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Agonalität in der politischen Kultur des antiken Rom

Herausgegeben von  
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## Losing to Cicero

### Asinius Pollio and the Emergence of New Arenas of Competitive Eloquence under Augustus

MATTHEW ROLLER

It may seem perverse to label Asinius Pollio a 'loser' in any way. Born in 76 BCE, he was a Caesarian commander in the early 40s, partisan of Antony and Octavian after 44, and consul in 40. As proconsul of Macedonia in 39 he subdued a revolt among the Parthini in Illyricum and celebrated a triumph over them. He then 'retired' from public life, famously sitting out the Actian war between Octavian and Antony. Though his public career fell well short of Pompey's, Caesar's, Octavian's, or Antony's in terms of the prestige of the offices he held and his achievements as a military commander, it was nevertheless a highly distinguished career by the standards of the late republic: should one compare him to Cicero, for example, Pollio was consul younger (age 36, against Cicero's 43), held a far more important proconsulship (Macedonia rather than Cilicia), and could point to concrete evidence for his virtuosity as a military commander, having been granted a triumph such as Cicero desperately craved (and did not attain). Pollio then lived long as a grandee under Augustus, gaining prominence for his history writing, his connection to and patronage of Horace and Vergil, and – most importantly for my purposes – for his achievements in various arenas of eloquence. He died in 4 CE. His son Asinius Gallus, on whom we will also touch, was a leading senator in the reign of Tiberius. Gallus married Vipsania Agrippina in 12 BCE, after Tiberius was compelled to divorce her. The couple produced several sons who, besides being half-brothers to Tiberius' own son and designated successor Drusus, became leading senators of the next generation. From Pollio's daughter, who married a Claudius Marcellus, emerged a line of Asinii Marcelli who were prominent into the Antonine age.<sup>1</sup> This is the 'loser' under discussion in this chapter.

Here is the respect in which deeming Asinius Pollio a 'loser' may be helpful, if provocative. Cicero, within just a few years of his death in 43 BCE, came to be widely accepted as representing the supreme exemplar of oratorical virtuosity: the standard of success against which all other orators were to be measured, and more

1 For the family see Oliver 1947.

importantly still, the chief stylistic model for aspiring orators to emulate. The reasons for this development are complex, but one key cause is the institutionalization of Cicero's speeches at the heart of the rhetorical curriculum that was taught to all adolescent aristocrats, during their teenage years, in the schools of the *grammaticus* and the *rhetor*. Students were likely studying and emulating Cicero's speeches even in his own lifetime, so their establishment at the core of the rhetorical curriculum in the decades following his death is but the continuation of this development.<sup>2</sup> By the Augustan era, which encompassed the entire second half of Pollio's long life, Cicero was routinely said to be preeminent among or superior to other orators of his own and the subsequent generation. Similar affirmations can be found in authors of the first century CE and into the second, as we will see in passages from Pliny, Tacitus, Suetonius, and Gellius. Pollio is commonly named as being among the orators of Cicero's own or the subsequent generation whom Cicero supposedly outshone, and he is generally said or implied to stand *just behind* Cicero. And this is precisely where Pollio 'loses:' not by being out-competed by Cicero in live, head-to-head oratorical clashes while both lived – indeed, there is no evidence that the two ever advocated opposing sides in a court case, or sparred in the senate<sup>3</sup> – but in the hardening of the conventional ranking of orators with Cicero as the acme, a ranking both verbally asserted in the express judgments of subsequent generations of orators and teachers, and institutionalized in rhetorical curricula. And this conventional ranking, again, consolidated and became entrenched during Pollio's lifetime, as he watched. That Pollio manifestly outcompeted and surpassed Cicero in his public career, at least by 'normal' late Republican measures, seems (interestingly enough) to be entirely beside the point: it is Cicero the orator and author about whom subsequent generations cared, and it is in eloquence that Pollio himself either was forced or chose to compete. He competed largely unsuccessfully, as we shall see, in regard to forensic and deliberative oratory, but considerably more successfully in alternative arenas of eloquence, all but unknown to Cicero, which emerged prominently after Cicero's death, thanks in part to Pollio's own activities.

There is abundant evidence that Pollio resisted his relegation to second-tier status behind Cicero, and I will argue that he sought to contest this relegation in two distinct ways. First, he directly attacked Cicero and his reputation, in an apparent attempt to undermine the conventional view of Cicero's superiority and to shift opinion to his own advantage. He summoned a variety of judges, implicitly or explicitly, to

- 2 On the process and mechanics of the heroization of Cicero by the declaimers, see Kaster 1998. Cicero encourages his son Marcus to read his speeches in off. 1,3.
- 3 Born 30 years after Cicero, Pollio's rank in the senate even in the mid-40s BCE (tribunician rank from 47, praetorian rank from 45), combined with his general absence from Rome in 45–43, would not have allowed him to speak very influentially (if at all) in comparison to Cicero, who had been a consular for nearly two decades and was present in Rome during these years. We know nothing of court cases in which they both might have appeared. They did, however, exchange letters: Cic. fam. 10,31–33 are three letters of Pollio (in Spain) to Cicero, dating to April and June 43, which presumably responded to and/or elicited letters from Cicero to Pollio.

evaluate this competition, and generally failed to convince them of his greater merits. Second, and more interestingly, Pollio played a key role in pioneering or bringing to prominence new arenas of competitive eloquence to supplement and in part supplant the arenas in which Cicero himself had so excelled, but whose prestige and visibility were reduced under the Augustan dispensation. In these arenas Pollio fares better with the evaluators who judge the competitions in which he participates. Pollio's strategies here, if I am right, are not atypical of competitive situations. One may engage one's rival directly in the arenas of competition that are currently established, and attempt to win, in head-to-head competition, in the eyes of currently constituted judges and according to current rules of engagement. Alternatively, one may challenge the rules of engagement, or seek to shift the arenas of competition in directions that play to one's own strengths and enable one to appear in a better light to those who judge. This latter approach, I contend, is the one that brought Pollio more success.<sup>4</sup>

Let us begin by examining the conventional ranking of orators as it emerged and hardened from the Augustan age onward. As early as the 30s BCE, within a decade or less of Cicero's death, his oratory was being presented in some quarters as offering a uniquely superior standard which adolescent students, their teachers the *rhetores*, and other aspirants to eloquence should seek to rival. Seneca the Elder reports that the prominent *rhetor* and declaimer Cestius Pius, who was active in the 20s BCE and for a decade or two thereafter, wrote speeches against or countering certain famous speeches of Cicero. In particular he wrote an *in Milonem*, and required his students to study these replies he created in addition to the Ciceronian 'original.'<sup>5</sup> Indeed, the elder Seneca's collection pervasively demonstrates that Augustan and Tiberian declaimers were wont to quote, praise, parody, sometimes criticize, and generally operate with reference to Cicero as the polestar of Latin eloquence.<sup>6</sup> Authors of the next three generations seem to concur with this view, even as ever more orators come into consideration as potential rivals to Cicero's supremacy; a number of passages name a variety of orators in Cicero's or the next generation, including Pollio, but always in a way that explicitly or implicitly privileges the Ciceronian model.<sup>7</sup>

- 4 Hölkeskamp 2014, 43–44 (and *passim*, with further bibliography) discusses in brief the character of third-party judges and their 'rules' or criteria for ranking competitors; also the loser's strategy of challenging the fairness or legitimacy of the judges or rules, or to test (or transgress) the established boundaries of the competition in search of advantage.
- 5 Sen. cont. 3 pr. 14–17 (a story Seneca alleges to retail from Cassius Severus); also Quint. inst. 10,5,20. Sen. suas. 7,13 shows that Cestius was seeking to promote himself at Cicero's expense in the (probably) mid-20 BCE when M. Tullius Cicero *filis* was proconsul of Asia.
- 6 E.g., Kaster 1998, 252–54, though showing that the demonstrable reading of Cicero by the schoolmen and their students is rather small.
- 7 Vell. 2,36,2 makes Cicero the reference point for discussions about near-contemporary orators: *quis enim ignorat diremptos gradibus aetatis floruisse hoc tempore Ciceronem, Hortensium, antequam Crassum, Cottam, Sulpicium, moxque Brutum, Calpidium, Caelium, Calvum et proximum Ciceroni Caesarem, eorumque velut alumnos, Corvinum ac Pollionem Asinum...?* Also Plin. ep. 1,5,12–13 asserts simply that Cicero is his guiding light. Col. 1 pr. 30 credits others for attempting to match Cicero: *an Latiae musae non solos adytis suis Accium et Vergilium recepere, sed eorum et proximis et procul a secundis sacras concessere sedes? nec Brutum aut Caelium Pollionemve cum Messala et Calvo deterruere ab eloquentiae studio fulmina*

I am aware of two texts that directly and overtly compare Cicero to Pollio, both to the latter's disadvantage. One of these texts, from Quintilian, includes a well-known and oft-quoted passage: "Not undeservedly was Cicero said by his own contemporaries to 'reign' in the lawcourts, while among posterity he attained the result that 'Cicero' came to be held not as the name of a person but of eloquence. Therefore let us look to him; let this be the example set before us; and let a man know he has made progress when Cicero very much pleases him." Less well known, and not often quoted, is the sentence immediately following: "In Asinius Pollio there is much invention and the greatest care, to the point that it seems too much to some people; and plenty of planning and feeling; but he is so far from the sheen and agreeableness of Cicero that he could seem a century earlier."<sup>8</sup> Quintilian seems to be pointing specifically to a difference in style between Cicero and Pollio that, in his view, favors Cicero. In a second passage that directly compares these two orators, Seneca the younger asserts in general that oratorical composition may intentionally be made smoother or rougher (ep. 100,6). He then illustrates the contrast he means as follows (§ 7): "Read Cicero: his composition is unitary; he inflects his pace pliantly, and is supple without disgrace. In contrast, the composition of Asinius Pollio is uneven, jumpy, and prone to leave off where you least expect it. Consequently everything in Cicero comes to a close, but in Pollio breaks off, apart from a very few passages that are closely bound to a fixed meter or particular model."<sup>9</sup> The stylistic difference according to which Cicero and Pollio are contrasted seems to be 'Asian' vs. 'Attic,' terms that designate packages of contrasting qualities and values and around which a considerable amount of oratorical criticism in Roman antiquity is organized. Orators labeled 'Asian' supposedly display a style that is fuller, smoother, employing more varied, inventive, even florid vocabulary, attending closely to rhythmical features, and admitting of being judged approbatively as elegant, agreeable, and pleasing, and/or pejoratively as limp, lacking

*illa Ciceronis.* Quint. inst. 10,2,25 declares that one's chief model should not be one's only model: even while primarily following Cicero, one can also employ certain features of Caesar, Caelius, Pollio, and Calvus. Quint. inst. 12,11,28 asserts that everyone should aim to surpass the best that exists in one's own day, though falling a little short is no disgrace: *verum ut transeundi spes non sit, magna tamen est dignitas subsequendi. an Pollio et Messala, qui iam Cicerone arcem tenente eloquentiae agere coeperunt, parum in vita dignitatis habuerunt, parum ad posteros gloriae tradiderunt?* Similarly Tac. dial. 25,3-4: among the Greeks there was a leading orator (Demosthenes) in an age that, collectively, outshone the rest; so also among the Romans Cicero outshone Calvus, Asinius, Caesar, Caelius, and Brutus, even as this group as a whole defined a preeminent era.

- 8 Quint. inst. 10,1,112-13: *quare non immerito ab hominibus aetatis suae regnare in iudiciis dictus est [sc. Cicero], apud posteros vero id consecutus ut Cicero iam non hominis nomen sed eloquentiae habeatur. hunc igitur spectemus, hoc propositum nobis sit exemplum, ille se profecisse sciat cui Cicero valde placebit. multa in Asinio Pollione inventio, summa diligentia, adeo ut quibusdam etiam nimia videatur, et consilii et animi satis: a nitore et iucunditate Ciceronis ita longe abest ut videri possit saeculo prior.* Similar judgments on Pollio's style at Tac. dial. 21,7, with discussion by André 1949, 106-110.
- 9 Sen. ep. 100,7: *lege Ciceronem: compositio eius una est, pedem curvat lenta et sine infamia mollis. at contra Pollionis Asinii salebrosa et exiliens et ubi minime expectes relictura. denique omnia apud Ciceronem desinunt, apud Pollionem cadunt, exceptis paucissimis quae ad certum modum et ad unum exemplar adstricta sunt.*

in structure, and effeminate (hence Seneca's defensive statement "supple without disgrace"). Orators labeled 'Attic,' by contrast, display a style that is more compact and direct, simpler, employing more everyday language, eschewing ornament and elevated diction and rhythmical refinement, and admitting of being judged approbatively as 'manly' or pejoratively as harsh, even uncouth. I cannot discuss here all the stylistic and moral implications associated with this contrast, let alone summarize the ancient and modern debates focused on this terminological distinction. For current purposes it suffices to observe that Quintilian and Seneca, in the passages discussed above, align Cicero with the fuller style sometimes called 'Asian' and Pollio with the terser style sometimes called 'Attic,' and (in this case) evidently deem the former superior.<sup>10</sup>

Pollio vigorously contested this emerging hierarchy, seeking to derail the consolidation of Cicero's position as "the name of eloquence itself" (as Quintilian describes it). The elder Seneca is most explicit about Pollio's efforts. In the sixth *Suasoria*, whose theme is "Cicero deliberates whether to beg Antony's pardon", Seneca describes how various declaimers, orators, historiographers, and poets treated the topic of Cicero's death. Pollio in particular, Seneca says, "remained extremely hostile to the reputation of Cicero." He went so far as to allege in the published version of his speech *pro Lamia* that Cicero offered to burn his Philippics, or to abjure them and write and deliver speeches in the opposite vein, in order to save his own life. Of this and similar claims, Seneca remarks that no other declaimer said such things, and editorializes that "it was readily apparent that the whole thing was false" –indicating, incidentally, that Pollio's efforts did not persuade Seneca, at least, and likely few other readers.<sup>11</sup> Later

10 For the contrast, Quint. inst. 12,10,12–19; esp. § 16: *et antiqua quidem illa divisio inter Atticos atque Asianos fuit, cum hi pressi et integri, contra inflati illi et inanes haberentur, in his nihil superflueret, illis iudicium maxime ac modus deesset.* At § 12 Cicero is characterized (by detractors) as 'Asian.' At 10,2,17 Quintilian categorizes as 'Attic' those who imitate Thucydides and Sallust, as well as the *tristes ac ieiuni* who emulate Pollio; while the *otiosi ac supini*, who are more fulsome, deem themselves Ciceronian. In contrast, though without making this distinction explicitly, Plin. ep. 1,20,4 groups Cicero together with Caesar, Caelius, and Pollio as orators whose style is relatively fulsome, in contrast to the extreme brevity of the Gracchi and Cato. Earlier articulation of this distinction at Cic. Brut. 51; also Aug. *apud* Suet. Aug. 86,3. On these passages see Delarue 1982, 173–78 (and *passim* for an overview of the larger scholarly discussion). Gelzer 1979, 29–37 (and others) point out the typically pejorative implications of the words 'Asian' and 'Asianist' (in contrast to the approbative 'Attic' and 'Atticist'), but in the contrast of the fuller Cicero with the sparser Pollio the former is generally deemed to come off better. Other direct comparisons: Quint. inst. 1,8,11 ranks Cicero slightly above Pollio in the ornamental use of poetic quotations; conversely, at 6,1,21 he judges them equally effective users of certain themes. Similarly, Seneca the Younger (ep. 100,9) seems to place Cicero and Pollio together with Livy at the apex of one particular form of eloquence, the philosophical dialogue: for he concedes that Papirius Fabianus, a philosopher whose dialogues he admires, may stand as low as fourth in this genre behind these *tres eloquentissimi*.

11 Sen. suas. 6,14–15: *nam quin Cicero nec tam timidus fuerit ut rogaret Antonium nec tam stultus ut exorari posse eum speraret nemo dubitat, excepto Asinio Pollione, qui infestissimus famae Ciceronis permansit. et is etiam occasionem scholasticis alterius suasoriae dedit; solent enim scholastici declamitare: deliberat Cicero an salutem promittente Antonio orationes suas comburat. haec inepte ficta cuilibet videri potest. Pollio vult illam veram videri; ita enim dixit in ea oratione quam pro Lamia edidit. {ASINI POLLIONIS} 'itaque nunquam per Ciceronem mora fuit quin eiuraret suas quas cupidissime effuderat orationes in Antonium; multi-*

in the same *Suasoria* Seneca says that Pollio “alone among all the historians” gave a pejorative account of Cicero’s death in his history of the civil wars. Seneca does not quote any hostile narrative of Cicero’s death as found in Pollio’s history. He quotes at length, however, the post-mortem judgment that Pollio offers of Cicero’s overall achievement. In this post-mortem, Seneca declares, Pollio “praised Cicero in full, however unwillingly” – as if Pollio himself struggled to maintain his antagonistic stance toward Cicero. Seneca’s account here leaves the impression that no judge of this competition was persuaded to award the crown of eloquence to Pollio – indeed, even Pollio himself struggled to maintain his own case.<sup>12</sup>

Nor was it Pollio alone who resisted the canonization of Cicero as the acme of eloquence: his son, Asinius Gallus, seems to have inherited this campaign from his father. Suetonius reports that the future emperor Claudius wrote a youthful work entitled “defense of Cicero against the books of Asinius Gallus” – a work Suetonius calls “plenty learned” (*satis eruditam*).<sup>13</sup> Meanwhile, Quintilian reports that “both Asinii,” evidently meaning Pollio and Gallus, found fault with Cicero’s language “in a hostile manner, and in many places.”<sup>14</sup> Other texts flesh out Quintilian’s assertion. The younger Pliny tells of having encountered a work of Gallus comparing his father with Cicero, to the former’s advantage, and in which (says Pliny) Gallus described an erotic epigram that Cicero addressed to Tiro. Yet far from accepting Gallus’ assertion of Pollio’s superiority, or having his own estimation of Cicero negatively impacted by the alleged erotic epigram, Pliny takes the epigram as a model by which he authorizes himself (“because Cicero did it”) to write erotic epigrams of his own.<sup>15</sup> Aulus Gellius may preserve a sample of Gallus’ criticism addressing a point of style and usage. Gellius describes (17.1 *passim*) how Gallus and Larcus Licinus – himself, Gellius reports, the author of a work called *Ciceromastix*, “Cicero-whipper” – reprovved Cicero’s use of the verb *paenitet* in a particular passage of the *Pro Caelio* (17.1.4–8) But criticizing Cicero, Gellius suggests, is like warring with the gods, and such people can only be deemed *prodigiosi* and *vecordes*, “monstrous and mad.”<sup>16</sup> Indeed, in the sequel (17.1.9–

*plicesque numero et accuratius scriptas illis contrarias edere ac vel ipse palam pro contione recitare pollicebatur. adieceratque his alia sordidiora multo, ut ibi facile liqueret hoc totum ... falsum esse.*

12 Sen. suas. 6.24: *Pollio quoque Asinius, qui Verrem, Ciceronis reum, fortissime morientem tradidit, Ciceronis mortem solus ex omnibus maligne narrat, testimonium tamen quamvis inuitus plenum ei reddidit.* He then quotes the post-mortem evaluation containing this “unwilling praise.” Scholars have long suspected that Pollio’s criticisms of Cicero in his history or his speech *pro Lamia* form the basis of those found in the Pseudo-Sallustian invective against Cicero, in the speech against Cicero that Fufius Calenus delivers in Cassius Dio (46.1–28), and in Appian’s assessment of Cicero (BCiv. 2.15–16): see, e.g., André 1949, 95–97, Gabba 1957, 323–27, Haller 1967, 118–20.

13 Suet. Claud. 41.3: *composuit ... ‘Ciceronis defensionem adversus Asini Galli libros’ satis eruditam.*

14 Quintilian also notes here that Brutus and Calvus criticized Cicero’s *compositio*: *nec Cicero Bruto Calvoque* [sc. *videatur satis esse perfectus*], *qui certe compositionem illius etiam apud ipsum reprendunt, nec Asinio utriusque, qui vitia orationis eius etiam inimice pluribus locis insecuntur* (Inst. 12.1.22).

15 Plin. ep. 7.4.3; 6: *legebantur in Laurentino mihi libri Asini Galli de comparatione patris et Ciceronis. incidit epigramma Ciceronis in Tironem suum... cum libros Galli legerem, quibus ille parenti/ ausus de Cicerone dare est palmamque decusque, / lascivum inveni lusum Ciceronis...*

16 Gell. 17.1: *ut quidam fuerunt monstra hominum, quod de dis immortalibus impias falsasque opiniones pro-*

11) he himself refutes the particular objection that Gallus and Larcius raised. In the eyes of three judges of later eras, then – Claudius, Pliny, and Gellius – Cicero retains the crown for exemplary eloquence and linguistic mastery over Pollio, notwithstanding Gallus' efforts to argue the reverse.

The most striking example of Pollio battling the ghost of Cicero, and seeking to make room for himself to claim or to share the crown for Latin eloquence, appears once again in the elder Seneca. In the sixth *Suasoria*, continuing his account of how historians, declaimers, and poets handled the theme of Cicero's death, Seneca arrives at discussing the epic poet Sextilius Ena. He writes, "Ena was more clever than learned, an uneven poet... When he was going to recite this very proscription [that is, recite a poem on the death of Cicero] at the house of Messala Corvinus, he invited Asinius Pollio and began with a verse that gained some applause: 'I must lament Cicero and the silence of the Latin tongue.' Pollio did not take this well, but said, 'Messala, you see to what is at your discretion in your own house. But I am not going to listen to a man who thinks I am mute,' and with that he got up and left."<sup>17</sup> It is striking that this recitation, on this topic, is taking place before an audience that includes both Pollio and Messala, who in later times are sometimes paired as the leading lights of Latin eloquence in the generation after Cicero, albeit falling short of the Ciceronian standard.<sup>18</sup> In the current passage, Pollio is offended not only for himself, but suggests that Messala should be equally annoyed – invoking him as one who should judge the same way Pollio himself does. But whatever the outcome in this case, Pollio's objection surely did nothing to change the underlying dynamics (such as the curriculum in the rhetorical schools) that were, at this very time, inexorably entrenching Cicero as the acme of Roman eloquence. Seneca himself, in his description of the scene, noticeably fails to endorse Pollio's position: for he relates this story to demonstrate how Ena had improved, in his view, upon a similar but inferior verse in another epic poet, Cornelius Severus. Cornelius himself had written a treatment of Cicero's death in hexameters, and had previously recited this poem as work-in-progress, with Ena in the audience – hence he had heard and knew of the verse.<sup>19</sup> It is patent that Ena's verse, along (presumably) with the longer treatment of the theme that it itself introduced, participates in an already vibrant literary tradition including

*diderunt, ita nonnulli tam prodigiosi tamque vecordes exstiterunt, in quibus sunt Gallus Asinius et Larcius Licinus, cuius liber etiam fertur infando titulo Ciceromastix, ut scribere ausi sint M. Ciceronem parum integre atque inproprie atque inconsiderate locutum.*

17 Sen. suas. 6,27: *Sextilius Ena fuit homo ingeniosus magis quam eruditus, inaequalis poeta. ... is hanc ipsam proscriptionem recitaturus in domo Messalae Corvini Pollionem Asinium advocaverat et in principio hunc versum non sine assensu recitavit: 'deflendus Cicero est Latiaeque silentia linguae.' Pollio Asinius non aequo animo tulit et ait: 'Messala, tu quid tibi liberum sit in domo tua videris; ego istum auditorus non sum, cui mutus videor,' atque ita consurrexit.*

18 E.g., Col. rust. 1 pr. 30, Quint. inst. 12,11,28 (both quoted n. 7 above).

19 Corn. Sev. *apud* Sen. suas. 6,26,12: *conticuit Latiae tristis facundia linguae. 6,27: non fraudabo municipem nostrum [sc. Ena, from Corduba like the Annaei Senecae] bono versu, ex quo hic multo melior Severi Cornelii processit... Enae interfuisse recitationi Severum quoque Cornelium scio, cui non aequo displicuisse hunc versum quam Pollii apparet, quod meliorem quidem sed non dissimilem illi et ipse composuit.*

epic poetry and historiography (at least), and evidently developing in parallel with the generally laudatory 'death of Cicero' declamatory tradition that is elsewhere well-documented in the Elder Seneca's collection.<sup>20</sup>

A further dimension of the story about Sextilius Ena, Cornelius Severus, and Asinius Pollio is the prominence of the institution of recitation: for a recitation is where Ena heard Cornelius' poem, and where Pollio is hearing Ena's. The topic of recitation provides a convenient transition to the second part of my argument. For we pass now from considering the unsuccessful attempts by Pollio and his son Gallus to resist the canonization of Cicero as the exemplar of Latin eloquence over Pollio, and begin instead to examine the more interesting question of how Pollio helped to create, and then vigorously exploited to his own advantage, several new arenas for displaying and competing in eloquence in the Augustan age. By 'recitation' I mean the social practice whereby an author reads out a prepared but provisional text of his own work-in-progress to an audience – whether a small one consisting of invited friends and associates, or a larger, more 'public' one. From the audience the author seeks feedback and editing suggestions toward producing a polished, finished work for publication. This practice looms especially large in authors of the late first to early second century CE, particularly Martial, Pliny, Tacitus, Juvenal, Suetonius, and Plutarch. But as early as the 30s BCE we hear of poets reciting their work-in-progress either in 'private,' controlled spaces, or in public venues like auditoria, fora, and baths, where they could attract attention and, with luck, applause.<sup>21</sup> The key passage elucidating Pollio's role in the early development of recitation is once again in Seneca the Elder: he says, 'Pollio declaimed only to small audiences, but he was not lacking in the desire to please/gain support (*ambitio*) in his literary activities: in fact he was the first of all Romans to recite his writings to an invited audience.'<sup>22</sup>

Leaving aside declamation for the moment, which Seneca resumes discussing immediately after this sentence, we focus on the claim about Pollio's role in the development of declamation. Exactly what innovation Seneca is crediting to Pollio here is unclear. For certainly the reading-out of prepared texts before audiences is a practice much older than Pollio. To my eyes, however, the structure and rhetoric of this sentence as a whole implies the following: that Pollio's practice of declaiming only before *small* audiences is surprising only because his practice as a reciter was to invite *large*, more public audiences. Thus, we imagine him reciting his great historical opus, as well as his poetry and oratory, as works in progress, before large audiences, thereby demonstrating and performing his literary eloquence.<sup>23</sup> If this interpretation of Seneca is

20 The 'death of Cicero' declamations are cont. 7,2 and suas. 6 and 7. Discussion of the representation of Cicero in these exercises, the development of this declamatory tradition, and the students' embodiment of the roles these exercises make available, in Kaster 1998 and Roller 1997.

21 For these early recitations, see Hor. sat. 1,4,22–5; 73–8; epist. 2,1,219–23; ars 438–52; 470–6. Vergil reciting: Serv. in Aen. 4,323; 6,861; Gell. 6,20,1. Binder 1995, 269–75 discusses the origins of the practice.

22 Sen. cont. 4 pr. 2: *Pollio Asinius numquam admissa multitudine declamavit, nec illi ambitio in studiis defuit; primus enim omnium Romanorum advocatis hominibus scripta sua recitavit.*

23 So Dalzell 1955, 26–28, further suggesting that the *atrium Libertatis*, the library Pollio built from his

correct, Pollio is being credited with elevating the stature of literary recitation and making it more clearly into a venue for the display of and competition in eloquence. The large audience, whose members serve as judges of each reciter's performance, makes the difference; this is what changes the nature of the event. Seneca signals this shift by using the word *ambitio*, which frames Pollio's recitation practice as a kind of canvass or campaign for public office – as if he were asking his audience to vote for him, and as if the outcome of that vote would have civic consequences. Thus, Pollio's innovative arena of competition is reimagined by Seneca in the armature of one of the most significant traditional arenas of aristocratic competition – the competition for *honores*, elective office.

When Sextilius Ena recited at Messala Corvinus' house, the audience was probably not large, public, and indiscriminate, but was likely smaller and literarily distinguished (as the presence of Pollio, Messalla, and possibly Seneca himself as eyewitness, clearly suggests) – indeed, one wonders whether Ena was a lesser-known member, or perhaps a potential member, of the group of poets including Tibullus and others represented in the *corpus Tibullianum* whom Messalla promoted and supported. Yet even if Ena's was no 'public' recitation, as a reciter in this era he was engaging in a socioliterary practice that as a whole had been, or was currently being, shaped by Pollio's own innovations. Ena's conventional praise of Cicero may have been all the more galling to Pollio in this context: his (obviously tendentious) claim that Ena was omitting him from the ranks of the eloquent perhaps takes on special point if we understand recitation as an arena for the performance of eloquence that Pollio himself had taken special steps to develop. And indeed, while recitation takes on a much higher profile decades later, we can perhaps infer from peripheral indications its vibrancy even in this early period. For example, various later authors preserve critical comments by Pollio on Sallust, Caesar, Vergil, and Livy. These comments must have been transmitted in letters or other works Pollio wrote, but their origins may lie, at least in some cases, in the oral evaluative culture of the recitation – as in the case of Sextilius Ena – rather than in the assessment of these authors' published work.<sup>24</sup>

Declamation is another arena of eloquence in which Seneca represents Pollio as being deeply involved. Like recitation, declamation has roots reaching back at least to the early first century BCE. However, it acquired its distinctive form and terminology early in the Augustan age, and thereafter stood at the apex of Roman rhetorical education.<sup>25</sup> All male aristocrats practiced the chief exercises in their mid to late teens under the tutelage of the *rhetor*, and some retained an interest in this activity even

Illyrian booty, was *inter alia* an auditorium for recitations before large audiences.

24 Pollio's critical remarks on Sallust: Suet. gramm. 10,7; Gell. 10,26 (probably based on Sallust's published work). On Livy: Quint. inst. 1,5,56; 8,1,3 (probably based on recitations and oral interactions, if we accept that the *Patavinitas* Pollio ascribes to Livy refers to his accent and vocabulary). On Vergil: Serv. in Aen. 2,7; 6,554; 11,183 (either from recitation or from the published work). On Caesar: Charis. 1,134,3 Keil; Suet. Jul. 56,4 (based on published work). Discussion and collection of sources in André 1949, 87–101.

25 On declamation's 'prehistory' in the early to mid-first century BCE, see Roller 1997: 110 f.

into adulthood. It is this culture that Seneca the Elder's work documents. Declamation came in two forms. There is the *suasoria*, in which a literary or historical figure is represented as deliberating among two or more courses of action; the declaimer's task is to urge this figure to pursue one or another of these courses. Then there is the *controversia*, a fictive legal case that provides training in forensic oratory. A law is cited (often fictional), and a situation is posited in which the application of the law is problematic. The declaimer then argues one side, or both sides, of the case. The popularity of declamation among high-ranking senators in the Augustan age and after is often interpreted, I think correctly, as a response to changed stakes and opportunities in the traditional venues of oratorical display. However, I disagree with the rhetoric of 'decline' that usually accompanies this interpretation: the view that the great talented orators of the early Principate were reduced to pursuing schoolboy exercises because the opportunities for 'serious' oratory had disappeared. In fact the landscape of oratorical opportunities – from deliberative speeches delivered in the senate or before *contiones*, to forensic speeches before criminal and civil tribunals – did change substantially between the age of Cicero and the age of Augustus, but in ways that are very complex and not neatly systematizable. This is a long discussion which I cannot pursue here.

Nevertheless, Pollio's practice as a declaimer, as Seneca presents it, offers an enlightening case study of the social stakes of this type of eloquence in this period. Above we examined Seneca's assertion that Pollio declaimed only before small audiences, though he apparently invited larger, public audiences to his recitations.<sup>26</sup> In the sequel to this passage, Seneca relates a needling comment of Titus Labienus, an orator and declaimer contemporary with Pollio, implying that Pollio was simply afraid to submit his declamations to the judgment of a large public audience. Seneca then offers his own speculation on the reasons for Pollio's practice: he suggests Pollio may have lacked confidence in his abilities as a declaimer (a theory that supports Labienus' jibe), or that he deemed it beneath the dignity of one reputed as a great orator to appear to be pursuing glory through such an insignificant activity.<sup>27</sup> Now regarding declamation, as also for recitation, Romans made a distinction between audiences of high-ranking peers, on the one hand – that is, people who might themselves competitively pursue a reputation for eloquence, a group that is small but expert; and large public audiences on the other hand – auditors who (ideally) cheer, applaud, and provide a vehicle for gaining a broader positive reputation, and who judge the competition in eloquence without being competitors or experts themselves. Seneca's remarks suggest that Pollio the declaimer sought out the smaller, elite audiences, but shrank from larger, public audiences. The very fact of ascribing fear or diffidence to Pollio, as both Labienus and Seneca do, implies that declaiming before large public audiences was indeed an arena of competitive display where reputations for eloquence could be

26 Sen. cont. 4 pr. 2, quoted n. 22 above.

27 Sen. cont. 4 pr. 2, continuing the passage quoted in n. 22 above: *et inde est quod Labienus, homo mentis quam linguae amarioris, dixit: 'ille triumphalis senex ἀρροῦσαις suas [i.e., his declamations] numquam populo commisit': sive quia parum in illis habuit fiduciam, sive – quod magis crediderim – tantus orator inferius id opus ingenio suo duxit, et exerceri quidem illo volebat, gloriari fastidiebat.*

made and lost, and that Pollio could feel his prestige and standing to be at stake in such a venue, should he be judged negatively or received more poorly than a rival. In short, declamation in the Augustan age was patently an arena in which Roman elites competed in eloquence, with the audience as external judge, and whose social stakes came to resemble those associated with the traditional venues for elite oratory – the senate, the courts, and the *contiones*.

Seneca provides considerable detail about Pollio's declamatory practice. He relates numerous critical comments that Pollio offered on the rhetorical strategies, the *sententiae*, and the *colores* deployed by other declaimers, on a very wide range of themes. It is clear from these critical interventions that Pollio regularly attended declamations delivered by others, engaged closely with them, and did not hesitate to serve as an 'expert judge' himself.<sup>28</sup> Seneca also says that he twice heard Pollio actually declaim (rather than merely judge other declaimers): once when he was "vigorous," and then again as an old man offering pointers in declamatory technique to his youthful grandson M. Claudius Marcellus Aeserninus.<sup>29</sup> Seneca may mean that he heard Pollio *only* twice, for there are two distinct declamations in the Senecan collection in which Pollio appears as a declaimer in his own right. One of these is cont. 7,6 (quotation of Pollio at § 12); Marcellus Aeserninus is not quoted in this declamation. This, then, must be the first of the two occasions, the declamation by the "vigorous" Pollio. The other is cont. 7,1, where Seneca includes not only two declamatory excerpts from Pollio (§§ 4, 22), but also two excerpts from Marcellus Aeserninus (§§ 5, 22). This, then, must be the second of the two occasions, that on which he gave his grandson guidance.<sup>30</sup> The theme of this *controversia*, which Seneca entitles "The man let go by his son the pirate chief," runs as follows: a man's wife died, by whom he had two sons; he married another woman. He condemned one youth of parricide in a domestic process and handed him over to his brother for punishment. The brother put him on a disabled boat. The youth was conveyed to pirates and became the pirate chief. Later the father, having set out abroad, was captured and sent back home by the youth. The father disinherits his [sc. other] son.<sup>31</sup> This characteristically fantastic theme provides the declaimers (including Pollio and his grandson) much scope for competitive oratorical display. They make arguments based on considerations of gratitude or piety on behalf of the father, or the convicted son who became the pirate, or the disinherited son who

28 For a full list and discussion of Pollio's appearances as a declaimer or critic of declaimers in Seneca's collection, see Echavarren 2007, 79–81 (no. 45).

29 Sen. cont. 4 pr. 3: *audivi autem illum [sc. Pollionem] et viridem et postea iam senem, cum Marcello Aesernino nepoti suo quasi praeciperet*. Seneca goes on to describe the instructional techniques Pollio applied to his grandson Marcellus Aeserninus.

30 The fragments of Pollio and Marcellus that Seneca transmits in cont. 7,1 are not closely related in theme or content, hence do not seem to illustrate the process of Pollio tutoring or correcting his grandson.

31 Sen. cont. 7,1 pr.: *ab archipirata filio dimissus. mortua quidam uxore, ex qua duos filios habebat, duxit aliam. alterum ex adolescentibus domi parricidi damnavit; tradidit fratri puniendum: ille exarmato navigio impo-suit. delatus adolescens ad piratas archipirata factus est. postea pater peregre profectus captus est ab eo et remissus in patriam. abdicat filium*.

fails to carry out the mission his father gave him, evidently to kill his brother. They debate whether the stepmother should be implicated. They wax poetic describing a storm at sea, which threatens to sink the convicted son's disabled boat. And so on: all of this is well in evidence in the extracts that Seneca provides for this *controversia*. But there is more to this kind of theme than mere oratorical display, as we will shortly see.

A third arena for competition in eloquence, emerging in the Augustan age and in which Pollio was significantly involved, is the centumviral court. This court had jurisdiction over inheritances, wills, and other matters of succession. Though the court's origins go back at least to the second century BCE, it is virtually invisible in the Ciceronian age. In that era, high-prestige forensic oratory all took place in the *quaestiones perpetuae*, standing courts constituted to deal with major crimes of specific types, mostly related to government and office holding. Indeed, not a single centumviral speech by Cicero survives or is even attested, though it defies belief that Cicero was not called upon, from time to time, to represent clients in this court on matters of succession.<sup>32</sup> However, the court begins to rise in prominence the Augustan age: we begin to hear of cases tried there, involving prominent orators, as we never do in the late Republic, and the court continues to rise in prominence throughout the following century. The reasons for these developments are complex, but ultimately they are the outcomes of political change in the Triumviral and Augustan eras, which rendered some of the *quaestiones* less relevant than they had previously been, and also procedural changes that rendered some of them less visible to large public audiences than previously. Yet such changes did not affect the operations of the centumviral court and other civil courts. The kinds of cases litigated in civil courts emerged from durable, underlying socioeconomic structures that were relatively insensitive to political change. Indeed, it is safe to assume that this court always admitted complex, interesting cases that might involve high-status persons, vast amounts of property, and irresistible family drama. Furthermore, as far as we know, the court always met in large public venues and therefore could accommodate large crowds of interested onlookers in addition to the jurors and parties to the suit. As for the jurors, the name *centumviri* was not exact. But the court assuredly employed a large jury panel – up to 180 jurors total, all of near-equestrian census or above – that, at least by the mid-first century CE and probably earlier, was often divided into four sections so that multiple trials could be conducted simultaneously. So even as the *quaestiones* were reorganized in ways that reduced their visibility, the opportunities that the centumviral court afforded the orator – namely, access to large public audiences of onlookers, as well as to small, elite, expert audiences of judges (of the case proper, but also of the rival oratorical performances) – became ever easier to appreciate. By the time of Pliny and Tacitus, the centumviral court was unquestionably the premier forensic venue for elite rhetorical display. In Tacitus' *Dialogus*, the character Maternus neatly summarizes this whole development: he says, "Centumviral cases, which now hold first place, were

32 High-profile centumviral cases are attested from the late second to early first century BCE, and some are also attested from the age of Cicero, though Cicero himself does not provide any direct evidence. Discussion in Roller forthcoming 2019.

so overwhelmed by the splendor of the other courts that no book [sc., containing a speech] that was spoken before the centumvirs is read – not of Cicero, Caesar, Brutus, Caelius, Calvus, or of any great orator – apart from Asinius' orations *On behalf of Urbinia's heirs*. But these were delivered by Pollio in the middle of the Augustan age, after a long period of quiet... had pacified eloquence itself, just as it had all else."<sup>33</sup>

Let us look more closely at this famous centumviral trial regarding the heirs of Urbinia – the speech that Maternus (hence probably Tacitus) seems to imply marks the beginning of the emergence of the centumviral court from the shadows of the late Republican criminal courts. The trial's *terminus ante quem* is 4 CE, the year of Pollio's death, though the approximate date given by Tacitus' Maternus – “in the middle of the Augustan age” – might, if pressed, point to a date a decade or more earlier; one might also wonder how late in his long life Pollio would have been appearing in court. Apart from Tacitus, the case (and Pollio's speech) is attested four additional times in Quintilian. The opposing advocate was none other than Titus Labienus, whom we have already encountered needling Pollio for his reticence in declaiming before a broader public. Indeed he was nicknamed ‘Rabienus,’ Seneca the Elder tells us, due to his aggressive and attacking oratorical style. Yet it is Pollio's invective against Labienus about which we hear in this speech: according to Quintilian, Pollio declared Labienus' advocacy proof of the badness of the other side's cause, and also mocked Labienus' Latinity. Labienus was himself a prominent orator and historian, as well as a declaimer and critic of declamation (as we have already seen), and thus his profile was similar to Pollio's regarding the arenas he chose in which to display and compete in eloquence.<sup>34</sup> In view of the high profiles of the opposing advocates, public interest in the trial is likely to have been high. Indeed, the very fact of the survival of Pollio's speech is noteworthy. While no evidence for the case or speech survives outside of Quintilian and Tacitus, it is clear that Quintilian possessed a text of Pollio's speech, knew it, taught it, and could refer to it as if he expected others to know it. Tacitus too seems to have known it. For at least some teachers and students, then, this speech was evidently in the school curriculum, right along with the canon of Ciceronian speeches and a certain number of other speeches not by Cicero. It seems likely that the importance of the trial, and the prominence of the advocates involved, in what had become by Quintilian's and Tacitus' day the premier court for advocacy and forensic oratory, accounts at least in part for the speech's survival and inclusion in the curriculum of at least some schools by the late first century CE.

33 Tac. dial. 38,2: *causae centumvirales, quae nunc primum obtinent locum, adeo splendore aliorum iudiciorum obruebantur, ut neque Ciceronis neque Caesaris neque Bruti neque Caelii neque Calvi, non denique ullius magni oratoris liber apud centumviros dictus legatur, exceptis orationibus Asinii, quae pro heredibus Urbiniae inscribuntur, ab ipso tamen Pollione mediis divi Augusti temporibus habitae, postquam longa temporum... ipsam quoque eloquentiam sicut omnia alia pacaverat.*

34 Labienus as ‘Rabienus.’ Sen. Cont. 10 pr. 5 (and §§ 4–8 in general, with recent discussion by Echavarrén 2007, 171–73, Balbo 2004, 1.201–21; on the Urbinia fragments see *id.* 210–15 and 218–21). Pollio insulting Labienus: Quint. Inst. 4.1.11, 9.3.13.

The case itself was also highly dramatic, as Quintilian's description indicates. One issue at stake in this trial, he reports (inst. 7,2,4–5), was whether the young man seeking Urbinia's property was in fact Urbinia's son Clusinius Figulus, or rather was someone named Sosipater, evidently a slave, and therefore with no claim on the inheritance. Quintilian also summarizes the argumentation of case, presenting it as an instance of the structure he calls *coniectura duplex*. This essentially means that each side devises its own story and sticks to it. He writes as follows (inst. 7,2,26):

So it is in the case of Urbinia, where the claimant says that Clusinius Figulus, Urbinia's son, got away after the battle line in which he stood was defeated; that he underwent various adventures, was even imprisoned by the king, and finally returned to Italy and his fatherland among the †Margini† and was recognized there. Pollio, on the other hand, said he served two masters in Pisaurum as a slave, practiced medicine, was manumitted, involved himself in another slave household that was for sale, and was bought by himself [sc. Pollio], at his own request, to be his slave.<sup>35</sup>

As Quintilian's summary makes clear, this case has a strikingly declamatory flavor. Not only do the tangled tales of adventure and (mis)recognition that Labienus and Pollio weave for the claimant positively reek of a declamatory *thema*, but we might also reflect that some of the characteristic settings and backstories of the *controversiae* – sons or fathers who are exiled, captured by pirates, or the like, are possibly rumored to be dead, but eventually return home to wrangle over inheritances – are obviously training students to argue inheritance cases, which came under the centumviral court's jurisdiction. This is true even if the laws posited as governing these declamatory 'cases' are fictional. Indeed the one specific *controversia* that Seneca indicates that Pollio himself declaimed (along with his grandson) – “The man sent home by his son the pirate chief,” discussed above – is precisely such a 'case.' Critics ancient and modern have lamented the fantastic quality of declamation, the fictionality of most of the 'laws' that *controversiae* invoke, and the apparent disconnection of the whole exercise from the 'real world' of the courts. But the Urbinia case makes it perfectly clear that reality can be just as strange as the fantastic declamatory situations that the schoolteachers cook up; and hence that the numerous *controversiae* featuring disputes over succession and wills do, in fact, prepare students for advocacy in the centumviral court. Perhaps it is no accident that topics and themes involving contested succession appear regularly in Roman declamation, hence in the rhetoric of the schools, in and around the Augustan era, nor that Pollio should be glimpsed coaching his young

35 Quint. inst. 7,2,26: *utraque enim pars suam expositionem habet atque eam tuetur, ut in lite Vrbiniana petitor dicit Clusinium Figulum filium Vrbiniae acie victa in qua steterat fugisse, iactatumque casibus variis, retentum etiam a rege, tandem in Italiam ac patriam suam †marginos† [Marrucinos Cuper] venisse atque ibi agnoscī: Pollio contra servisse eum Pisauri dominis duobus, medicinam factitasse, manu missum alienae se familiae venali inmiscuisse, a se rogantem ut ei serviret emptum.* Cuper's conjecture places the supposed Clusinius, at the end of his odyssey, in the ancestral territory of the Asinii, which could account for why Pollio claims to know him as a slave (presumably named Sosipater, per inst. 7,2,4). On the regional origins of the Asinii, see Cat. 12,1, referring to Pollio's brother as Asinius Marrucinus, and Livy per. 73, naming their grandfather H[er]erius Asinius as *praetor Marrucinatorum* in the Social Wars; André 1949, 9–10 for discussion.

grandson in the argumentation of such a declamation: for precisely these kinds of cases, and the (real) court in which they were tried, were important, and perhaps increasingly so, at this time.<sup>36</sup>

The Urbinia case is not the only centumviral trial in which Pollio is known to have participated. A succession case involving a Liburnia, and Pollio's speech *pro Liburnia*, are also attested. This case, equally undatable, seems to have involved a man who died and excluded his mother from his will in favor of someone else. Evidently Messalla Corvinus appeared along with Pollio as Liburnia's advocate and delivered his own speech *pro Liburnia*; there is no record of the name the opposing advocate or advocates. Quintilian quotes a sentence from Pollio's speech, in which Pollio parodically echoes and 'caps' a sentence from the will that was recited in the opposing speech.<sup>37</sup> Once again, the case seems to have been important enough, and the speech (or speeches) impressive enough, to warrant preservation at least down to Quintilian's day, where he could read, cite, and (presumably) recommend the speech to his students. I have little doubt that Pollio, no less than Labienus, Messalla, and the other leading orators of the day, regularly served as an advocate and delivered speeches in centumviral trials during his career,<sup>38</sup> and in so doing contributed to the (re)emergence of this court into the limelight of public attention and professional engagement from the leading orators of the day.

By documenting these newly emerging, non-Ciceronian arenas for competing in and displaying eloquence – recitation, declamation, and the centumviral court – and showing how critical Asinius Pollio's engagement was to the development and emergence into prominence of these new arenas, we can see how he was able to burnish his own reputation for eloquence successfully. There are also additional arenas in which Pollio competed, and in which he could be compared to Cicero as well as to his own contemporaries. For instance, he is attested as having served as an advocate in at least two poisoning trials; these would presumably have been conducted before the praetor's court, the *quaestio de sicariis et veneficiis*, which as far as we know continued

36 Other such declamatory *thematata* in this period (apart from Sen. cont. 7,1): Sen. cont. 1,6; 3,3; 4,3; 5,2; 5,4; 6,2. Remarking on words coined from personal names, Quint. inst. 8,3,32 reports that Cicero coined "Sullaturit" and Pollio coined "Fimbriatum" and "Figulatum." The latter word, at least, can be inferred to come from the *pro Urbiniae heredibus*. Charis. 1,77,15–17 Keil provides another fragment from this speech.

37 Quint. inst. 9,2,34–35: *ut dicta autem quaedam, ita scripta quoque fingi solent, quod facit Asinius pro Liburnia: 'mater mea, quae mihi cum carissima tum dulcissima fuit, quaeque mihi vixit bisque eodem die vitam dedit' et reliqua, deinde 'exheres esto.' haec cum per se figura est, tum duplicatur quotiens, sicut in hac causa, ad imitationem alterius scripturae componitur. nam contra recitabatur testamentum: 'P. Novanius Gallio, cui ego omnia meritissimo volo et debeo pro eius animi in me summa voluntate,' et adiectis deinceps aliis 'heres esto.' incipit esse quodam modo παρωδή...* A fragment of Messalla Corvinus' speech survives in Fest. p. 490,35–37 Lindsay, and Quintilian notes that "Pollio and Messalla defended the same men" (inst. 10,1,24).

38 The quotation of Pollio's oratory at Quint. inst. 9,2,9 also clearly refers to a succession case, hence probably came from a centumviral trial: *ut Asinius: 'audisne? furiosum, inquam, non inofficiosum testamentum reprehendimus.'* Malcovati (ORF<sup>2</sup> p. 521 fr. 27) assigns this fragment to the *pro Liburnia*, which is possible but not provable.

to convene (in an unknown venue) into the Augustan era as it had in the Ciceronian era.<sup>39</sup> We are further led to believe that Pollio attended the senate and spoke there, well after the time of his vaunted ‘retirement’ from public life.<sup>40</sup> It is difficult to know what ‘retirement’ might mean under these circumstances, unless we cling to the rather narrow point that he held no further magistracy or promagistracy after his triumph. Llewelyn Morgan suggested some years ago that Pollio should be regarded as “retreat[ing] from active politics toward (politicised) literature.”<sup>41</sup> For my part, I do not find the implied contrast between ‘politics’ and ‘literature’ to be helpful here, or even coherent in general. Rather, it is the competitive ethos of the Roman aristocracy, at all times, that subtends the changes we are discussing. When the competition is in eloquence, what is required is a judging audience that is either small and elite, or large and public, or both. Such groups serve as the ‘third party’ (Simmel’s ‘Dritte’) to hear and judge the relative merits of the competitors and rank them relative to one another. Notwithstanding his desire to be deemed Cicero’s equal or superior in eloquence, Pollio’s efforts to derail the emerging consensus among schoolmen and litterateurs on Cicero’s unrivalled superiority, whether he made his case before specialist audiences of teachers and social peers, or before the public at large, did not succeed – not in his own day, nor in that of his son Asinius Gallus, who continued his father’s quarrel; nor any time thereafter. Pollio competed much more successfully against his own contemporaries, but in the emerging arenas and before the associated judging audiences that he himself had a hand in creating and shaping. It is by shifting to his own advantage the fields in which he competed that Pollio, despite being deemed by various judges to fall short of Cicero, successfully asserted a particular form of preeminence in eloquence. It seems worth reiterating that Pollio never seems to have tried to argue for his superiority to Cicero according to the criterion of traditional Republican office holding, military commands, and decorations gained from those commands, even though he could easily have maintained a claim to primacy in these respects. It is perhaps as telling as anything, regarding the character of the Augustan order, that these things, so important in Pollio’s youth, had utterly ceased to matter by the latter years of his life.<sup>42</sup>

39 These trials involve a Moschus and a Nonius Asprenas, both of whom Pollio defended: see André 1949, 70–73 for brief discussion of these trials, along with Malcovati ORF<sup>2</sup> p. 520 fr. 23–24, and pp. 523–24 fr. 35–38, respectively.

40 Hor. *carm.* 2,1,13–14: *insigne maestis praesidium reis / et consulenti Pollio curiae* (mid-20s BCE). Also Suet. *Aug.* 43,2 describes Pollio, evidently at an advanced age, rebuking Augustus in the senate regarding a broken leg that his grandson Marcellus Aeserninus suffered during the *Lusus Troiae*.

41 Morgan 2000, 67.

42 I am extraordinarily grateful to Karl-Joachim Hölkeskamp and Hans Beck for organizing the ‘Verlierer’ conference in Köln in April 2017, as well as to the Fritz-Thyssen-Stiftung for providing a lovely and stimulating venue. My thinking about the nature of competition, winning, and losing – especially, but not only, in a Roman aristocratic context – was vastly expanded and enhanced by conversation with all the conferees.

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