



Student Activities 6-8: Courtrooms, Cases and Characters

Activity 6 Cicero: Courts, Cases, and Character

In a Roman court, the character of a defendant could be pivotal in the case of the prosecution or defence. Plausibility and the persuasive power of the speakers could tip the balance of the jury's opinion one way or the other.

Cicero was a true master of argument from character. Here are some quotations from other speeches he made where character is a key part of his argument. How do these compare with his usage of this technique in the *pro Caelio*?

***pro Roscio Amerino*, 80 BC – Speaking for the Defence**

Cicero was defending a young man on a charge of murdering his father. His defence was successful. Part of the prosecution's argument had been that Roscius' father did not like him (as did Caelius' prosecutors) and had relegated his son to his country estates, keeping his other son with him in the city, and was, furthermore, planning to disinherit him. This last charge Cicero dismisses as being groundless. The first, however, afforded Cicero a great opportunity for an argument from character. Read the following passage from this great speech and consider how Cicero employs the 'ethos' argument.

Sections 49-51 (with omissions):

“And although it is a sad and unfair matter [*Roscius had his farm confiscated by Sulla's henchman, Chrysogonus*], he will bear it with a calm spirit, if, gentlemen of the jury, he is able, thanks to you, to keep his life and good name; but this is what cannot be endured, is the fact that it is not tragic enough that he has cultivated them for others and not himself, if he has fallen into this misfortune because of the excellence and number of his farms and because he cultivated them assiduously... [50] But you, Erucius, would have been a laughable prosecutor, had you been born in those times when men were summoned from the plough to be consuls. For since you would consider it a crime to be in charge of cultivating a field, you



would assuredly judge Atilius, whom those sent to him found sowing the seed with his own hand, to be a most disgraceful and shameful man; but by Hercules, our ancestors used to think very differently about that man and other such men, and thus from a very small and slender community they left to us one that was very great and highly prosperous...[51] And I bring this up not so as to compare them to our current case, but so that it be understood that: in our ancestors' time the greatest and most distinguished men, who at every moment ought to have been sitting at the helm of the state, nevertheless also spent much of their time and effort in cultivating their fields; and that, therefore, the man who professes that he is a rustic man should be forgiven, since he has always lived busily in the country, and especially since there could be nothing that he could do which was more pleasing to his father, more pleasant to himself, and indeed more honourable.

Things to think about:

a) How does Cicero's appeal to the past work to defend his client's character? How does this compare with his appeal to the ways of the ancestors in pro Caelio?

b) Compare his treatment of prosecutor Erucius here with how he deals with the prosecution in pro Caelio?

**Activity 7: *pro Murena*, 63 BC – Speaking for the defense.**

Murena had been elected consul for 62 BC, but following the election, he found himself on a charge of extortion during his service in Asia. Argument from character is an important part of Cicero's tactic here, too. He takes the line that, Murena's record of serving the state in a military capacity proves his valour and strongly conflicts with the charge of extortion and excess. In section 12, Cicero highlights his noble conduct.

But this man, judges, was both in Asia and of great assistance to his father, bravest of men, in the dangers, a source of consolation in his toils, and of joy in victory. Even if Asia holds a certain suspicion of luxury*, it is not that never to have seen Asia is worthy of praise, but to have lived in Asia with restraint. For this reason the name of Asia should not have been brought to bear against Murena, where he achieved praise for his family, lasting recollection for his people, honour and glory for his own name, but also some crime or indiscretion that either occurred in Asia or was brought back from there. But to have served his military service in that war which was not only the greatest but also the only war at that time attests to his valour; to have served with great willingness under his father as general proves his sense of duty (*petas*); and the fact that the end of the campaign was the victory and triumph of his father, proves his good fortune**. For this very reason, there is no place for slander in these matters, because praise takes up all the room.

a) How convincing do you find Cicero's argument here?

b) How does it compare to his defence of Caelius' character on the grounds of his oratorical efforts and success?

**Activity 8: Two Examples of *Prosopopoeia* in Cicero's other speeches.*****pro Roscio Amerino* 145**

Near the end of this speech, Cicero speaks as the defendant. How does Cicero's use of this technique make this section more powerful than if he had simply spoken these sentiments in the third person?

"You possess my estates, I live by another's pity; I give in, because my mind is calm and because it is inevitable. My home is open to you, to me it is closed; I endure it. You are enjoying the use of my very extensive household, I have no slave; I suffer it and consider that I must endure it. What more do you want? What are you going after, why are you attacking me? In what respect do think I have injured your good will? Where am I getting in the way of your convenience? In what respect am I being a hindrance?"

Consider:

- *Where this passage comes in the speech?*
- *How it compares to the *prosopopoeiae* in *pro Caelio*.*

***in Catilinam* I.18**

When he was consul 63 BC, Cicero was elated with his 'achievement' in quashing the so-called Catilinarian conspiracy. His 'triumph' left him on shaky political ground. This section from his first speech against Catiline, a stinging diatribe, matched only perhaps by his attack on Clodia and later by the Philippics against Marc Antony. Here, Cicero dons the personified voice of the fatherland, lamenting the ills she has suffered at the hands of Catiline.

"There is no crime that has taken place for so many years now without your agency, no atrocity has occurred without you; the murders of many citizens is your deed alone, you harassed and plundered the allies freely and without punishment; you have had the power not only to ignore the laws and judicial decisions, but also to overturn and break through them. Those former actions of yours, although they should not have been tolerated, I nevertheless endured as far as I was able; but now, the fact that I am entirely gripped by fear on account of one man, you, that at every sound, Catiline is feared, that it seems that no plot against me can arise except from your wickedness, that cannot be endured. And so, leave and remove from



me this fear; if it be a real one, so that I may not be crushed, if a false one, so that I can at last cease to be afraid.”

a) How does this compare to Cicero’s speech as Caecus (34) in pro Caelio? Which do you find the more convincing?

b) Do some research and see if you can find any examples of prosopopoeia in modern political rhetoric. Why was the technique used and how effectively?

Suggested Further Reading

May, J. M., (1988) *Trials of Character: The Eloquence of Ciceronian Ethos* (UNC Press)

Rapp, C., (2010) ‘The Three Means of Persuasion’, Section 5 of ‘Aristotle’s *Rhetorica* in *Stanford Encyclopaedia of Philosophy*: <https://plato.stanford.edu/entries/aristotle-rhetoric/#means>.