

# Meidias and the Mute Witness: Cicero's Debt to Demosthenes in the *Verrines* Reconsidered

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**D**EMOSTHENES' SPEECHES exerted a profound influence on the development of rhetorical education. Not only did they earn him a place on the so-called 'canon' of ten Attic orators—a recommended reading list which reached its final form around the second century A.D.,<sup>1</sup> his works were mined for aspects of style, biographical details, and techniques of persuasion. Within this broader context, his speech *Against Meidias* (Dem. 21) appears to have featured as set reading for more than a generation of later schoolboys.<sup>2</sup> Thus Quintilian, writing his *Institutio Oratoria* towards the end of the first century A.D., could assume such familiarity with the speech that he needed only refer to the circumstances of the trial to prove a larger point, namely, that the manner in which a man was struck added to the heinousness of the crime, whereupon he added: “as

<sup>1</sup> For discussion and further references see I. Worthington, “The Canon of the Ten Attic Orators,” in *Persuasion: Greek Rhetoric in Action* (London/New York 1994) 244–263.

<sup>2</sup> Evidence includes a rhetorical prologue and commentary (*P.Lond.* I 131; Pack<sup>2</sup> 307), which dates to the late first or early second century A.D., but which may well trace back to an original of the mid-first century B.C.; see M. J. Lossau, *Untersuchungen zur antiken Demosthenesexegese* (Bad Homburg 1964) 112–113 and 119–122. Likewise, P.Rain.inv. 7 (Pack<sup>2</sup> 308) contains part of a special lexicon to Dem. 21 belonging to the fourth or fifth century. For the texts see C. A. Gibson, *Interpreting a Classic: Demosthenes and his Ancient Commentators* (Berkeley 2002) 190–199 and 201–209. Interest in the rhetorical aspects of Dem. 21 and other speeches is also reflected in various scholia (M. R. Dilts, *Scholia Demosthenica* [Leipzig 1983–1986]).

Demosthenes excited odium against Meidias by alluding to the part of his body which was struck, as well as the look and bearing of his attacker (*ut Demosthenes ex parte percussi corporis, ex vultu ferientis, ex habitu invidiam Midiae quaerit*, 6.1.12).<sup>3</sup>

It was expected, then, that a rhetorically educated reader at Rome should spot and understand the significance of a reference to *Against Meidias*. Yet, Pliny the Younger attests to a more general appreciation of the speech (*Ep.* 7.30.4–5):

*nam et scribo aliquid et lego; sed cum lego, ex comparatione sentio quam male scribam, licet tu mihi bonum animum facias, qui libellos meos de ultione Helvidi orationi Demosthenis κατὰ μειδίον confers. quam sane, cum componerem illos, habui in manibus, non ut aemularer (improbum enim ac paene furiosum), sed tamen imitarer et sequerer, quantum aut diversitas ingeniorum maximi et minimi, aut causae dissimilitudo pateretur.*

I am doing some writing and reading; but when I read, I feel my own writing is poor by comparison, despite your cheering me up by comparing my speech in vindication of Helvidius to Demosthenes' *Against Meidias*. Of course, I had this speech to hand when I was composing my own, not to rival it (which would be shameless and almost madness), but to imitate and follow it, as far as the disparity between the greatest and the least amount of talent, as well as the difference between the cases, would allow.

When Pliny makes this remark on the continued importance of Demosthenes as a model for his own craft, however, he points to something more than the enduring influence of the Attic orator's famous speech; he makes it clear that the themes, topics, and arguments of *Against Meidias* were still relevant to the oratorical practice of his own day. From what we know of Pliny's speech, it was probably the character and actions of Meidias that suggested the speech as a suitable template; for Pliny's vindication included an attack on an overbearing senator called Certus, who—as emerges from a passing remark in a later letter—had evidently struck a fellow senator (*manus intulisset*, *Ep.* 9.13.2). But by far the most important point is that Pliny had used *Against Meidias* in the process of composing his own speech—“to imitate and follow it”—and he was pleased when one of his readers

<sup>3</sup> The comment doubtless pertains to Dem 21.72.

noticed the similarity.

That Cicero, too, was influenced by Demosthenes is not a new observation; the point is easily demonstrated by Cicero's admiration for and intimate knowledge of the great orator in his rhetorical works.<sup>4</sup> Likewise, Cicero's speeches abound in passages that evoke his Attic predecessor.<sup>5</sup> Part of the reason, as Pearson explained, is that Cicero may have looked to the Attic orator for inspiration. Focusing specifically on the *Verrines*—the collection of speeches from the trial and successful prosecution of Verres in 70 B.C.<sup>6</sup>—Pearson illustrated what he called Cicero's "debt to Demosthenes": namely, that the portrait of Meidias had many features that could be recycled to fit Verres—"a brutal and shameless attitude, *hybris* and *anaideia*, contempt for any law that did not suit his purpose," as well as an enviable ability "to win and retain loyal supporters."<sup>7</sup> Pearson, then, imagined Cicero, like Pliny, composing his *Verrines* with Demosthenes' speech *Against Meidias* in mind, yet he was reluctant to label any passages "imitations" or "borrowings"; his aim, as he put it, was purely to illustrate the "kind of profit" Cicero might have derived from reading Demosthenes.

<sup>4</sup> Examples are too many to quote, but Cicero singles Demosthenes out for highest praise at *Brut.* 35, 289, and *Orat.* 7.23.

<sup>5</sup> In this connection, Cicero's debt to Demosthenes in the *Philippics* has received most scholarly attention: see J. D. Taddeo, *Signs of Demosthenes in Cicero's Philippics* (diss. Stanford 1972); W. Stroh, "Die Nachahmung des Demosthenes in Ciceros Philippiken," in W. Ludwig (ed.), *Éloquence et rhétorique chez Cicéron (Entretiens Hardt 28 [1982])* 1–31, with discussion, 32–40; C. W. Wooten, *Cicero's Philippics and their Demosthenic Model: The Rhetoric of Crisis* (Chapel Hill 1983).

<sup>6</sup> Hereafter I use *Verrines* to refer to the collection in general terms. Otherwise, I refer to the individual speeches: the *divinatio* (delivered before the main trial); *In Verrem I* (the short speech and the hearing of witnesses in the *actio prima*); and *In Verrem II* (the long speech Cicero planned for the *actio secunda*, which is further subdivided into five books: *In Verrem II.1–5*). Latin text is from Peterson's *OCT* edition; translations are my own.

<sup>7</sup> L. Pearson, "Cicero's Debt to Demosthenes—The *Verrines*," *Pacific Coast Philology* 3 (1968) 49–54, esp. 49–50.

Taking this argument further, Weische argued that Cicero did imitate Demosthenes, as well as other Attic orators, and that he did so in two main ways.<sup>8</sup> First, like Pearson, he identified the type of imitation that helped replicate the practical effect of the original by building on themes, ideas, and cultural prejudices that were as much in vogue in Rome of the first century B.C. as they had been in fourth-century Athens. Secondly, however, he added the type of imitation that could be appreciated by a reader of the published text, who might notice and admire Cicero's elegant use of the Demosthenic original.<sup>9</sup>

Yet in the specific case of the *Verrines*, we know that Cicero's reading audience largely consisted of men from the same educational background as his intended audience: the all-senatorial jury to whom Cicero envisaged delivering his speech.<sup>10</sup> Even if he did not get to deliver all, or any, of the long *In Verrem II* which he later published for circulation, this does not affect an analysis of it according to what is termed the 'persuasive process' approach: that is, the study of the orator's methods and his progressive manipulation of the audience.<sup>11</sup> As Frazel has argued, Cicero would have largely prepared his speech before he knew Verres would withdraw into voluntary exile; moreover, the forms and techniques of *In Verrem II* are consistent with those used in his other speeches.<sup>12</sup> Besides, if we accept Stroh's argu-

<sup>8</sup> A. Weische, *Ciceros Nachahmung der attischen Redner* (Heidelberg 1972).

<sup>9</sup> Thus, e.g., commenting on an imitation of Demosthenes' *On the False Embassy* (19.196–197) at *Verr.* II.1.66, Weische (*Ciceros Nachahmung* 40) suggested that Cicero must have expected at least some of his readers to notice "wie elegant er in die Erzählung der Untaten des Verres eine Demosthenes-nachahmung eingefügt hatte."

<sup>10</sup> On the jury and its composition see W. C. McDermott, "The Verrine Jury," *RhM* 120 (1977) 64–75, and A. Lintott, *Cicero as Evidence: A Historian's Companion* (Oxford 2008) 87–88.

<sup>11</sup> On the persuasive process methodology see the exemplary essay by A. D. Leeman, "The Technique of Persuasion in Cicero's *Pro Murena*," in *Éloquence et rhétorique* 193–228.

<sup>12</sup> T. D. Frazel, "The Composition and Circulation of Cicero's *In Verrem*," *CQ* 54 (2004) 128–142.

ment that Cicero published his speeches as exemplary texts for rhetorical instruction,<sup>13</sup> then the *Verrines*, as much as any other Ciceronian oration, offer an example of “how to do it”—as Powell and Paterson have succinctly put it.<sup>14</sup> From this perspective, the published version should not contain anything that would not be permitted or would not work in a delivered speech,<sup>15</sup> and from there we can start to build a comprehensive idea of the manifold techniques of practical forensic oratory.<sup>16</sup>

Thus, this article seeks to reassess the question of Cicero’s ‘debt’ to Demosthenes and argue for a more nuanced understanding of Cicero’s rhetorical strategy.<sup>17</sup> To this end, I will first

<sup>13</sup> W. Stroh, *Taxis und Taktik: die advokatische Dispositionskunst in Ciceros Gerichtsreden* (Stuttgart 1975).

<sup>14</sup> J. G. F. Powell and J. J. Paterson (eds.), *Cicero the Advocate* (Oxford 2004), esp. 52–57 (quotation from 54).

<sup>15</sup> Cf. B. Innocenti, “Towards a Theory of Vivid Description as Practised in Cicero’s ‘Verrine’ Orations,” *Rhetorica* 12 (1994) 355–381, who defends using the *Verrines* as a means of understanding the rhetorical purposes of *enargeia*.

<sup>16</sup> A parallel debate exists in the case of Demosthenes’ *Against Meidias* following Aeschines’ claim that Demosthenes “sold” (ἄπέδοτο, Aeschin. 3.51–52) the trial of Meidias for thirty *mnai* with the implication that he did not deliver it; cf. Plut. *Dem.* 12 who adds that Demosthenes did so out of fear of Meidias’ influence. For overviews of the debate, with varying hypotheses, see E. Harris, “Demosthenes’ Speech Against Meidias,” *HSCP* 92 (1989) 117–136; D. M. MacDowell, *Against Meidias* (Oxford 1990) 23–28; L. Rubinstein, *Litigation and Cooperation: Supporting Speakers in the Courts of Classical Athens* (Stuttgart 2000) 208–209. By far the main point, however, is that the speech is generally accepted as a specimen of prosecution oratory, regardless of whether it is the same as the version delivered in court; thus, P. O’Connell, *The Rhetoric of Seeing in Attic Forensic Oratory* (Austin 2017) 41: “even if Demosthenes never actually performed *Against Meidias* before a jury, the speech still provides evidence for the kinds of tactics that he would have used in court.”

<sup>17</sup> As I have argued elsewhere, the *Verrines* demonstrate Cicero’s clear reliance on the works of the Attic orators at a much earlier stage in his career than is usually supposed: K. Tempest, “Saints and Sinners: Some Thoughts on the Presentation of Character in Attic Oratory and Cicero’s *Verrines*,” in J. R. W. Prag (ed.), *Sicilia Nutrix Plebis Romanae: Rhetoric, Law, and Taxation in Cicero’s Verrines* (*BICS* Suppl. 97 [2007]) 19–36. As will become clearer in what

focus on a case study: the pitiable figure of Straton, the victim of Meidias' overbearing wrath at Dem. 21.83–100, before going on to demonstrate how Cicero evokes this passage in his characterization of Verres' victims at *Verr.* II.2.53–120. Here I identify two broad methods for interpreting parallelisms between Cicero and his Demosthenic model. The first applies when a situation or idea was sufficiently similar that Cicero, either consciously or unconsciously, could adopt basic themes and *topoi* and adapt them to their new rhetorical context. The second, when Cicero was so heavily influenced by his reading of Demosthenes that borrowings of the original speech can be detected in Cicero's own reworking of a narrative episode. In so doing Cicero did not necessarily expect such references to be recognized, nor may he have been too concerned whether they were recognized; but he uses the means—expressions and ideas—as well as the values of his Demosthenic model to echo its success. Our own appreciation of Cicero's use of rhetorical commonplaces and arguments is consequently enhanced when we read the two texts together.

However, as I go on to explain via a wider comparison of Cicero's characterization of Verres to Demosthenes' portrait of Meidias, when a number of references appear to connect two speeches, such borrowings form part of a larger allusive web, whereby the 'obvious allusions' reinforce the relevance of their 'less obvious counterparts'.<sup>18</sup> In both speeches, the victims' inability to provide evidence is made to stand as a powerful indictment against those who use their force to silence others. But this is no feeble pastiche; rather, I maintain, simultaneous evocation of Meidias' character and behaviour in the *Verrines* generates a novel parallel through which Cicero negotiates the importance of witness testimony in the lawcourt. Here, I suggest, the paradigm of Meidias functions as a 'person schema' as well as a diagnostic tool for evaluating Verres' crimes, before I turn

follows, in this article I build on that idea to focus instead on the actual function that allusions to Attic oratory play in their new rhetorical context.

<sup>18</sup> My choice in terminology has been influenced by scholars working in the fields of intertextuality, see esp. L. Ginsberg, *Staging Memory, Staging Strife: Empire and Civil War in the Octavia* (Oxford 2017) 10.

to speculate on the interpretative possibilities of Cicero's allusive echoes. One of the arguments of this article is that memories of Meidias resound loudly enough throughout the *Verrines* that Cicero might have expected some of his jury to make the connection for themselves, and that 'recognition' of Meidias could itself have formed a powerful aspect of Cicero's persuasive process. In terms of Cicero's larger argumentative strategy in the *Verrines*, and especially his desire to convince the senatorial order of their judicial responsibilities, I conclude that Cicero did not simply owe a 'debt' to Demosthenes; he positively turned his knowledge of Attic oratory into an asset.

*Setting the scene*

Demosthenes' early encounters with Meidias form a memorable part of the narrative recounting the two men's long-standing enmity (21.77–122). For, roughly fifteen years before the main trial, Demosthenes had charged Meidias with slander when the latter broke into the orator's house and used abusive language in the presence of Demosthenes' mother and sister (77–82). The next stages of this earlier prosecution are described in some detail as Demosthenes tells the story of Straton of Phaleron, the unlucky arbitrator who was assigned to adjudicate between the two men (83–101). We are not told much about Straton, save for the fact that he was "poor and without experience of affairs" (πένης μὲν τις καὶ ἀπράγμων, 83); what we know about arbitrators generally is that they were normally Athenian citizens in their sixtieth year. Thus, he was not a legal expert nor qualified for the post in any way; when the day came for Straton to give his verdict, his inexperience in dealing with men like Demosthenes and Meidias caused him to become an unwitting pawn in their dispute.

According to Demosthenes' version of events, when Meidias failed to appear in time for the hearing, Straton first asked Demosthenes to put off the arbitration, and then to postpone it to the following day. But when he refused, Straton had no choice but to deliver a verdict against Meidias by default. It was this decision which eventually cost Straton his status and citizen rights when, by a clever manipulation of the Athenian legal sys-

tem, Meidias succeeded in having him declared *atimos*. Because of his disenfranchisement, Straton was no longer able to speak for himself in court. In a famous passage of the speech, Demosthenes consequently presents Straton on his own *bema*, where he is made to stand in silence; the jurors are repeatedly called to look upon Straton as an example of Meidias' excessive hubris (θεωρεῖτε, 83; θεάσασθε, 86, 88; σκέψασθαι, 88). As the scholia on this scene commented, Straton appears like a mute character from drama;<sup>19</sup> as such, his appearance is intended to elicit pity from the audience,<sup>20</sup> while directing the jurors' envy and hatred towards Meidias.<sup>21</sup> Thus, in what O'Connell has termed a "rhetoric of seeing," Demosthenes causes the jurors to identify with Meidias' victim and hence recognize the danger he poses to each one of them.<sup>22</sup>

Yet the fact of Straton's silence is also worthy of note in the context of Athenian court procedure. For when Demosthenes called upon his 'witness' as if he were summoning him to provide testimony, it was not only Straton who remained silent, but also the court clerk who would ordinarily have read out his statement.<sup>23</sup> The point is made at 95–96:<sup>24</sup>

κάλει δὴ καὶ τὸν Στράτωνα αὐτὸν τὸν τὰ τοιαῦτα πεπονθότα· ἐστάναι γὰρ ἐξέσται δῆπουθεν αὐτῷ. οὗτος, ὃ ἄνδρες Ἀθηναῖοι, πένης μὲν ἴσως ἐστίν, οὐ πονηρὸς δέ γε. οὗτος μέντοι πολίτης ὢν, ἐστρατευμένος ἀπάσας τὰς ἐν <τῇ> ἡλικίᾳ στρατείας καὶ δεινὸν οὐδὲν εἰργασμένος, ἔστηκε νυνὶ σιωπῇ, οὐ μόνον τῶν ἄλλων ἀγαθῶν τῶν κοινῶν ἀπεστερημένος, ἀλλὰ καὶ τοῦ φθέγγασθαι καὶ ὀδύρασθαι· καὶ οὐδ' εἰ δίκαια ἢ ἄδικα πέπονθεν, οὐδὲ ταῦτ' ἔξεστιν αὐτῷ πρὸς ὑμᾶς εἰπεῖν.

<sup>19</sup> Schol. Dem. 21.95 (321 Dilts).

<sup>20</sup> Schol. Dem. 21.95 (323 Dilts).

<sup>21</sup> Schol. Dem. 21.96 (333 Dilts).

<sup>22</sup> P. O'Connell, *Rhetoric of Seeing*, esp. 41–44.

<sup>23</sup> For this point see L. Rubinstein, "Evoking Anger through Pity: Portraits of the Vulnerable and Defenceless in Attic Oratory," in A. Chaniotis et al. (eds.), *Unveiling Emotions II Emotions in Greece and Rome: Texts, Images, Material Culture* (Stuttgart 2013) 135–165, esp. 164.

<sup>24</sup> Text of MacDowell; translations largely adapted from the same source.

And call Straton himself too, the one who has suffered such things: for I presume he will be permitted to stand. This man, men of Athens, is perhaps poor, but he is not a bad man at all. This man is in fact a citizen, who served on all the campaigns when he was of military age and who did nothing terrible, he stands at this moment in silence, deprived not only of other common goods, but even of speaking and weeping: he's not even allowed to tell you whether he has suffered justly or unjustly.

What mattered to Demosthenes, then, and what Cicero arguably saw as the most powerful aspect of this scene, was the fact that Meidias' victim did not have the right to complain about or even testify against his aggressor. In so acting, Demosthenes argued, Meidias had forsaken the right to appeal for mercy in the current trial.<sup>25</sup> "No one deserves pity if he pities no one; no one deserves pardon who grants no pardon," he tells the jury (100): οὐδεὶς γὰρ ἐστὶν δίκαιος τυγχάνειν ἐλέου τῶν μηδένα ἐλεούτων, οὐδὲ συγγνώμης τῶν ἀσυγγνωμόνων.

*Recycling Straton's story*

Echoes of the Straton story appear in three consecutive passages of *In Verrem* II.2—the part of Cicero's prosecution dedicated to Verres' manipulation of the Sicilian courts while governor in 73–71 B.C. By this point in the speech the groundwork for Verres' characterization has been sufficiently set by the narrative of his earlier career at *In Verrem* II.1. Cicero has described Verres' thefts and exploits as quaestor and later legate in Asia; he has detailed his misdeeds as a guardian and proquaestor; crucially, he has also exposed Verres' abuse of his judicial powers while urban praetor at Rome, before turning his attention to Verres' misconduct in Sicily. Having established through a series of short illustrative examples that Verres was no better abroad than he was at home (II.2.19–32), Cicero embarks on the first of his stories to highlight the plight of Verres' victims: the cases of Heraclius of Syracuse (35–50) and Epicrates of Bidis

<sup>25</sup> At 21.99 Demosthenes imagines that Meidias will bring forward his children as part of an emotional plea for mercy; cf. Rubinstein, in *Unveiling Emotions* 150.

(53–62).

Heraclius and Epicrates both fled to Rome after Verres attempted to extort money left to them in legacies. There they went about for two years, *sordidati* with beard and hair untrimmed (62), only returning to Sicily under the protection of Lucius Metellus, who later went to the province as Verres' successor. However, although Metellus behaved admirably to begin with, even annulling Verres' wrongdoings, Cicero tells us that soon Verres succeeded in convincing Metellus to protect him. Thus, when Cicero went out to Sicily to compile his evidence for the prosecution of Verres, Metellus hindered his investigations (64–65):

*ex illo tempore a civitatibus laudationes petere, testes non solum deterrere verbis, sed etiam vi retinere coepit. quod nisi ego meo adventu illius conatus aliquantum repressissem, et apud Siculos non Metelli, sed Glabronis litteris ac lege pugnassem, tam multos [testis] huc evocare non potuissem. verum, quod institui dicere, miserias cognoscite sociorum. Heraclius ille et Epicrates longe mihi obviam cum suis omnibus processerunt, venienti Syracusas egerunt gratias flentes, Romam mecum decedere cupiverunt. quod erant oppida mihi complura etiam reliqua quae adire vellem, constitui cum hominibus quo die mihi Messanae praesto essent. eo mihi nuntium miserunt se a praetore retineri. quibus ego testimonium denuntiavi, quorum edidi nomina Metello, cupidissimi veniendi, maximis iniuriis adfecti, adhuc non venerunt. hoc iure sunt socii ut iis ne deplorare quidem de suis incommodis liceat.*

From that time on, he [Metellus] began to ask the different communities for eulogies, and not only to deter my witnesses with words, but even to restrain them by force. Had I not somehow checked his designs by my arrival, and had I not, in dealing with the Sicilians, been armed with Glabrio's instead of Metellus' written legal authority, I should not have been able to call so many witnesses here. But, never mind that, as I started to say, hear the plight of our allies. Heraclius and Epicrates, together with their friends, came out a long way to meet me, and as I approached Syracuse they thanked me with tears in their eyes, desiring to leave for Rome with me. Because there were still several towns left that I wanted to visit, I fixed a day with them for joining me at Messana. It was there they sent me a message that they were being detained by the praetor. Men from whom I had summoned testimony, whose names I had given to Metellus, who are the

most willing to come, having suffered the greatest injustices, have still not arrived. Not even this right belongs to our allies: that they might complain of their sufferings.

The antithesis on *non solum detertere verbis, sed etiam vi retinere* reinforces the fact that it was the deployment of violence that prevented Cicero's witnesses, Verres' victims, from speaking at the trial. And just as we saw Demosthenes complain that Straton had been deprived of the opportunity to complain against Meidias—"he's not permitted even to tell you whether he has suffered justly or unjustly"—so Cicero contends that men who have "suffered the greatest injustices" have not been able to "complain of their sufferings." In this passage, then, the influence of Demosthenes is palpable in the ideas that both orators express: the inability of Cicero's witnesses to provide testimony against Verres appears to echo the powerlessness of Straton to address the court, while both orators scorn their opponents' attempts to subvert the course of justice.

The suspicion that Cicero may have had *Against Meidias* in mind grows stronger still, however, in the section which immediately follows. And this is the second key passage where Cicero can be seen to echo Demosthenes. For Cicero recalls the case of an unnamed arbitrator, who had been severely treated by Verres when the latter sought to extort money from one of Cicero's witnesses, Heraclius of Centuripa, who had testified against Verres in the *actio prima* (66):

*iam Heraclii Centuripini, optimi nobilissimique adolescentis, testimonium audistis: a quo HS C. milia per calumniam malitiamque petita sunt. Iste poenis compromissisque interpositis HS CCCC extorquenda curavit, quodque iudicium secundum Heraclium de compromisso factum erat, cum civis Centuripinus inter duos civis diiudicasset, id inritum iussit esse eumque iudicem falsum iudicasse iudicavit; in senatu esse, locis commodisque publicis uti vetuit; edixit sese iudicium iniuriarum non daturum; quicquid ab eo peteretur, iudicem de sua cohorte daturum, ipsi autem nullius actionem rei se daturum.*

You have already heard the evidence of Heraclius of Centuripa, an excellent and noble young man: 100,000 sesterces were sought from him in a fraudulent and malicious accusation. Verres, by means of penalties and exacting securities, contrived to extort

400,000, and when the arbitrator—a man from Centuripa judging between two fellow citizens—decided in favour of Heraclius, Verres annulled the decision, and pronounced the arbitrator guilty of making a false award. He forbade this man to appear in the senate, attend town gatherings, or enjoy civic privileges. He declared that he would not allow a trial for assault should anyone strike this man; and that he would personally appoint a judge from his own staff if any claim was brought against him, and that he would not allow the man himself to bring any action against another man.

Although there is no verbal echo to confirm the connection, there is much in this episode that is again reminiscent of Meidias. As in the dispute between Meidias and Straton, Verres annulled an arbitration award and punished the arbitrator. Thus, Cicero neatly unpacks the various elements of the *atimia* inflicted upon Straton to explain the punishment awaiting Verres' victim: the loss of political rights, civil and religious privileges, as well as legal protection. In the cases of both Straton and the unnamed arbitrator of Cicero's *Verrines*, what is particularly telling is that a man performing his civic duty has been severely treated by a man placing himself above the law. Like Meidias before him, Verres has displayed a hubristic contempt for judicial processes; in so doing, he too becomes emblematic of a self-interested elite and a danger to the common man.

So far, then, we have seen examples of witnesses who have been prevented from speaking out against a perpetrator (Heraclius of Syracuse and Epicrates of Bidis), as well as an arbitrator who was deprived of his civil rights by Verres. But if these similarities prove only, in the words of Pearson, that Cicero may have owed some sort of 'debt' to his Attic predecessor, then our third case study suggests that echoes of Straton's story form a more extensive borrowing within Cicero's exposition of Verres' judicial misconducts.<sup>26</sup> Indeed, when Cicero next presents

<sup>26</sup> I use 'borrowing' to suggest a more definitive, yet still imprecise, relationship between two texts. The reader is not necessarily expected or required to recognize such borrowings (hence it need not be a formal allusion), but the writer can be seen to re-use expressions or ideas from an older text. For a

the case of Sthenius of Thermae (II.2.81–100), his Demosthenic model leaves a more indelible mark.

Sthenius of Thermae was a high-ranking Sicilian who, we are told, earned Verres' lasting enmity when he prevented the governor from seizing some famous artworks from his city. In response, Verres allegedly conspired with Sthenius' enemies to file a charge of corruption against the Sicilian, while Verres planned to judge the trial himself. Anticipating that he would be unjustly convicted and flogged, Sthenius fled to Rome; however, back in Sicily, Verres pronounced Sthenius guilty *in absentia*, fined him 500,000 sesterces, and even initiated a second trial against him, this time on a capital charge. Still, Sthenius stayed in Rome, where Cicero tells us he begged for support among his friends and patrons; but no amount of pressure could distract Verres from his goal. And so twice the defendant was pronounced guilty, even though he had not once been there to respond to the charges against him.<sup>27</sup>

The case of Sthenius forms the largest single episode within Cicero's exposition of Verres' abuse of the judicial system, and, as in the case of Straton, Sthenius was present at the main trial against his oppressor. It is not clear at any point in the text that Sthenius personally gave testimony in the *actio prima*, either in person or in writing, and there is good reason to imagine he did not.<sup>28</sup> But what is more important, is that—owing to the Roman court procedure which separated the presentation of witnesses from the hearing of speeches—Cicero could use Sthenius as a visual representation of Verres' crimes (83):

*Sthenius est, hic qui nobis adsidet, Thermitanus, antea multis propter summam virtutem summamque nobilitatem, nunc propter suam calamitatem atque istius insignem iniuriam omnibus notus.*

similar idea of “allusive inexactitude” cf. S. Hinds, *Allusion and Intertext: Dynamics of Appropriation in Roman Poetry* (Cambridge 1998), esp. 21–25.

<sup>27</sup> This summary is largely a paraphrase of II.2.83–118.

<sup>28</sup> Lintott, *Cicero as Evidence* 93, is more willing to accept the possibility that Sthenius provided evidence against Verres, yet Cicero nowhere mentions that he has produced, or will produce, Sthenius as a witness. Had he done so, Sthenius would have been vulnerable to cross-examination.

This is Sthenius of Thermae, the man who is sitting beside me now. He was once well known to many because of his high rank and esteemed character, but now—because of the manifest misfortune and injustice he suffered at that man’s hands—he is well known to everyone.

Cicero does not here use a verb of seeing to call the jury’s attention to Sthenius. But the deictic *hic* directs their eyes to the bench where he quietly sits (*adsidet*), just as Demosthenes had pointed to Straton standing beside him in silence as the orator spoke (ἔστηκε πρὸς σιωπῆν, 21.95).

More relevant in this connection is a snippet of information which Cicero provides at *In Verrem* II.5.128, when he returns to the broader theme of the maltreatment of the Sicilians; and this time Cicero does direct the jurors explicitly to look upon Verres’ victim:

*aspicite, aspicite, iudices, squalorem sordisque sociorum! Sthenius hic Thermitanus cum hoc capillo atque veste, domo sua tota expilata, mentionem tuorum furtorum non facit.*

Look, gentlemen, look at the dirty and dishevelled condition of our allies. This is Sthenius of Thermae; this his hair, his clothing. His home has been completely ransacked; yet he makes no mention of your thefts.

Wearing customary squalid garb, Sthenius makes a powerful visual play for the jury’s sympathy.<sup>29</sup> Meanwhile, the alliteration on *s* (*squalorem sordisque sociorum*) hits the ear with the hiss of a disapproving voice: pity for Sthenius is thus combined with anger at Verres. And, just as Demosthenes had closed his story of Straton with the maxim “No one deserves pity if he pities no one,” so Cicero appears to recycle the expression at the beginning of *In Verrem* II.5.21, when he turns to Verres and states: “I might easily show that by your cruelty towards other men you have barred all ways for the judges to take pity on you” (*facile ostendam tua crudelitate in alios omnis tibi aditus misericordiae iudicum iam pridem esse praeclosos*).

<sup>29</sup> For the appeal to pity by appearing *squalidus* see Quint. *Instit.* 6.1.30; cf. M. Winterbottom, “Perorations,” in *Cicero the Advocate* 220–221.

*Memories of Meidias*

Cicero approached *Against Meidias*, as we do, as a reader of Demosthenes' speech and not as a participant of the drama. Yet the power of the Straton scene and its transferability to the context of the Roman courts, where such pity parades were a recognized form of forensic appeal, made it an appropriate model around which to construct his narrative of Verres' victims.<sup>30</sup> Thus, the figure of the silent Sthenius surely worked as a piece of courtroom drama, to evoke anger and pity, just as scholars have long noted that the appearance of Straton on the *bema* was a masterstroke on Demosthenes' part. And so, one explanation for the similarities we have seen between the Ciceronian and Demosthenic passages must simply be that the figure and the idea of a silenced witness worked equally well in both systems. However, the reworkings of the Straton episode are not stand-alone instances in Cicero's *Verrines*; rather, as I aim to demonstrate, they form part of a wider network of allusions whereby Verres is suggestively linked to Meidias.

We move now from the early dispute that saw the disfranchisement of Straton into the wider narrative of the speech, which seeks to expand the account of the single punch suffered by Demosthenes into a complete portrait of Meidias as an unprincipled, arrogant, and anti-democratic rogue—a man who is a threat to all citizens, as well as to the laws and values that bind the *polis* together. One passage that has received a lot of attention in this context is Demosthenes' denunciation of how Meidias spent his money on luxurious goods as opposed to services to the state (21.158):

τίς οὖν ἐστὶν ἡ λαμπρότης, ἢ τίνες αἱ λειτουργίαι καὶ τὰ σεμνὰ ἀναλώματα τούτου; ἐγὼ μὲν γὰρ οὐχ ὀρώ, πλὴν εἰ ταῦτά τις θεωρεῖ· οἰκίαν ᾠκοδόμηκεν Ἐλευσίνοι τοσαύτην ὥστε πᾶσιν ἐπισκοτεῖν τοῖς ἐν τῷ τόπῳ, καὶ εἰς μυστήρια τὴν γυναῖκα ἄγει,

<sup>30</sup> At *Part.Or.* 57 Cicero tells us that the downfall of a formerly prosperous man was a highly effective theme in emotional appeals; cf. *Inv.* 1.107, where he lists under the fourth topic all circumstances which are unworthy of a man's age, birth, fortune, or former honours or services, as well as the disasters they have suffered.

κᾶν ἄλλοσέ ποι βούληται, ἐπὶ τοῦ λευκοῦ ζεύγους τοῦ ἐκ Σικυῶνος, καὶ τρεῖς ἀκολούθους ἢ τέτταρας αὐτὸς ἔχων διὰ τῆς ἀγορᾶς σοβεῖ, κυμβία καὶ ῥυτὰ καὶ φιάλας ὀνομάζων οὕτως ὥστε τοὺς παριόντας ἀκούειν.

So what is his distinction? Or what are his liturgies and his lavish expenditures? I cannot see them—unless one looks at these items: the mansion he has built at Eleusis which is so big that it overshadows all his neighbours; he drives his wife to the Mysteries, or anywhere else that she wishes, with a pair of white horses he got from Sicyon; he struts through the market place accompanied by three or four henchmen identifying cups and drinking horns and chalices loudly enough for the passers-by to hear.

The jury are not only meant to envy Meidias in this passage; they are meant to resent his public and ostentatious displays of wealth.<sup>31</sup> Meidias sets himself above the egalitarian principles and collaborative values of the *polis*; in Demosthenes' hands, Meidias is cast outside the accepted way of life to isolate him from the body of citizens.<sup>32</sup> He is not a man the jury should wish to save for their city,<sup>33</sup> and he is certainly not one they should admire.<sup>34</sup> As the scholia on this passage already observed, his behaviour was that of a tyrant and it transgressed the norms of

<sup>31</sup> On the emotional aspects of this passage see E. Sanders, *Envy and Jealousy in Classical Athens: A Socio-psychological Approach* (Oxford 2014) 91–93; D. Spataras, “The Mind’s Theatre: Envy, Hybris and Enargeia in Demosthenes’ *Against Meidias*,” in S. Papaioannou et al. (eds.), *The Theatre of Justice: Aspects of Performance in Greco-Roman Oratory and Rhetoric* (Leiden 2017) 201–222, esp. 216–221. For an analysis of this passage in the context of democratic institutions and civic ideology see P. Wilson, *The Athenian Institution of the Khoregia: The Chorus, The City and the Stage* (Cambridge 2000), esp. 175–178.

<sup>32</sup> On this aspect, with a focus on Meidias’ *asebeia*, see E. Eidonow, “Ancient Greek Religion: ‘Embedded’ ... and Embodied,” in C. Taylor et al. (eds.), *Communities and Networks in the Ancient Greek World* (Oxford 2015) 54–79, esp. 74–77.

<sup>33</sup> For this idea see M. M. Markle, “Jury Pay and Assembly Pay at Athens,” in P. Cartledge et al. (eds.), *CruX: Essays Presented to G. E. M. de Ste. Croix (History of Political Thought 6 [1985])* 265–297; repr. in P. J. Rhodes (ed.), *Athenian Democracy* (Oxford 2004) 95–131, esp. 118–119.

<sup>34</sup> A possibility dismissed by Demosthenes at 21.159.

the *polis*;<sup>35</sup> Meidias thus represented a threat to the very idea of citizenship, and by extension, democracy itself.<sup>36</sup>

Behind this serious point, however, lies a strong element of mockery—a joke at Meidias' expense as he exemplifies the exact behaviour later lampooned in Theophrastus' caricature of the 'boastful man' (*Char.* 23.2–9). In other words, Demosthenes sought to expose Meidias' pretensions for what they were. And it was arguably this point, not the theme of wealth *per se*, which suggested itself to Cicero, whose audience would have held different assumptions. Indeed, for the Roman senatorial elite, a man's property and wealth often contributed to his public status or *existimatio*, and so conspicuous displays of consumption were not in themselves frowned upon.<sup>37</sup> But what did matter to a Roman audience was that a man's wealth had been properly acquired;<sup>38</sup> topics for *ad hominem* attacks further included gluttony, avarice, and pretentiousness, as well as arrogance (*superbia*) under the more general heading of aspiring to *regnum*.<sup>39</sup> Thus, Cicero depicts Verres as a man who is ostentatious of his wealth, and one who desperately seeks a reputation as connoisseur. In the following passage, Verres makes a conspicuous show of admiring Sisenna's silverware, just as Meidias had voiced his appreciation

<sup>35</sup> Schol. Dem. 21.158 (537 Dilts); cf. schol. 21.200 (666 Dilts). Cf. P. J. Wilson, "Demosthenes 21 (*Against Meidias*): Democratic Abuse," *PCPS* 37 (1991) 164–195, esp. 184.

<sup>36</sup> J. Ober, *Mass and Elite in Democratic Athens* (Princeton 1989) 207–211.

<sup>37</sup> A classic discussion is T. P. Wiseman, "Conspicui postes tectaque digna deo: The Public Image of Aristocratic and Imperial Houses in the Late Republic and Early Empire," in *L'Urbs: espace urbain et histoire* (Rome 1987) 393–413; repr. Wiseman, *Historiography and Imagination: Eight Essays on Roman Culture* (Exeter 1994) 98–115.

<sup>38</sup> A famous statement of this idea can be found at Cic. *Off.* 1.150–151. For further discussion see M. Finley, *The Ancient Economy* (London 1985), esp. 35–41; for an expanded restatement of Finley's views with recent bibliography see S. Swain, *Economy, Family, and Society from Rome to Islam* (Cambridge 2013), esp. 147–174.

<sup>39</sup> These are the categories of modern scholars; see C. Craig, "Audience Expectations, Invective, and Proof," in *Cicero the Advocate* 187–213 (190 for previous scholarship).

at the array of drinking vessels in the marketplace (II.4.33):

*at ita studiosus est huius praeclarae existimationis, ut putetur in hisce rebus intellegens esse, ut nuper—videte hominis amentiam: posteaquam est comperendinatus, cum iam pro damnato mortuoque esset, ludis circensibus mane apud L. Sisennam, virum primum, cum essent triclinia strata argentumque expositum in aedibus, cum pro dignitate L. Sisennae domus esset plena hominum honestissimorum, accessit ad argentum, contemplari unum quidque otiose et considerare coepit.*

But he is so fond of this precious reputation, to be thought of as an expert in such matters, that just the other day—mark the man's madness: after the adjournment of the trial, when he was already pretty much dead and done for, at an early stage in the circus games, when the dining couches were set and the silver plate was laid out in the house of our honoured fellow-citizen Lucius Sisenna, and Lucius Sisenna had a houseful of highly distinguished guests as befitted a man of his rank, Verres went up to the silver and leisurely began to survey and study one piece after another.

Yet the danger posed by men like Meidias and Verres is not simply that they over-estimate their own importance; their extravagance comes at the direct expense of everyone around them. Elsewhere, for example, Demosthenes embeds his criticisms of Meidias' lifestyle within a larger-scale attack on his claim to have served his city (21.133):

καίτοι πότερ' εἰσὶν ὄνειδος, ὦ Μειδία, τῇ πόλει οἱ διαβάντες ἐν τάξει καὶ τὴν σκευὴν ἔχοντες ἦν προσήκε τοὺς ἐπὶ τοὺς πολεμίους ἐξιόντας καὶ συμβαλουμένους τοῖς συμμάχοις, ἢ σὺ ὁ μὴδὲ λαχεῖν εὐχόμενος τῶν ἐξιόντων ὅτ' ἐκληροῦ, τὸν θώρακα δὲ οὐδέπω ποτ' ἐνδύς, ἐπ' ἀστράβης δὲ ὀχοῦμενος ἀργυρᾶς, χλανίδας δὲ καὶ κυμβία καὶ κάδους ἔχων, ὧν ἐπελαμβάνοντο οἱ πεντηκοστολόγοι;

But which was the real disgrace to the city, Meidias: the men who crossed to Chalcis in good order, and with equipment appropriate for facing the enemy and supporting our allies; or you, who prayed you might draw a blank when taking lots for the expedition, who not once put on a breast-plate, who rode on a silver mule-chair, taking your cloaks and cups and wine-jars, which the tax-collectors tried to seize?

In similar fashion, Cicero mocks Verres' manner of making

journeys—“the most arduous of military duties” (*maximus est in re militari*, II.5.26)—to underscore his unsuitability for public office, as well as to refute his claim to have defended Sicily (II.5.27):<sup>40</sup>

*ut mos fuit Bithyniae regibus, lectica octaphoro ferebatur, in qua pulvinus erat perlucidus Melitensis rosa fartus; ipse autem coronam habebat unam in capite, alteram in collo, reticulumque ad naris sibi admovebat tenuissimo lino, minutis maculis, plenum rosae.*

Just as the custom had been for the old Bithynian kings, he travelled on a litter carried by eight bearers, in which there was a gleaming Maltese cushion stuffed with rose petals; whilst he himself had one garland on his head and another round his neck, and he used to put to his nose a little net-bag, of the finest linen and delicate mesh, full of rose petals.

The mule-chair (ἄστράβη) on which Meidias rides appears, in other sources, to have been more frequently used by women or invalids,<sup>41</sup> while his luxurious woollen cloaks (χλαονίδες) and other accoutrements show that he “lacked the toughness of the hoplite.”<sup>42</sup> In Verres’ case, the Bithynian litter represents his inappropriate luxury,<sup>43</sup> while the roses, cushions, and garlands emphasize his lack of manly courage. As Meidias’ preferred method of travel serves to underscore his effeminacy and self-indulgence,<sup>44</sup> so too Verres is made to stand in antithesis to the

<sup>40</sup> At II.5.1–4 Cicero tells us that Verres’ defence team planned to make much of Verres’ military achievements, which were perhaps not as insignificant as Cicero would have us believe: Verres seems to have protected Sicily with some success during the Spartacan revolt (Sall. *Hist.* 4.32, cf. Flor. 2.8.13).

<sup>41</sup> References in MacDowell, *Against Meidias* 351.

<sup>42</sup> J. Roisman, “The Rhetoric of Courage in the Athenian Orators,” in R. Rosen et al. (eds.), *Andria: Studies in Manliness and Courage in Classical Antiquity* (Leiden/Boston 2003) 127–143, esp. 136–141 (quotation at 139).

<sup>43</sup> For the Bithynian litter see Catull. 10, cf. Gell. *NA* 10.3.5; as a “cliché of inappropriate luxury,” see C. E. W. Steel, *Cicero, Rhetoric, and Empire* (Oxford 2001) 22–47, esp. 26.

<sup>44</sup> Thus H. Erbse, “Über die Midiana des Demosthenes,” *Hermes* 84 (1956) 135–152; repr. and rev. in Erbse, *Ausgewählte Schriften zur klassischen Philologie* (Berlin 1979) 412–431.

Roman ideal of *virtus*.<sup>45</sup> Such displays of effeminacy and consumption, however, were also the sort of behaviour that triggered images of the tyrant: Demosthenes had already achieved this effect in his portrait of Meidias.<sup>46</sup> For, in Greek thought, the tyrant was a “consumer,” a man whose immoral life “encompassed the gamut of excesses”—an image which was readily adopted and adapted into Roman thought and discourse on provincial government.<sup>47</sup> Hence these passages are not put in as gratuitous invectives, but precisely because Cicero wants his Roman audience to believe that Verres’ character (as evinced by his general way of life) proves the likelihood of the accusations against him.<sup>48</sup>

But was Cicero’s presentation of Verres intended to recall Meidias personally, in addition to drawing on shared ideas of luxury and tyranny? In other words, as we saw in the case of Pliny, was Cicero too aiming “to imitate and follow” Demosthenes’ *Against Meidias*? And, if so, was Cicero hoping that at least some of his audience might make the connection? We might note here that Cicero’s text works well enough without a knowledge of Demosthenes; and, in fact, a large proportion of Cicero’s audience would not have been particularly familiar with his Attic model. Yet, a further hint that Cicero himself had Demosthenes’ speech in mind as he composed the *Verrines* might be adduced from the opening lines of *In Verrem* II.1, where the syntactic construction openly mirrors the first sentence of *Against Meidias*:

<sup>45</sup> At II.5.5 Cicero questions Verres’ claim to this quality: “What are you going to say? That Sicily was liberated from a slave war by your *virtus*?” (*quid dicis? an bello fugitiuorum Siciliam virtute tua liberatam?*).

<sup>46</sup> The point is made by the scholia on *Against Meidias* (see n.35 above), while Cicero explicitly comments on his opponent’s tyrannical ways, e.g. at II.4.123. On Verres as both effeminate and tyrannical see T. D. Frazel, *The Rhetoric of Cicero’s “In Verrem”* (Göttingen 2009) 182–184.

<sup>47</sup> Thus D. Braund, “The Governor and his Entourage in the Self-image of the Roman Republic,” in R. Laurence et al. (eds.), *Cultural Identity in the Roman Empire* (London 1998) 10–24.

<sup>48</sup> On this link between ‘character’ and action see A. M. Riggsby, “The Rhetoric of Character in the Roman Courts,” in *Cicero the Advocate* 165–185, esp. 183 for Cicero’s ethical strategies in *In Verrem*.

*neminem vestrum ignorare arbitror, iudices, hunc per hosce dies sermonem vulgi atque hanc opinionem populi Romani fuisse, C. Verrem altera actione respondurum non esse neque ad iudicium adfuturum.*

Not one of you, judges, I think, is unaware that throughout these last days it has been the common talk and the belief of the Roman people that Gaius Verres would not put up a defence in the second hearing and that he was not intending to appear in court.

τὴν μὲν ἀσέλγειαν, ᾧ ἄνδρες δικασταί, καὶ τὴν ὕβριν, ἧ πρὸς ἅπαντας ἀεὶ χρῆται Μειδίας, οὐδένα οὐθ' ὑμῶν οὔτε τῶν ἄλλων πολιτῶν ἀγνοεῖν οἴομαι.

Not one of you, members of the jury, nor any of the other citizens, I suppose, is unaware of the brutality and the insolence with which Meidias always treats everyone alike.

In both passages a verb of thinking in the first person (*arbitror* / οἴομαι) has been combined with an infinitive expressing the impossibility of ignorance (*ignorare* / ἀγνοεῖν) among the audience (using partitive genitive constructions *neminem vestrum* / οὐδένα οὐθ' ὑμῶν οὔτε τῶν ἄλλων πολιτῶν). However, whereas Demosthenes refers to the notorious brutality (ἀσέλγεια) and insolence (ὕβρις) of Meidias, Cicero has transferred the context to refer to the common talk that Verres was not going to turn up for his trial; for *his* brutality and arrogance were so well known after the first hearing, he intimates, that the only question mark left was whether he would appear for the second. In so doing, Cicero has not only put a clever spin on the opening line of Demosthenes' *Against Meidias*; he has cleverly evoked his model with a verbal echo.

Cicero could not, of course, have expected his audience to recognize a reference to Demosthenes from four words only; indeed, his spin on the opening words of *Against Meidias* would be meaningful only to a much smaller and selective band of readers. Rather, my point here is simply to demonstrate that Demosthenes' speech has left a conspicuous stamp on the *Verrines* so that we might probe the meaning and function of the wider parallels to be drawn between Meidias and Verres. For, returning to the live arena of the courts, we still need to explain how Cicero might have used his Demosthenic model as material to exploit

as part of his larger rhetorical strategy in the *Verrines*, and from there to re-evaluate Cicero's debt to Demosthenes.

To describe the kind of phenomenon I have in mind, we might fruitfully take our cue from the burgeoning field of memory studies. For in studies of memory, historians and social psychologists place a special emphasis on 'schema'—a cognitive framework that helps organize and interpret information by a process of simplifying and categorization. As Burke explains, "the schema is associated with the tendency to represent—and sometimes to remember—a given event or person in terms of another."<sup>49</sup> Memory is thus based on networks or interconnections in the brain, so that general characteristics are associated with certain types of character, each creating a distinct schema which, in turn, has its own part to play in the formation of more complex schemata. Through these neural networks, patterns of expectation are triggered whenever we happen upon people or situations we have previously experienced or recall, thus creating stereotypes and prejudices that are hard to resist, as well as providing a diagnostic tool for interpreting present encounters.

A comparable recourse to such schemata might be found in Cicero's allusions to comedy in his speeches, where he often casts his clients and opponents in a variety of stock dramatic roles.<sup>50</sup> Admittedly, allusions to a performed genre are necessarily of a different sort to those found in a specific text. Yet what these examples demonstrate is that allusions in Cicero's speeches were above all concerned with the creation of recognizable character types and behaviours, or 'person schemata', as we might prefer to call them.<sup>51</sup> Thus, a similar approach may help us understand

<sup>49</sup> P. Burke, *Varieties of Cultural History* (Ithaca 1997) 49.

<sup>50</sup> For the use of comedy in a number of Cicero's speeches see K. A. Geffcken, *Comedy in the Pro Caelio* (Leiden 1973); A. Vasaly, "The Masks of Rhetoric: Cicero's *Pro Roscio Amerino*," *Rhetorica* 3 (1985) 1–20; L. A. Sussman, "Antony as a *miles gloriosus* in Cicero's *Second Philippic*," *Scholia* 3 (1994) 53–83; J. J. Hughes, "Invective and Comedic Allusion: Cicero, *In Pisonem*, fragment 9 (Nisbet)," *Latomus* 57 (1998) 570–577.

<sup>51</sup> The phrase 'person schemata' is used by social psychologists to describe

why the figure of Meidias at times looms so large behind Cicero's portrait of Verres.

Meidias, we have seen, was an arrogant, rich, and insolent bully, who assaulted anyone who got in his way. He flaunted the laws, using his wealth and influence to ruin his less powerful opponents; sometimes he behaved like a tyrant and at other times he exhibited the opposite of aristocratic manly virtues. In presenting his case against Meidias, Demosthenes had asked that it serve as an example to his fellow-citizens to take legal action against hubristic men (21.76), yet his speech was also read and learned by scores of later schoolboys, a process which in turn played a fundamental role in the storage and transmission of schemata.

My argument here is that the characterization of Meidias was certainly vivid and memorable enough to serve as a person schema for the prototypical rich, hubristic man, and that some, if not a significant number, of Cicero's all-senatorial jury would have encountered Demosthenes' *Against Meidias* during their rhetorical education. Thus, if Cicero perceived and ordered his presentation of Verres along the lines of well-known schemata, for those who saw the similarities, memories of Meidias arguably provided a frame of reference through which the actions of Verres could be swiftly channelled and interpreted.<sup>52</sup> The crucial point, then, was not to draw a full and direct comparison to his Greek model; more simply, echoes of Demosthenes' famous

the configurations of personality traits which we use to categorize people and to make inferences about their behaviour.

<sup>52</sup> One might object that such a use of Attic oratory could hint at the sort of studied artificiality the orator needed to avoid. Yet, as studies on the use of dramatic allusions in oratory have shown, provided there were sufficient factors to lend credibility to an orator's portrait of his opponent—e.g. factual details, coherence of narrative, structural proceedings, etc.—such allusions could simply provide the finishing touches. For this idea see e.g. G. O. Rowe, "The Portrait of Aeschines in the *Oration on the Crown*," *TAPA* 97 (1966) 397–406.

speech might be taken to suggest that Verres was *like* the Meidias of Demosthenes 21.<sup>53</sup>

*Cicero's 'debt to Demosthenes' reconsidered*

Cicero's use of *Against Meidias* represents only a fraction of the evidence available for exploring his debt to Demosthenes, as well as to the larger corpus of canonical Attic orators.<sup>54</sup> Yet Pearson's comment still stands true after fifty years. To demonstrate that Cicero is 'imitating' or 'borrowing' from his predecessor's speeches, "[t]he only way to build up any real case is by multiplying instances,"<sup>55</sup> as I have attempted to do by focusing on the importance of Meidias and the mute witness of Dem. 21.83–100 to Cicero's presentation of Verres and his victims. As we have seen, Cicero cannot have expected everyone to recognize his allusions to Demosthenes; from interested passers-by to his Sicilian supporters to the jury to whom he envisaged delivering this speech, there was potentially a vast range of backgrounds represented in his audience. Still, it enriches our understanding of Cicero's strategy, and makes our interpretation of the speech more provocative and rewarding, if we stop to consider the rhetorical effect of the allusions. Besides, if the implications of this study have any value, the methodology which has produced them may be more broadly applicable to further readings of Cicero's speeches.

So, how might memories of Meidias have helped Cicero's case in the *Verrines*? There is perhaps no one answer. But, on a basic level, the division of the audience into two camps—those who were familiar with the Demosthenic text and those who were not—was a difference which Cicero could potentially exploit. For those who did not recognize the model, the speech could still be appreciated 'straight', and they would probably be swayed by

<sup>53</sup> The kind of 'interpretative leap' I have in mind is further articulated in L. Edmunds, *Intertextuality and the Reading of Roman Poetry* (Baltimore 2001) 99 n.18.

<sup>54</sup> On Cicero's debt to a wider repertoire of Attic oratory in the *Verrines* see K. Tempest, *Prosecution Techniques in Cicero's Verrines* (diss. Royal Holloway, University of London, 2006).

<sup>55</sup> Pearson, *Pacific Coast Philology* 3 (1968) 54.

it as such. Meanwhile, for knowledgeable audiences, spotting the references would presumably provide a source of satisfaction and an extra layer to Cicero's speech; audiences tend to feel flattered by, and hence well-disposed towards, those who take their learning for granted.

The implication in this observation is that Cicero's use of pastiche is productive and not merely a borrowing or imitation. Even though there was no standardization in ancient education, connections were there to be made, and by and large Cicero could expect some of his contemporaries to make them.<sup>56</sup> In so doing, Cicero could activate what Pierre Bourdieu has termed "academic capital"—the rich repository of knowledge with which educated Romans distinguished themselves from their less-privileged counterparts.<sup>57</sup> Thus Cicero could hope both to flatter the intelligence of his knowledgeable listeners whilst also projecting his own ethos as a man of culture and learning.<sup>58</sup>

Yet for those members of the jury who could see the connections between Meidias and Verres, Cicero could also deploy the Meidias paradigm at a higher allusive level. For Cicero draws on precisely the same nexus of ideas in his presentation of Verres as Demosthenes had in the case of Meidias: a conceptual framework that focuses on the opponents' contempt for the less

<sup>56</sup> Compare the ease with which Cicero inserts and expects his contemporaries to recognize Greek and Latin allusions in his letters; discussion and references in P. White, *Cicero in Letters: Epistolary Relations of the Late Republic* (Oxford 2010), esp. 104–115; another good treatment considering connections between texts is G. O. Hutchinson, *Greek to Latin: Frameworks and Contexts for Intertextuality* (Oxford 2013).

<sup>57</sup> P. Bourdieu, *Distinction: A Social Critique of the Judgement of Taste* (London 1984; rev. ed. 2010) 9, 14–15, where he treats the "academic capital" gained by schooling as a part of the "cultural capital" inherited from family; on its applicability to Cicero's speeches see S. Goldberg, *Constructing Literature in the Roman Republic: Poetry and its Reception* (Cambridge 2005), esp. 95–96.

<sup>58</sup> Cf. Frazel's argument that Greek progymnastic material can be detected behind Cicero's argumentative choices, and that recognition of the commonplaces may have served to display "Cicero's cultural capital to the cognoscenti" (*Cicero's Rhetoric* 233).

powerful members of society, as well as on their misuse of wealth.<sup>59</sup> A key difference was that Verres' victim was not a fellow citizen, as Straton had been, but a Sicilian Greek—a man for whom it might otherwise have been difficult to obtain pity. On the opposing side was Verres, well-known to and supported by many in the senate; his defence team even included the consul-elect Hortensius, Rome's foremost advocate at the time.<sup>60</sup> Clear-cut boundaries of victim and villain thus needed to be established and it is here that the figure of Meidias could usefully be evoked, both to alienate Verres, who takes his place alongside the worst kind of Greek, as well as to shame those members of the senate who supported him.

In so doing, Cicero hammered home complaints that went straight to the heart of the senatorial order, whose monopoly of the courts was being challenged at the time of the trial.<sup>61</sup> In the opening lines of *In Verrem* I Cicero had already referred to the common belief that Verres would not be found guilty by a senatorial jury (I.1); Verres, he claimed, had amassed enough money in his three years as governor not only to feather his own nest, but to provide for his friends and advocates, as well as to 'buy' his judges (I.40). In this context, the figure of Meidias—and specifically the case of the mute witness—serves one further function for understanding Cicero's persuasive techniques. For, whereas in the trial of Meidias the gaze of the jurors and citizens had been directed at Straton to evoke pity, anger, and fear—a warning that, should Meidias be acquitted, the same thing could happen to *them*—in the case of the *Verrines* there was the added value of the people watching the *jury*. Pity and anger on the part

<sup>59</sup> I adapt this idea of a conceptual framework from Spatharas, in *The Theatre of Justice* 215.

<sup>60</sup> See *Verr.* I.18–37 on the support for Verres shown by Hortensius and some of the Metelli.

<sup>61</sup> For an overview of the key ways in which Cicero exploits the political circumstances surrounding the trial, especially in *In Verrem* I, see C. Neumeister, *Grundsätze der forensischen Rhetorik gezeigt an Gerichtsreden Ciceros* (Munich 1964) 35–46; cf. A. Vasaly, "Cicero, Domestic Politics, and the First Action of the *Verrines*," *CLAnt* 28 (2009) 101–137.

of the audience would have hence been combined with a pressing sense of duty, and perhaps some uncomfortable seat shuffling on the jurors' benches. For, if they allowed witnesses to be prevented from attending, speaking, or being effectively heard in court, what did that say about their own competence to administer justice?

To this question, Cicero had a simple and effective answer: the extortion court had been established for Rome's allies, he tells them, and it was their grievances to which the jurors were bound to listen (II.1.15). Thus, Cicero placed his witnesses on center stage during the trial, so that Sthenius, like Straton before him, served as a visual reminder to resist the power and influence of hubristic men. It was a stunt that Cicero surely intended to work on the emotions of all his audience. But for those who remembered the case of Meidias, it was a potent and dramatic scene, made even more effective by a shared appreciation of Demosthenes.<sup>62</sup>

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