in construction like Demosthenes' σπάνει τῶν τοῦτο βουλομένων ("scarcity of men who wish this," *Ex.* 55.1).[46] It is also in *Exordia* 55 that Dio has found Demosthenes protesting against always choosing the same men as generals (*Ex*. 55.3–4).

Catulus' second argument (36.33.1) is that if the Romans have regularly elected magistrates ("those holding offices and commands as established by laws, both consuls and praetors and those commanding in their stead," τεταγμένως ἐκ τῶν νόμων τάς τε ἀρχὰς καὶ τᾶς ἡγεμονίας λαμβανόντων καὶ ὑπάτων καὶ στρατηγῶν καὶ τῶν ἀντὶ τούτων ἀρχόντων; this last designates promagistrates) they should entrust military campaigns to them and not to specially appointed officials. It is inconceivable that Catulus would have included promagistrates among regularly-established officials and to have argued, in effect, that since one has magistrates including proconsuls one

[45] Not all his borrowings from Demosthenes are obvious; see Vlachos, *CR* 19 (1905) 102–106.

[46] The word σπάνις is usually followed by a genitive indicating things (e.g. τῶν ἀναγκαίων or ἐπιτηδείων or σίτου—necessities or food), not persons.

ought not to create a proconsul. Nevertheless, Dio had a good rhetorical reason for writing up the argument in this way; Catulus' exasperated question is familiar (36.33.2–3):

> τίνος μὲν γὰρ ἕνεκα καὶ τοὺς ἐνιαυσίους ἄρχοντας χειροτονεῖτε, εἴγε μηδὲν αὐτοῖς πρὸς τὰ τοιαῦτα χρήσεσθε; οὐ γάρ που ἵν' ἐν τοῖς περιπορφύροις ἱματίοις περινοστῶσιν, οὐδ' ἵνα τὸ ὄνομα μόνον τῆς ἀρχῆς περιβεβλημένοι τοῦ ἔργου αὐτῆς στέρωνται.
>
> For what reason do you elect annual magistrates, if you in no way employ them for such matters? I don't suppose it's so that they can go about in purple-bordered togas, or that cloaked in the name alone of magistracy they be deprived of its functions.

The question has a worthy history, although Demosthenes' complaint, too good not to imitate,[47] had a different cause (Dem. 4.26):

> οὐκ ἐχειροτονεῖτε δ' ἐξ ὑμῶν δέκα ταξιάρχους καὶ στρατηγοὺς καὶ φυλάρχους καὶ ἱππάρχους δύο; τί οὖν οὗτοι ποιοῦσι; πλὴν ἑνὸς ἀνδρός, ὃν ἂν ἐκπέμψητ' ἐπὶ τὸν πόλεμον, οἱ λοιποὶ τὰς πομπὰς πέμπουσιν ὑμῖν μετὰ τῶν ἱεροποιῶν· ὥσπερ γὰρ οἱ πλάττοντες τοὺς πηλίνους, εἰς τὴν ἀγορὰν χειροτονεῖτε τοὺς ταξιάρχους καὶ τοὺς φυλάρχους, οὐκ ἐπὶ τὸν πόλεμον.
>
> Don't you elect from among yourselves ten squadron commanders and generals and phylarchs and two cavalry commanders? So what do these men do? Except one man, whomever you send out to the war, the rest conduct processions for you with the men in charge of sacrifices. Just like those who make clay figures, you elect taxiarchs and phylarchs for the agora, not for war.

Catulus, like Demosthenes, asks his listeners to look to their own history for an appropriate paradigm (παράδειγμα) on how best to proceed, and when he describes the consequences of creating a new command instead (καινὴ ἡγεμονία), established for too long a time and comparable to Sulla's dictatorship, part of his expression derives from Demosthenes as well (36.34.4):

> ὅσα γὰρ ἐκ τοῦ τοιούτου δεινὰ ταῖς πόλεσι συμβαίνει, καὶ ὅσοι διὰ τὰς παρανόμους φιλαρχίας τόν τε δῆμον ἡμῶν πολλάκις

[47] Dio also borrowed Demosthenes' phrase οἱ πλάττοντες τοὺς πηλίνους from this passage to use against Cicero in Calenus' speech at 46.7.3.

> ἐτάραξαν καὶ αὐτοὶ αὐτοὺς μυρία κακὰ εἰργάσαντο, πάντες ὁμοίως ἐπίστασθε.
>
> You all know equally well how many terrible things happened to the cities from such an arrangement, and how many men because of their illegal desire for office have often put our people into turmoil and done extensive harm to themselves.

Although Demosthenes does not discuss new sorts of military command, he has things to say about new laws—e.g., that in Solon's day people kept to existing laws and were not always making new ones (20.91), how the Locrians manage not to have any new laws and thus preserve their ancestral practices (24.139–140), and a long disquisition on perverting a democracy by creating a new law that overturns the established ones (24.152 ff.). Turning to words rather than thoughts, Demosthenes also describes creation of turmoil (9.61 συνταράττοντα τὴν πόλιν, 19.187 ταράττοντες τὴν πόλιν, 25.19 πᾶς ὁ τῆς πόλεως καὶ τῶν νόμων κόσμος … συνταράττεται καὶ διαφθείρεται) and wreaking countless evils (19.314 and 337, μυρία κακὰ εἰργάσαντο and μυρί' εἴργασται κακά).

The nature of the proposed command in itself was upsetting, according to Dio's Catulus. It was clear that any number of people would receive military practice as Pompey's legates during the operation against the pirates (36.35.3), yet Catulus urged the Romans to elect these people directly in order to have them pay better attention to their duties; this argument also comes by way of Demosthenes (e.g. 4.27). Further, Catulus argues (36.36.3), it is impossible for one man to conduct the war by himself (ὅτι μὲν εἷς οὐδ' ἂν δύναιτο τοσοῦτον ἅμα πόλεμον πολεμῆσαι, "that one man would not be able to fight such a war at one time"). Similarly, Demosthenes (4.46) wrote οὐ γὰρ ἔστιν, οὐκ ἔστιν ἕν' ἄνδρα δυνηθῆναί ποτε ταῦθ' ὑμῖν πρᾶξαι πάνθ' ὅσα βούλεσθε ("for it is impossible for one man to be able ever to accomplish all the things for you that you want"; cf. 1.3–4 for a different analysis of the advantages and disadvantages of one person having so much authority).

Catulus then suggests (36.36.4) that his proposal is both more in accordance with the laws (νομμώτερον) and more likely to turn out well (?: συμφορώτερον is Reim's suggestion), yet another statement on a Demosthenic model, one that provides an interesting context (Dem. 26.12–13):

> καίτοι πολύ γε νομιμώτερον καὶ δικαιότερον τὸ ψήφισμ᾽ ἐκεῖν᾽ ἦν οὗ σὺ νῦν ἀξιοῖς ψηφίσασθαί σοι τουτουσί. τὸ μὲν γὰρ ἴσον καὶ κοινὸν ἅπασι τοῖς πολίταις ἦν, τὸ δ᾽ ἄνισον καὶ σοὶ μόνῳ τῶν ἐν τῇ πόλει τὴν πλεονεξίαν κατασκευάζον· καὶ τὸ μὲν ὑπὲρ τοῦ μὴ γενέσθαι τὴν εἰρήνην ἐφ᾽ ᾧ θ᾽ ἕνα κύριον τῆς ὅλης πολιτείας καταστῆναι.
>
> And yet that vote was more lawful and more just than what you ask these men to vote for you now, for that one was fair and common to all citizens, but this is unfair and creates an advantage for you alone of those in the city. That vote was to prevent peace being made on condition that one man be master of the whole state.

Catulus' last statement before the oration breaks off is a warning not "to have all other commands brought down using the pirates as a pretext" (36.36.4, τὸ πάσας ὑμῶν τὰς ἄλλας ἀρχὰς ἐπὶ τῇ τῶν καταποντιστῶν προφάσει καταλυθῆναι). This too he has borrowed from Demosthenes (7.15): ἐπὶ προφάσει τῇ τῶν λῃστῶν φυλακῇ διαφθείρειν τοὺς νησιώτας ("on the pretext of protection against pirates to corrupt the islanders").

It is hard to know how many more literary parallels or historical arguments one must marshal to show that it is wrong to privilege this one oration of Dio's, as many seem to have done. Cicero's evidence shows only that Catulus made a striking appeal to the people in 66 when Manilius proposed giving him the command against Mithradates; Cicero says that Hortensius also objected to this law and that he had twice spoken eloquently against the Gabinian law in 67. No extant writer later than Cicero and earlier than Dio offers any detail that cannot be found in Cicero's oration for the Manilian law, and there is no contemporary evidence that Catulus spoke at a *contio* in 67. But if Dio saw Pompey's extraordinary commissions in the Sixties as the beginning of the end of the Republic, and the Gabinian law created the first of these commands, who better than Catulus to deliver the historian's message? In this speech, as in many others of Dio's speeches, the ghosts of Marius and Sulla not only haunt the past but warn of the future. Catulus' speech in Dio is not a translation or adaptation of a genuine speech but Dio's own creation, adapted from what Cicero tells the people about the objections of Hortensius and Catulus. Sallust may have been the first to give Catulus a more prominent

role in 67, perhaps even the first to ignore Hortensius' influence, and Velleius' history displays this mistaken bias. Yet the remains of earlier narratives offer no justification for attributing the details of Catulus' arguments in Book 36 of Dio to the imagination of anyone but the historian himself. The speech bears all the marks of an original composition: it represents ideals of how the Republic ought to work voiced by one whom Dio admired, and is constructed out of many memorable phrases and whole arguments borrowed from Demosthenes. Although the speech provides ample material for a study of Dio's beliefs and methods, what Catulus says in Book 36 should be left out of modern reconstructions of the Sixties.

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