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THE ROLE OF JUPITER IN THE ARGUMENTATIVE SYSTEM OF CICERO'S ORATIONS

Roman comprehension of the divine right entailed the completion of earlier, binding treaties between humans and deities. Cicero himself firmly believed in this ius divinum of the State.

As the supreme deity, Jupiter was unsurpassed in Rome. Even triumphs were tightly connected to Jupiter's cult. When Cicero began his career, with his orations against Q. Caecilius and, subsequently, against Verres, Roman society was still reeling from the aftershocks of Sulla's regime. Cicero's consulate in 63 BCE and his actions during Catiline's rebellion mark another rise in Cicero's citing of Jupiter. During the aftershocks of Caesar's death, Cicero turns to religion and Rome's supreme deity to lend him authority and influence over the members of the Senate,

We strongly believe there is more to be gleaned from this, often neglected, aspect of Cicero's orations, not only about Cicero's attitude towards religion, but also about the Roman society and the place of religion within it.

Key words: *Marcus Tullius Cicero (106–43). – Roman religion. – Rhetorical argumentation. – Jupiter.*

1. INTRODUCTION

Roman oratory could be used to refine our comprehension of certain events long past, and help us better understand the dynamic that the speaker wanted to create, with argumentation as an important part of such

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a dynamic. Cicero states in *De Inventione*, his early treatise on rhetoric, that skillful use of argumentation is what makes a certain speech attractive to audience (Inv.1.50), defining argumentation as a rhetorical device used either to prove something beyond all doubt, or to demonstrate its probability (Inv.1.44). Furthermore, Cicero takes time to emphasize and explain the dual meaning of the term,¹ providing definitions and examples for various argumentative devices, such as *complexio*,² *exemplum*,³ and so on. For the Roman society, so centered on the *forum* and all that it entails, freedom and rhetoric were so interconnected that, as Tacitus's Curiatius Maternus states in *Dialogus de Oratoribus*, Roman rhetoric had lost its luster with the fall of its freedom.⁴ (Tac. Dial.. 40)

First century BCE marks the start of that unfortunate transition, and amongst prominent Roman politicians and imperators of the period, Marcus Tullius Cicero (106–43) stands out as a rare example of a statesman trying to lead by persuasion. This *homo novus*, who rose to the position of consul in 63 BCE, *suo anno*, was seldom away from the center of the scene. He was named *pater patriae* after he quelled the Catilinarian conspiracy during his consulship, but was exiled from Rome in 58 BCE for his actions during that same rebellion, only to return triumphant a year later. Cicero refused to take command after the catastrophe at Pharsalus in 48 BCE and publicly supported Caesar, only to reject all pretenses after the Ides of March in 43 BCE, leading the revolt against Mark Antony with his *Philippics*. For this, Cicero will pay with his head that same year, unwilling to once again face the uncertainties of exile.

2. ROMAN ATTITUDES TOWARDS RELIGION AND THE SOCIAL CLIMATE IN THE LAST CENTURY OF THE REPUBLIC

In the first century BCE, various Roman temples were almost deserted, and some of the deities forgotten. Several of those are mentioned by Cicero's contemporary Varro; but even he, in most cases, lacks further information on that subject.⁵ Some religious *collegia*, or priesthood institutions, did not take new acolytes, presumably because lay duties could not accompany them, or because they implied taking up residence in Rome. These restrictions could not have sat well with the members of the Roman elite, with

- 1 Cic. Inv.1.74: Eduardus Stroebel, *M. Tullius Cicero: Rhetorici Libri Duo Qui Vocantur De Inventione*, Lipsiae 1915.
- 2 For further reading, v. Cic. Inv.1.45.
- 3 For further reading, v. Cic. Inv.1.49.
- 4 Tac. Dial.. 40 – Henry Furneaux, *Cornelius Tacitus: Opera Minora*. Oxford 1900.
- 5 For further reading, v. Varr.Ling.V 15.

their ambitions to secure a certain magistrature, and, subsequently, to get a hold on a province and gain wealth. When Cicero began his career, in 81 BCE, Roman society was still reeling from the aftershocks of Sulla's actions, so much so that perhaps circumstance, and not impiousness, was behind the failure to promote a new *flamen Dialis*, after the suicide of the previous one.⁶ Sentiments called *pietas* and *religio* are complex notions; Cicero states that *religio* is the term for fear and worship of the gods, while he describes *pietas* as the emotion that warns us to fulfill our duties towards the State, parents, or others of the same blood (Cic. Inv. 2.66). The plethora of meaning behind the term *religio* is unresolved to this day – some researchers seem to consider it primarily a feeling of awe, fear and anxiety, not that dissimilar to modern day superstition, that only later came to denote means, such as cults and rites, assumed by the State to quell those unwelcome feelings of anxiety and fear,⁷ while others believe that the term *religio* primarily denoted some kind of taboo related to specific places, days and actions, that was later transformed into the subjective meaning it has today. Cicero himself under the term *religio* understands both the following of religious norms and religious awe, as can be seen from his explanations of it and his usage of the term.⁸ Nevertheless, in the first century BCE, the Romans thought they had surpassed all other nations with their specific attitude towards deities and, especially, with their *pietas* and *religio*.

Roman comprehension of the divine right, *ius divinum*, entailed the completion of earlier, binding treaties between humans and deities.⁹ Because of that, we may conclude that in Rome even religion was based upon the legal system and the principle of *do ut des* from *Leges Duodecim Tabularum*.¹⁰ This implies, first of all, an approach towards religion as

6 For further reading, for example, v. Mary Beard, John North, Simon Price, *Religions of Rome: Volume 1*, Cambridge University Press, Cambridge 1998, 18–30. Warde Fowler (William Warde Fowler, *Social Life at Rome in the Age of Cicero*, Charleston 2006, 91) seems to believe in Augustan restoration, though he remarks that Cicero tells us nothing of foreign worships and the general neglect of old cults, on which we deem otherwise, given the role *Mater Idaea* plays in Cicero's oratory.

7 More on roman religion and the difference between *religio* and *superstitio* in, for example, William W. Fowler, *Roman Ideas of Deity in the Last Century Before the Christian Era*, Eugene 2008, 1–28.

8 For example, v. Cic. Ver. 2.2.126, 2.5.36; Cic. Mil. 85, etc.

9 More on roman ideas of the relationship between gods and men, and especially on the idea of Man-God, v. William W. Fowler, *Roman Ideas of Deity in the Last Century Before the Christian Era*, Eugene 2008, 91.

10 This is perfectly illustrated by the following event: during the war with Hannibal, in the year 217 BCE, the Romans dedicated the entire yield of their cattle to Jupiter, followed by a distinct formulation of what they expected in turn – protection of the Roman people for five years, in the war against Carthaginians and Celts from northern Italy, who supported Hannibal (M. Beard, J. North, S. Price, 32–33).

a right and a duty of any citizen, because the failure to uphold religious principles directly affects the welfare of Rome; even a personal crime or inappropriate behavior can induce the anger of gods towards the State.¹¹ Even Cicero himself firmly believed in this *ius divinum* of the State, and he deemed that the role of the State was to maintain this proper relationship between its citizens and the deities on whose benevolence their welfare depended. In his *In M. Antonium Oratio Undecima*, for example, Cicero clearly states his belief not only in this divine origin of laws, but in some sort of a Machiavellian attitude towards the benefits of the State:

C. Cassius, pari magnitudine animi et consili praeditus, nonne eo ex Italia consilio profectus est ut prohiberet Syria Dolabellam? qua lege, quo iure? eo quod Iuppiter ipse sanxit, ut omnia quae rei publicae salutaria essent legitima et iusta haberentur. est enim lex nihil aliud nisi recta et a numine deorum tracta ratio, imperans honesta, prohibens contraria.(Phil. 11.28)¹²

*Did not Caius Cassius, a man endowed with equal greatness of mind and with equal wisdom, depart from Italy with the deliberate object of preventing Dolabella from obtaining possession of Syria? By what law? By what right? By that which Jupiter himself has sanctioned, that every thing which was advantageous to the republic should be considered legal and just. For law is nothing but a correct principle drawn from the inspiration of the gods, commanding what is honest, and forbidding the contrary.*¹³

The adherence to *mos maiorum*, or customs of their forefathers, was very ingrained in the minds of Romans, and their traditionalism stalwart. There are numerous examples of this attitude, but the most illustrative ones involve the reaction of the public to Caius Gracchus' attempt of founding a colony on the accursed land of Carthage and Caesar's attempt of coronation, both resulting in transgressors' deaths.

In 121 BCE, consul Lucius Opimius used religion to undermine and, eventually, execute Gracchus and his supporters, by making a connection between the dissatisfaction of gods, manifested in distressing omens, and Gracchus' attempt to found a colony in the accursed Carthage. This seed of discord provoked unrests, that then lead to the first ever *senatus consultum ultimum*, which would have a profound impact on Cicero's personal and professional life. Gracchus and his supporters were dealt with, the gods appeased with a ritual purification of Rome and the foundation of a temple dedicated to Concordia.

11 The role of magistrates, especially in consulting the gods through auspices, shows the State's role in mediation between citizens and gods – Duncan MacRae, *Legible Religion: Books, Gods, and Rituals in Roman Culture*, Cambridge University Press, Cambridge 2016, 16.

12 Anthony C. Clark, *M. Tulli Ciceronis Orationes*, Oxford 1918.

13 Charles D. Yonge, *The Orations of Marcus Tullius Cicero, Volume IV*, London 1913, 181.

In 44 BCE, during the festival of *Lupercalia*¹⁴ on 15 February, a month before his assassination, Caesar, as *pontifex maximus*, was presiding over the festival, and Mark Antony was both consul and one of the *Luperci*. Quite unexpectedly, Mark Antony stopped the race and ran to Caesar, offering him a crown, but Caesar rejected his offer, seeing the revolt of the masses.¹⁵ This event may even have been one of the reasons behind Caesar's murder,¹⁶ and it shows us that either Caesar, Mark Antony, or both, in all probability, must have known of the similarity between the festival of *Lupercalia* and the consecration of a king, an Indo-European rite.¹⁷ When deliberating Caesar's actions, one must also bear in mind his attempts to associate himself, through appearance at least, not only with Jupiter and Venus, his *genetrix*, but also with ancient Roman kings, by, for example, wearing purple robes. Moreover, one must also bear in mind that during Caesar's preparations for war against Parthia, a prophecy was unearthed in the Sibylline books, stating that victory in the East could be achieved only by a person with king-like authority.¹⁸

3. JUPITER IN CICERO'S ORATIONS

As the supreme deity, Jupiter was unsurpassed in Rome. According to legends, Romulus had dedicated Rome's first temple to Jupiter,¹⁹ while Numa Pompilius established the collegium of *flamines* to Jupiter, Mars,

14 During this festival, the priests called *Luperci*, clad in goatskin, carrying whips made of the same material (*februa*), would gather on the Palatine and run throughout Rome, whipping everyone they happened upon, especially women, which was considered auspicious. For further reading, for example, v. Jaan Puhvel, *Comparative Mythology*, Johns Hopkins University Press, London 1987, 160–161.

15 The importance of *Lupercalia* and similar festivals is marked by their continued celebration long after they were no longer recognized as public religious holidays – Jörg Rupke (ed.), *A Companion to Roman Religion*, Blackwell Publishing, Malden 2007, 120.

16 For example, Cic. Phil. 13.41; for more information, for example, v. J. Puhvel, 160–161.

17 Parallel to this rite could be the ancient Indian ritual of *rajasuya*, „the making of a king”, in all effect the coronation. For further information, for example, v. J. Puhvel, 161.

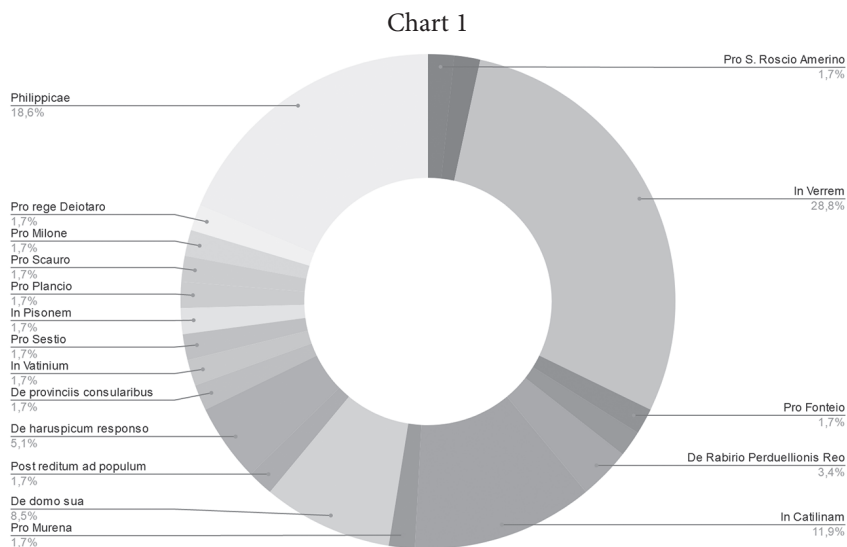
18 This legislative trait has similarities with not only ancient Indian and Iranian statutes, such as *Videvdāt*, the law against demons, but also with Hittite laws (for further reading, for example, v. J. Puhvel, 111–113); concerning the Sibylline oracle, for further reading, v. Howard H. Scullard, *From the Gracchi to Nero*, New York 1959.

19 The Capitoline temple of Jupiter Feretrius was refurbished by Augustus; this, along with his reviving of Jupiter's priesthood connected Augustus not only to Romulus, but to Numa Popilius also – Julia D. Hejduk, *The God of Rome: Jupiter in Augustan Poetry*, Oxford University Press, Oxford 2020, 29; Clifford Ando, *Roman Religion*, Edinburgh University Press, Edinburgh 2003, 67.

and Quirinus.²⁰ Even military triumphs were tightly connected to Jupiter's cult because the military commander personified the god himself.²¹

Jupiter's priest, *flamen Dialis*, had to be *quotidie feriatus*, wholly dedicated to serving his god. His service continued into the night when he continued to wear some of his insignias, and he was forbidden from leaving Rome.²² Closely connected to Jupiter was the collegium consisting of 20 priests, so-called *fetiales*, who conducted and upheld *ius fetiale* – in other words, acts that ensured the protection of the gods in Rome's relations to other peoples. *Fetiales* also upheld the Roman *fas* or law outside of Rome's *ager*.²³ The *Fetiales'* duties were to counsel the Senate concerning international relations and regulations, arbitrations, stipulations of contracts, compensations, as well as declarations of war.²⁴

Chart 1 depicts the frequency of usage of the lexeme *Iuppiter* in Cicero's orations.



20 M. Beard, J. North, S. Price, 1.

21 For further reading, for example, v. Georges Dumezil, *La religion romaine archaïque*, Paris 1987, 295–296.

22 For further reading, for example, v. G. Dumezil, 163–165. Among taboos that followed Jupiter's priest, it is interesting to note that he was not permitted to have contact with the horse, or even utter the word *faba* – Roger Woodard, *Myth, Ritual and the Warrior in Roman and Indo-European Antiquity*, Cambridge University Press, Cambridge 2013, 75.

23 For further information on the Indo-European understanding of space, cultic boundaries and terminus, for example v. Roger Woodard, *Indo-European Sacred Space: Vedic and Roman Cults*, University of Illinois Press, Urbana 2006, 59–95.

24 Fetials will uphold this role even after the expansion of the State: a piece of land near Bellona's temple was declared enemy grounds; hence *pater patratus* could continue observing this, albeit somewhat stylized, ritual; (M. Beard, J. North, S. Price, 133–4). For more information, v. G. Dumezil, 187–214.

Chart 2 shows the rise and fall of Cicero's usage of the word *Iuppiter* chronologically.

Chart 2

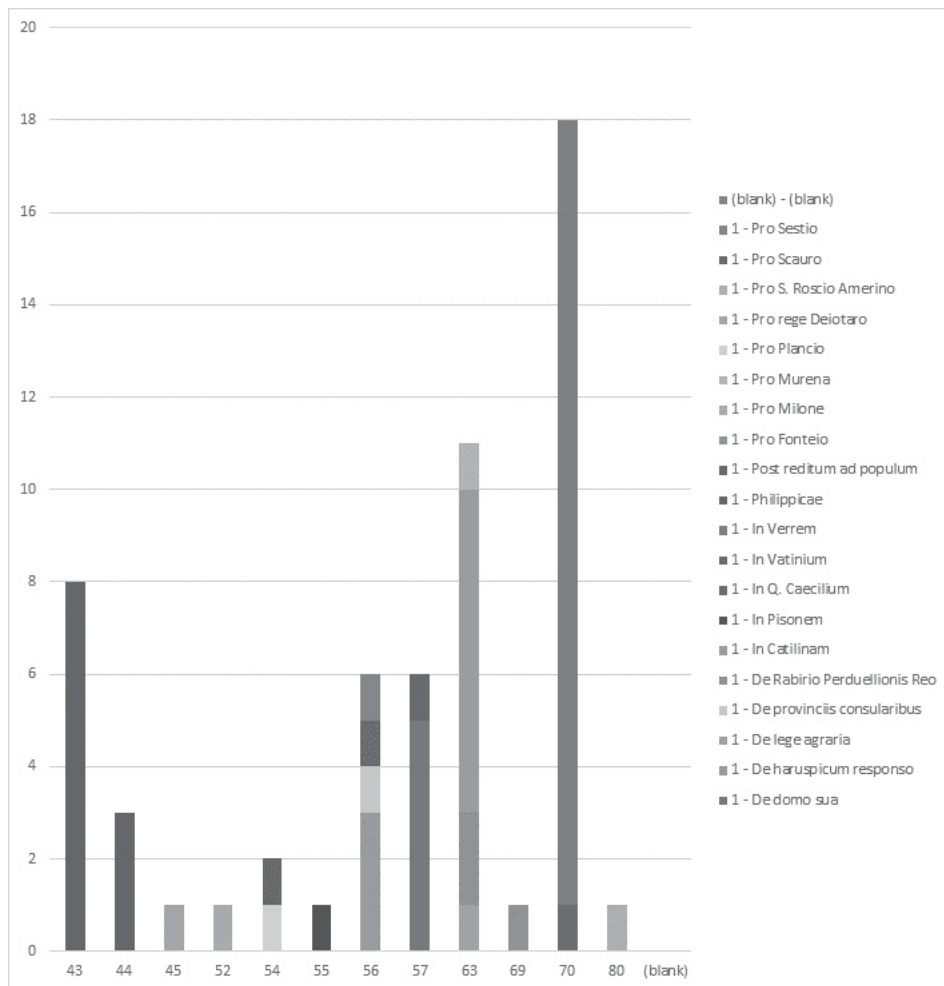


Table 1 shows the chronological list of these orations.

Table 1

Oration	Year	Frequency	Chapter
<i>Pro S. RoscioAmerino</i>	80	1	131
<i>In Q. Caeciliam</i>	70	1	43
<i>In Verrem 2.2</i>	70	2	2.2.126, 2.2.127
<i>In Verrem 2.4</i>	70	12	2.4.64 two times, 2.4.66 two times, 2.4.67 two times, 2.4.69, 2.4.70, 2.4.71 two times, 2.4.119, 2.4.140
<i>In Verrem 2.5</i>	70	2	2.5.36, 2.5.184
<i>Pro Fonteio</i>	69	1	30
<i>De legeagraria 1</i>	63	1	1.18
<i>De RabirioPerduellionis Reo</i>	63	2	5, 31
<i>In Catilinam 1</i>	63	2	1.11, 1.33
<i>In Catilinam 2</i>	63	1	2.12
<i>In Catilinam 3</i>	63	4	3.20, 3.21, 3.22, 3.29
<i>Pro Murena</i>	63	1	88
<i>De domo sua</i>	57	5	14, 92 five times
<i>Post reditum ad populum</i>	57	1	1
<i>De haruspicumresponso</i>	56	3	10, 20, 21
<i>De provinciisconsularibus</i>	56	1	22
<i>In Vatinium</i>	56	1	20
<i>Pro Sestio</i>	56	1	129
<i>In Pisonem</i>	55	1	85
<i>Pro Plancio</i>	54	1	59
<i>Pro Scauro</i>	54	1	47
<i>Pro Milone</i>	52	1	85
<i>Pro regeDeiotaro</i>	45	1	18
<i>Philippica 2</i>	44	3	2.32, 2.64, 2.110
<i>Philippica 5</i>	43	2	5.7, 5.8
<i>Philippica 11</i>	43	2	11.11, 11.28
<i>Philippica 13</i>	43	2	13.7, 13.12
<i>Philippica 14</i>	43	2	14.8, 14.27

To organize and understand how these results relate to each other, we have divided them into three groups, based on Cicero's most frequently

used and, in our opinion, most interesting or most representative examples of argumentative devices related to Jupiter's name. Examples within those groups are presented chronologically, illustrating Cicero's typical use of Jupiter's name and power both in that oration.²⁵

Cicero's singular use of the lexeme *Iuppiter* in his *Pro S. Roscio Amerino Oratio*, delivered in 80 BCE,²⁶ is unexpected, even though out of 56 sections of this speech 28 contain some allusion to religion; even the way Cicero decided to use this lexeme is unusual – he compares Sulla to Jupiter himself, though it is left unclear if he is serious or ironic in this comparison.²⁷ In his *Divinatio in Q. Caecilium*,²⁸ Cicero again uses the lexeme *Iuppiter* only once, almost openly ridiculing his adversary in the competition for the position of Verres's prosecutor, but in case of the *Verrienes*, there are 17 mentions of Jupiter, used in order to emphasize Verres's impious and corrupted behavior, that openly angered the gods, which in turn endangering all of Rome.

The next spike in Cicero's religious-based arguments is seen in *Orationes in Catilinam*, held during his consulate in 63 BCE. In these speeches, when using the lexeme *Iuppiter* Cicero is alluding to the god's direct investment in both Cicero's success and Rome's good fortune, only seemingly opposing any public recognition, while actively striving for it. Then, there is a certain lull in Cicero's usage of religious-based arguments in his speeches, marked by a surprising absence of religion in his speech *Pro Rege Deiotaro*, held in the home and in presence of the *pontifex maximus* himself, Caius Iulius Caesar. Then in the *Philippics*, held in 44 BCE, Cicero is once again lending Jupiter's austerity and in righteous anger, spurred by contempt, attacks Mark Antony, similarly to what he does in his oration against Vatinius, in 56 BCE.²⁹

25 It may be interesting to note that Cicero uses different personae in different occasions; for more information on this side of Cicero's oratory v. Joanna Kenty, *Cicero's Political Personae*, Cambridge University Press, Cambridge 2020, 17–25.

26 For Cicero, *homo novus* with unknown family, it was very important to pursue advocacy, even though the law had forbidden him to charge a fee for his work; his defense of Sextus Roscius was Cicero's first appearance in criminal court and, moreover, it was the first trial to be conducted in a new court, established to deal with crimes of poisoning and murder – Kathryn Tempest, *Cicero: Politics and Persuasion in Ancient Rome*, London 2011, 33.

27 Cic. Rosc. 131.

28 This speech is the only surviving example of said genre – *divinatio*; Cicero is using argumentative and rhetorical devices to prove his effectiveness against Hortensius (Christopher P. Craig, "Dilemma in Cicero's *Divinatio in Caecilium*", *The American Journal of Philology*, Vol. 106, No. 4, 1985, 442.

29 Interestingly enough, in his speech *In Vatinium* Cicero "describes Pythagoreanism as a barbarous set of magical practices" – Duncan MacRae, *Legible Religion: Books, Gods, and Rituals in Roman Culture*, Cambridge University Press, Cambridge 2016, 21.

3.1. Exempla

Verres, governor in Sicily in 73–71 BCE,³⁰ was accused of corruption by the Sicilians; their first choice of prosecutor was Cicero, aedile-elect for 69 BCE, because of his just dealings while serving as *quaestor* in western Sicily in 75 BCE. Verres, defended by Quintus Hortensius Hortalus, consul-elect for 69 BCE and one of the foremost orators of his time, decided to flee rather than face punishment after hearing Cicero's first oration, subsequently rendering the rest of Cicero's *Orationes in Verrem* unnecessary,³¹ even though Cicero decided to publish both *actio I* and *actio II*.³² In Cicero's orations against Verres, in as many as 8 cases, *Iuppiter* is used as a part of an example (*exempla*). The quotation cited below mentions Verres's interference with the election of Jupiter's priest in Syracuse, so that his minion, Theomnastes, would hold that most respectable office:

*Syraculis lex est de religione, quae in annos singulos Iovis sacerdotem sortiri capi iubet, quod apud illos amplissimum sacerdotium putatur: cum suffragiis tres ex tribus generibus creati sunt, res revocatur ad sortem... conici iubet tres, in quibus omnibus esset inscriptum nomen Theomnasti. fit clamor maximus, cum id universis indignum ac nefarium videretur. ita Iovis illud sacerdotium amplissimum per hanc rationem Theomnasto datur. (Verr. 2.2.126–127)*³³

*There is at Syracuse a law respecting their religion, which enjoins a priest of Jupiter to be taken by lot every year; and that priesthood is considered among the Syracusans as the most honourable. When three men have been selected by vote out of the three classes of citizens, the matter is decided by lot... He [Verres] orders three lots to be put in, on all of which was written the name of Theomnastus. A great outcry arises as it seemed to every one a scandalous and infamous proceeding. And so by these means that most honourable priesthood is given to Theomnastus.*³⁴

Further on, in the fourth book of *actio II* against Verres, the one in which Jupiter's name is mentioned most often, Cicero informs us of a candleabrum dedicated to Jupiter's Capitoline temple by Antioch, king of Syria, that Verres appropriated, thus serving to the great orator as an example

30 He served two additional years at this position because of Spartacus' revolt; for further information, for example, v. James M. May, "Cicero: His Life and Career", James M. May (ed.), *Brill's Companion to Cicero*, BRILL, London 2002, 1–21.

31 Though these speeches were not needed to secure Verres' conviction, they were perhaps connected to what indeed happened in court – Andrew Lintott, *Cicero as Evidence: A Historian's Companion*, Oxford University Press, Oxford 2008, 16.

32 For more information on Cicero's orations against Verres, v. Ann Vasaly, "Cicero's Early Speeches", J. M. May, 87–108.

33 Guilielmus Peterson, *M. Tulli Ciceronis Orationes: Divinatio in Q. Caecilivm. In C. Verrem*, Oxford 1917.

34 Charles D. Yonge, *The Orations of Marcus Tullius Cicero, Volume I*, London 1916, 267.

of Verres's ungodly and sinful behavior (Verr. 2.4.67). As we can see from these examples, in his orations against Verres Cicero not only uses *exempla* as a piece of outright evidence against Verres, he also uses religious motifs to paint a not-so-beautiful picture of Verres's character. These orations even conclude with a heartfelt beseeching of Jupiter and other gods and goddesses to help him convict this impious, corrupt man.

The most famous of Cicero's consular speeches, the four orations *In Catilinam*, were delivered again during times of great political crisis in Rome. The first oration was delivered to the Senate in the temple of Jupiter Stator, the second and third were delivered to the people, as a form of report on the deliberations of the Senate that took place on the previous day, and the fourth oration *In Catilinam*, delivered once again in the Senate, but *post factum* this time, is mainly concerned with Cicero's program of *concordia ordinum*, and his answer to Caesar's attacks³⁵. In Cicero's orations against Catiline, Jupiter is mentioned seven times, more frequently in speeches before the people (5 times), than in the Senate (2 times total). In the third oration against Catiline, Cicero mentions Jupiter 4 times (3.20, 3.21, 3.22, 3.29). We shall now cite a passage that informs us of Jupiter's statue (*simulacrum Iovis*) and its correlation to the revelation of the conspiracy because of its eastward, sunrise-facing position:³⁶

*Itaque illorum responsis tum et ludi per decem dies facti sunt neque res ulla quae ad placandos deos pertineret praetermissa est. Idemque iusserunt simulacrum Iovis facere maius et in excelso conlocare et contra atque antea fuerat ad orientem convertere; ac se sperare dixerunt, si illud signum quod videtis solis ortum et forum curiamque conspiceret, fore ut ea consilia quae clam essent inita contra salutem urbis atque imperi illustrarentur ut a senatu populoque Romano perspicere possent. (Cat. 3.20)*³⁷

*In response to the soothsayers' warnings, games were held for ten days, and nothing that could possibly serve to appease the gods was left undone. The soothsayers also ordered a larger image of Jupiter to be erected and positioned on an elevated site facing east, the opposite direction to that in which the previous one had faced. Their hope, they said, was that if the statue which you can now see faced towards the rising of the sun, the forum, and the senate-house, then the plots that had been secretly formed against the city and the empire would be illuminated and made visible to the senate and people of Rome.*³⁸

35 For more information on Cicero's *concordia ordinum*, for example, v. Robert W. Cape Jr, "Cicero's Consular Speeches", J. M. May, 113–158.

36 This correlation between the exposure of the conspiracy with the orientation of Jupiter's statue, i.e. towards the East and sunrise, is probably parallel to the Indo-European belief that deities reside in the east; eastward was the direction of some of the sacrifices. For further reading, v. R. Woodard, 244.

37 A. C. Clark, M. *Tulli Ciceronis Orationes*. Oxonii 1908.

38 Dominic H. Berry, *Cicero: Political Speeches*, Oxford University Press, Oxford 2000, 188.

Cicero uses *exempla* with religious motifs in his *Philippics*, and in his fourteenth oration against Mark Antony, he suggests Jupiter as the prime protector of Rome:

bellum inexpiabile infert quattuor consulibus unus omnium latronum taeterrimus; gerit idem bellum cum senatu populoque Romano; omnibus—quamquam ruit ipse suis cladibus—pestem, vastitatem, cruciatum, tormenta denuntiat: Dolabellae ferum et immane facinus quod nulla barbaria posset agnoscere, id suo consilio factum esse testatur; quaeque esset facturus in hac urbe, nisi eum hic ipse Iuppiter ab hoc templo atque moenibus reppulisset, declaravit in Parmensium calamitate, quos optimos viros honestissimosque homines, maxime cum auctoritate huius ordinis populi que Romani dignitate coniunctos, crudelissimis exemplis interemit propudius illud et portentum. (Phil. 14.8)³⁹

*One man, the foulest of all banditti, is waging an irreconcilable war against four consuls. He is at the same time carrying on war against the senate and people of Rome. He is (although he is himself hastening to destruction; through the disasters which he has met with) threatening all of us with destruction, and devastation, and torments, and tortures. He declares that that inhuman and savage act of Dolabella's, which no nation of barbarians would have owned, was done by his advice; and what he himself would do in this city, if this very Jupiter, who now looks down upon us assembled in his temple, had not repelled him from this temple and from these walls, he showed, in the miseries of those inhabitants of Parma, whom, virtuous and honorable men as they were, and most intimately connected with the authority of this order, and with the dignity of the Roman people, that villain and monster, Lucius Antonius, that object of the extraordinary detestation of all men, and (if the gods hate those whom they ought) of all the gods also, murdered with every circumstance of cruelty.*⁴⁰

This example confirms that religion was indeed a theme in Cicero's rhetorical argumentation, and that he frequently enlists Jupiter's help and authority hoping to achieve a positive outcome for the State, and seems to use this god's name to try and strengthen his position in opposing Mark Antony. The *Philippics* in general contain a significant number of sections with religious motifs, the fourteenth and final one having religious motifs in 23 out of 38 sections, with two mentions of Jupiter.

3.2. Argumentatio ad hominem

Cicero was very direct in his attacks on political and judicial adversaries. He even uses religion as a part of his *argumentationes ad hominem*. The earliest example of this type of argumentation in our research is the attack on Quintus Caecilius, Cicero's competitor, for the duty of the pros-

39 A. C. Clark, *M. Tulli Ciceronis Orationes*. Oxonii 1918.

40 C.D. Yonge, *The Orations of Marcus Tullius Cicero*, Volume IV, London 1913, 227–228.

ecutor in Verres's trial. In the oration against Quintus Caecilius, Cicero ironically uses a religious-legal formula:

tu horum nihil metuis, nihil cogitas, nihil laboras: si quid ex vetere aliqua oratione, 'Iovem ego optimum maximum,' aut 'vellem, si fieri potuisset, iudices,' aut aliquid eius modi ediscere potueris, praeclare te paratum in iudicium venturum arbitraris. (Caec. 43)⁴¹

*Do you fear nothing, do you think of nothing, are you anxious about nothing of all this? Or if from some old speech you have been able to learn, "I entreat the mighty and beneficent Jupiter," or, "I wish it were possible, O judges," or something of the sort, do you think that you shall come before the court in an admirable state of preparation?*⁴²

In Cicero's oration held before the *pontifices*, *De domo sua*, we see another example of *argumentatio ad hominem* in Cicero's response to Clodius's real or imagined interjection that Cicero considers himself Jupiter, brother to Minerva. Here Cicero alludes to Clodius's incestuous relationship with his sister, Clodia:⁴³

hic tu me etiam gloriari vetas; negas esse ferenda quae soleam de me praedicare, et homo facetus inducis etiam sermonem urbanum ac venustum, me dicere solere esse me Iovem, eundemque dictitare Minervam esse sororem meam. non tam insolens sum, quod Iovem esse me dico, quam ineruditus, quod Minervam sororem Iovis esse existimo; sed tamen ego mihi sororem virginem adscisco, tu sororem tuam virginem esse non sisti. sed vide ne tu te soleas Iovem dicere, quod tu iure eandem sororem et uxorem appellare possis. (Dom. 92)⁴⁴

*Here, too, you warn me not to boast. You say that those things are intolerable which I am accustomed to assert concerning myself; and being a witty man, you put on quite a polite and elegant sort of language. You say that I am accustomed to say that I am Jupiter; and also to make a frequent boast that Minerva is my sister. I will not so much defend myself from the charge of insolence in calling myself Jupiter, as from that of ignorance in thinking Minerva the sister of Jupiter. But even if I do say so, I at all events claim a virgin for my sister; but you would not allow your sister to remain a virgin. Consider rather whether you have not a right to call yourself Jupiter, because you have established a right to call the same woman both sister and wife.*⁴⁵

41 G. Peterson, *M. Tulli Ciceronis Orationes: Divinatio in Q. Caecilium*. In C. Verrem, Oxford 1917.

42 C.D. Yonge, *The Orations of Marcus Tullius Cicero, Volume I*, London 1916, 121.

43 It seems Cicero relished attacks on both Clodius and Clodia; perhaps this enmity towards Clodius was the main reason behind Cicero's decision to take on Milo's defense against all odds – Jonathan Powell, Jeremy Paterson, *Cicero the Advocate*, Oxford University Press, Oxford 2004, 29.

44 Anthony C. Clark, *M. Tulli Ciceronis Orationes*. Oxonii 1909.

45 CharlesD. Yonge, *The Orations of Marcus Tullius Cicero, Volume III*, London 1913, 42–43.

3.3. Complexio⁴⁶

Cicero also uses dilemmas (*complexiones*) in his argumentation based on Roman religion, as can be seen in his oration against Vatinius. Cicero attacks his political adversary, alluding to Vatinius's godless and unscrupulous character:

hoc loco quaero, si, id quod concupieras, augur factus esses,—in qua tua cogitatione nos qui te oderamus vix dolorem ferebamus, illi autem quibus eras in deliciis vix risum tenebant: sed quaero, si ad cetera vulnera, quibus rem publicam putasti deleri, hanc quoque mortiferam plagam inflixisses auguratus tui, utrum decreturus fueris, id quod augures omnes usque ab Romulo decreverunt, Iove fulgente cum populo agi nefas esse, an, quia tu semper sic egisses, auspicia fueris augur dissoluturus? (Wat. 20)⁴⁷

Here also I ask, if you had been made augur, as you were anxious to be, the bare idea of which on your part caused us, who hated you, a pain which we could hardly endure, while they who were your intimate friends could scarcely forbear laughing at it; still I ask, I say, if in addition to the other wounds under which you believed the republic to be sinking, you had added the deadly and fatal blow of your augurship, would you have decreed that which every augur ever since the time of Romulus has invariably decreed, that when Jupiter was sending forth his lightning it was impious to transact business with the people; or, because you had constantly done so, would you as augur have put an end to the system of taking auspices altogether?⁴⁸

4. CONCLUSION

As we can see from the results of our analysis, Cicero tends to use the lexeme *Iuppiter* with a slightly higher frequency in times of great political turmoil in Rome. Perhaps this is the reason why Cicero uses so many religious-based argumentative devices in his *Pro S. Roscio Amerino Oratio*, but using the lexeme *Iuppiter* only once, and in a very unconventional manner. The singular mention of Jupiter in Cicero's *In Q. Caecilium Divinatio* is used as part of *argumentatio ad hominem*. Contrary to these

46 Cicero explains *complexio* as an argumentative device that refutes all offered alternatives (Cic. Inv.1.45), while Quintilian, calling the same argumentative device *divisio*, takes pains to describe several versions of the same argument, be it with a false and true alternative, all true and all false, frequently citing Cicero's use of what we today call dilemma as an example (Quint. Inst. 5 10.66–70, Harold Edgeworth Butler, Quintilian. With an English Translation, Cambridge 1921). For further reading, for example, v. C. P. Craig, *Form as Argument in Cicero's Speeches*, Scholars Press, Georgia 1993, 26.

47 A. C. Clark, *M. Tulli Ciceronis Orationes*. Oxonii 1909.

48 C.D. Yonge, *The Orations of Marcus Tullius Cicero*, Volume III, London 1913, 234

speeches, *actio II* of the Verrines contains 17 mentions of Jupiter, which is perhaps to be expected considering the sheer magnitude of these orations. In his orations against Verres Cicero also uses religious motifs to paint a grim picture of Verres's character; these orations even conclude with a heartfelt beseeching of Jupiter and other gods and goddesses to help him convict this impious, corrupt man.

With Catiline's conspiracy comes another rise in Cicero's use of the lexeme *Iuppiter*, culminating with *In Catilinam Oratio Tertia*. In this speech, Cicero uses religious-based arguments in 16 out of 24 sections, using the lexeme *Iuppiter* 4 times in another unconventional way. After a certain lull in religious-based arguments in general, not only pertaining to Jupiter, during which Cicero mentions the supreme deity when dealing with the *pontifices* concerning his house, and, in a different instance, the responses of *haruspices* in 57 BCE, Cicero surprisingly continues to omit religion even in his speech *Pro Rege Deiotaro*, held in the home and in presence of the *pontifex maximus* himself, Caius Iulius Caesar. Another rise in Cicero's mention of Jupiter can be seen in his *Philippics*, especially the last one, where Cicero uses religious-based arguments in 23 out of 38 sections, mentioning Jupiter only two times.

To sum up, Cicero's use of religion within the network of his argumentative devices often spikes in periods of social turmoil, as we have seen on the example of the lexeme *Iuppiter*. Cicero mainly uses this lexeme within his *exempla*, *loci*, *complexiones*, and *argumentationes ad hominem*. We strongly believe there is more to be gleaned from this, often neglected, aspect of Cicero's works, not only about Cicero's attitude but also about the state of the Roman society and the place of religion within it.

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Ана Љ. ШУМЕНКОВИЋ* *

УЛОГА ЈУПИТЕРА У АРГУМЕНТАТИВНОМ СИСТЕМУ ЦИЦЕРОНОВИХ БЕСЕДА

Сажетак

Римско схватање божанског права, *ius divinum*, подразумевало је испуњавање раније прихваћених, уговорних обавеза између богова и људи. То наглашава повезаност римске религије и правног система, нарочито постулата *do ut des* из *Leges Duodecim Tabularum*. Овакав став подразумева однос према религији као према праву и дужности сваког грађанина, јер чак и лични злочин, или, пак, неприлично понашање, могу изазвати бес богова према држави. Сам Цицерон је чврсто веровао у *ius divinum* државе, и сматрао је да је управо обавеза државе да одржава исправан однос између својих грађана и божанстава од чијег је добронамерног става зависила њихова добробит.

Као врховно божанство, Јупитер је био неприкосновен у Риму. Према легендама, Ромул је управо њему посветио први храм у Риму. Чак су и војни тријумфи био уско повезани са Јупитером, с обзиром на то да је војсковођа персонификовао самог бога. Основни циљ овог рада је да прикаже улогу и значај Јупитера у аргументативном систему Цицеронових политичких и судских беседа, као полазне тачке за ширу студију о употреби римске религије у Цицероновом беседништву.

Не чуди Цицероново чешће позивање на Јупитера у периодима криза него у мирнијим временима. Када је Цицерон почињао каријеру, својим беседама против Квинта Цецилија и затим Вера, римско друштво се још увек опорављало од Сулине диктатуре. Управо би то могао бити разлог за Цицеронову чешћу употребу аргумената из сфере религије, једне од централних тема у оптужби против Верове корупције и пљачке сицилијанских храмова. У својим говорима против Вера, Цицерон користи религијске примере не само као доказ против Вера, већ и да би боље осликао Веров карактер.

За Цицероновог конзулата, 63. године п.н.е, као и у његовим поступцима током Катилинине завере, видимо још један пораст у Цицероновом коришћењу лексеме *Iuppiter*, поново у тренуцима друштвеног превирања. У својим говорима против Катилине, у оквиру топоса афектиране скромности, Цицерон изјављује да све заслуге за спас државе сноси Јупитер, а не он сам.

И поново, током превирања узрокованих Цезаровом смрћу, Цицерон се окреће религији и римском врховном божанству, како би од њих посудио ауторитет и утицај над члановима сената, противећи се Марку Антонију све до своје смрти.

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Иако је Цицерон, универзално препознат као један од највећих беседника свих времена, исцрпно изучаван, ипак остаје простора за свеобухватну студију о његовој употреби римске религије у оквиру аргументативних система Цицеронових беседа. Нарочито верујемо у то да се доста може сазнати из овог, често занемареног, аспекта Цицеронових беседа, не само о Цицероновом ставу према религији, већ и о римском друштву и месту које је заузимала религија у оквиру тог друштва.

Кључне речи: *Марко Тулије Цицерон (106–43). – Римска религија. – Реторска аргументација. – Јуриштер.*

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