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Was Cicero's Audience Aware of How Orpheus Died (*Arch.* 19)?

Abstract: Greek myth in the *Speeches* remains an insufficiently studied aspect of Cicero's literary output. Similarly, the mythological *exemplum* as a part of rhetorical theory has never been carefully examined. The scholarly controversy concerning the connotations carried by the myth of Orpheus in the *Pro Archia poeta* might be an opportunity to contribute briefly to both subjects in question. The author of the latest edition of the speech has rejected the hypothesis of C.E.W. Steel, who holds that in the text the allusion to the poet's death can be found. The following study aims above all at supporting the view, according to which the *exemplum* serves as a reminder of what fate Orpheus met at the hands of the Thracian maenads.

Key words: Cicero, myth, *exemplum*, Orpheus, *Pro Archia*

It is beyond doubt that in his speech *Pro Archia poeta* Cicero, as he addresses the jury reminding them of the sanctity of the poet's name, evokes the myth of Orpheus when he says that "the very rocks of the wilderness give back a sympathetic echo to [his] voice [...] (trans. by N. H. Watts, slightly modified)." If analysed only through connotations with "the master singer," this mythological allusion would simply serve an illustrative end, barely contributing to the general line of argumentation. Recently it was suggested, however, that *Arch.* 8 (19) might bring to mind yet another episode from the same story, namely the poet's death by dismemberment.¹ Although this view was rejected by the latest editor and com-

¹ See C.E.W. Steel: *Cicero, Rhetoric, and Empire*. Oxford 2001, pp. 94 f.

mentator of the speech,² in our opinion, his objections do leave a space for further investigation. The main purpose of this paper, therefore, is to look at the issue in question from a somewhat different angle, and to argue in support of the former interpretation. Additionally, the discussion could yield us an opportunity for making some general remarks on the nature of the *exemplum* deriving its material from myth.

The ancients themselves did not have much to say about the mythological *exemplum* as such. Some general notions can be summarized in the following way: it furnished the speech with embellishment (*exornatio*, κόσμος), and bestowed pleasure (ἡδονή, γλυκύτης) on hearers, but as a matter outside of the case itself (τὸ ἴδιον πρᾶγμα) it had to be handled cautiously. Best mythological examples (*ficta fabula*, *fabula poetica*) ought to rely on the authority of appreciated poets of the past (*doctissimi homines, clariores poetae*), or otherwise being too vague (οὐ γνώριμα) they could fail to be recognized by the audience.³

Modern theoretical reflections on myth, on the other hand, fit in well with our objectives. Taking into consideration the nature of the literary genre we are dealing with, the most adequate way of inquiry seems to be the so-called law of metamorphosis, a term coined by Ernst Cassirer in his discussions of myths in symbolical reality. The governing principle behind this law was, that every single idea expressed in a myth could denote almost *anything* in language.⁴ Responding to this claim directly, the Canadian literary critic Northrop Frye extended Cassirer's theory into broadly conceived literature, as he held that the mind of a reader/listener can unconsciously become imbued with some suggestions carried by myth. He has also roughly divided literature into two branches – fictional and thematic. The former can derive its subject matter and internal characters from myth, while in the latter, which is our main interest, no characters are involved except for the author and his audience. As a result, the third parties are only alluded to for specific reasons, that are sometimes given by the author explicitly. Mythical matters (e.g. the name of a hero, detail from a journey, etc.) included in some pieces of

² See A. Coşkun: *Cicero und das römische Bürgerrecht. Die Verteidigung des Dichters Archias*. Göttingen 2010, p. 120.

³ For further details see e.g. Arist. *Rhet.* 1418^a 1–4; Hermog. *Id.* 2.4.1–22; *Rhet. Her.* 1.8.12 f.; Cic. *Inv.* 1.49, *Clu.* 48 (133 f.), *Mil.* 3 (8); [Hermog.] *Inv.* 3.15.60 ff. Rabe, *Prog.* 2.11–14; Aps. *Rh.* p. 376 Sp.; Quint. *Inst.* 1.8.10 ff., 5.11.6, 5.11.17–21, 12.4.1; Minuc. p. 341 Sp. For a general overview cf. R. Volkmann: *Die Rhetorik der Griechen und Römer in systematischer Übersicht*. Leipzig 1885, pp. 233–239; H. Lausberg: *Handbook of Literary Rhetoric. A Foundation for Literary Study*. Eds. D.E. Orton, R.D. Anderson. Leiden 1998, §§ 410–426 (pp. 196–202).

⁴ See E. Cassirer: *Language and Myth*. Trans. S.K. Langer. New York 1953, pp. 4 ff., 14 f., 24; Idem: *An Essay on Man. An Introduction to a Philosophy of Human Culture*. New York 1944, p. 93; Idem: *Philosophie der symbolischen Formen II: Das mythische Denken*. Ed. C. Rosenkranz. Hamburg 2010, p. 47: “Das »Bild« stellt die »Sache« nicht dar – es ist die Sache; es vertritt sie nicht nur, sondern es wirkt gleich ihr, so daß es sie in ihrer unmittelbaren Gegenwart ersetzt.”; Idem: *Die Begriffssform im mythischen Denken*. Leipzig–Berlin 1922, p. 20.

thematic literature serve as points of reference, denoting what the speaker wanted to convey.⁵ The function of myth in the text, therefore, is a reference, which aims either at identification of the point of reference (“A”) with a designate (“B”) (“A” = “B”, metaphor), or at suggesting their resemblance (“A” ~ “B”, metonymy). Within the confines of the law of metamorphosis, then, the *illustrans* interacts with the *illustrandum* constituting respectively a “relation of equality,” or a “relation of similarity.” It is unnecessary to dwell at length on the subject, especially since I deal with it elsewhere.⁶ Just for the sake of the argument, however, I shall illustrate with one brief example how the law works.

In the *Second Philippic* Cicero recounts how Antony won a great deal of goods previously belonging to Pompey at a public auction. He lost this newly assembled fortune the same way as he came into possession of it – quickly and shamelessly. Cicero points out (*Phil.* 2.27 [67]) his being in semblance of Charybdis (“A” ~ “B” = the relation of similarity as described above), at the same time remarking that even the Ocean could not have devoured so much wine as he had consumed, in such short period of time. Quintilian (*Inst.* 8.6.70) identifies this practice as hyperbole, with which the speaker exaggerates the whole situation. Either way, what matters here is that the author is able to project a trait commonly ascribed to a mythological character into a living person, thereby playing upon his audience's feelings.

The story of how Orpheus died may be regarded as highly *canonical* by the time of the Late Republic, inasmuch as we perceive the idea more or less like G.S. Kirk did,⁷ for it was known already to Aeschylus (*Bassarids*), and in Rome of the Augustan Age it assumed the form of a refined narration both in Vergil's *Georgics*, and in the *Metamorphoses* of Ovid. According to those poets the sage, after irrevocably losing Eurydice, was driven to such a state of despair, that he kept rejecting the advances of all women. The Thracian maids of the Ciconian tribe felt

⁵ See N. Frye: *Anatomy of Criticism. Four Essays*. Princeton–Oxford 152000, pp. 123, 188, 215; Idem: “Myth as Information.” *The Hudson Review* 1954, Vol. 7, no. 2, pp. 234 f.; Idem: “Myth, Fiction, and Displacement.” *Daedalus* 1961, Vol. 90, no. 3, p. 299.

⁶ See D. Pierzak: “The Case of Apollo and Hyacinth in the *Second Tetralogy* Attributed to Antiphon.” In: *Scripta Classica*, Vol. 10. Ed. A. Kucz. Katowice 2013, pp. 54 ff.; Idem: “A Reading of Greek Myth in Cicero's *Speeches*. The Case of Medea.” In: *Ancient Myths in the Making of Culture*. Eds. M. Budzowska, J. Czerwińska. Frankfurt a. M. 2015, pp. 57 f.

⁷ See G.S. Kirk: “Greek Mythology: Some New Perspectives.” *JHS* 1972, Vol. 92, pp. 75, 77; Idem: *The Nature of Greek Myths*. Harmondsworth 81985, pp. 27 f. Cf. J. Gould: “On Making Sense of Greek Religion.” In: *Greek Religion and Society*. Eds. P. Easterling, J.V. Muir. Cambridge 1985, pp. 1–33; C. Calame: “The Abduction of Helen and the Greek Poetic Tradition: Politics, Reinterpretations and Controversies.” Trans. J. Lloyd. In: *Antike Mythen. Medien, Transformationen und Konstruktionen*. Eds. C. Walde, U. Dill. Berlin–New York 2009, p. 658: “The multiple versions of what we believe we can identify as a myth are constantly produced and recast in shifting enunciative conditions, as they change, that confer upon the myth its particular meaning as a signifier.”

insulted by his behaviour and, as punishment, he was torn by them to pieces during some ecstatic rites.⁸ We need not focus on the details of this well-known story – it suffices to keep in mind the picture of frenzied maenads tearing the poet apart.

Let us now direct our attention to the main subject of the inquiry. The central section of the so-called epideictic part of the speech *Pro Archia poeta* is devoted to the praise of literature, particularly poetry (§§ 12–30). Cicero claims that, whatever has been achieved in a given discipline, we ought to respect and hold in admiration even if we lack abilities therein ourselves. So it was with the late comic actor Roscius, whose movements and gestures on stage delighted the crowds. Should it not be the same then with Archias, capable of composing amazing lines anytime *ex tempore*, and of rearranging them in a completely different configuration when asked for? His writings match the works of the poets of old, which deserve the highest appreciation, especially when one realizes that unlike other arts, where it is learning and technique that count, poetry requires a kind of divine inspiration (*poetam natura ipsa valere et mentis viribus excitari et quasi divino quodam spiritu inflari*). That is why Ennius called poets *sancti* (§ 8 [17 f.]).⁹ Having thus prepared his audience, and in order to stir up emotions in the jury, Cicero indirectly conjures the mythical Orpheus, who made even stones and wild beasts answer his call (Cic. *Arch.* 8 [19]):

Saxa atque solitudines voci respondent, bestiae saepe immanes cantu flectuntur atque consistunt; nos instituti rebus optimis non poetarum voce moveamur?

Neither the name of the protagonist nor any *specific* detail of the story appears, yet it is clear who the speaker is alluding to. The reference to a Greek mythological character in this passage must have been much more conspicuous to Cicero's contemporaries than it is to a modern reader.¹⁰ Although the figure of Orpheus did

⁸ See for instance Verg. *G.* 516–522; Ps. Apollod. *Bibl.* 1.3.2 f. Frazer.

⁹ Enn. *inc.* 19 Vahlen. Cf. Quint. *Inst.* 10.1.88: *Ennium sicut sacros vetustate lucos adoremus, in quibus grandia et antiqua robora iam non tantam habent speciem quantam religionem*; C.E.W. Steel: *Cicero, Rhetoric, and Empire...*, pp. 86 f., 91.

¹⁰ The allusion escaped some scholars' notice, and others seem not to attach importance to it. See e.g. M. von Albrecht: "Das Prooemium von Ciceros Rede pro Archia poeta und das Problem der Zweckmäßigkeit der *argumentatio extra causam*." *Gymnasium* 1969, Vol. 76, pp. 419–429 = "Digressio versus Prooemium: The *Pro Archia*: The Relevance of an Excursus." In: Idem: *Cicero's Style. A Synopsis*. Leiden–Boston 2003, pp. 198–205; P.R. Murphy: "Cicero's *Pro Archia* and the Periclean *Epitaphios*." *TAPhA* 1958, Vol. 89, pp. 100 f. (although he quotes a part of the sentence in question); F. Heubner: "Agitatorische Redundanz als Mittel der politischen Argumentation in Ciceros Rede *Pro Archia Poeta*." *Klio* 1985, Vol. 67, no. 2, pp. 487 f.; B.P. Wallach: "Cicero's *Pro Archia* and the *Topics*." *RhM* 1989, Vol. 132 (3–4), pp. 313–331 (the whole sentence on p. 324); D.H. Berry: "Literature and Persuasion in *Pro Archia*." In: *Cicero the Advocate*. Eds. J. Powell, J. Paterson. New York 2004, p. 308. Moreover, neither is this passage recorded by all the lexicons (omitted e. g. by O. Gruppe: "Orpheus." In: *Ausführliches Lexikon der griechischen und römischen*

not occur in Latin poetry until Vergil's *Eclogues*, there he is "already a symbol of artistic perfection, represented by the power of his singing over nature."¹¹ Cicero remembers to mention that the trial is led by the praetor highly educated (*nota bene* Q. Tullius), and in front of the sophisticated audience (§ 2 [3]): [...] *cum res agatur apud praetorem populi Romani, lectissimum virum, [...] hoc concursu hominum litteratissimorum*. The decipherment of the exact point of reference, therefore, should not have caused any effort on their part.

The fact that Quintilian, a famous Roman rhetorician, paid so much attention to this passage, comes as an advantage. *Arch.* 8 (19) occurs five times in the *Institutio oratoria*, and this alone should speak for itself. First, making a general remark, he deliberates (*Inst.* 11.1.31–36) on which means of expression befits whom (*cui decet*). The main criterion here is the age of the speaker, and another his profession. It would be improper, say, for a philosopher, to utter the phrase quoted above, for it is too refined (*exquisitiora*) and embellished (*laetiora*), though it suits well a statesman (*vir civilis*), for whom it is due to resort to any available "stratagem" in order to convince an audience, provided that his intentions are decent (*honestum*).¹² The author of the *Education of an Orator* regards Cicero's device as *similitudo*, which heightens the level of adornment and renders the speech more elevated, elegant, delightful, and surprising. The tenor underlying the comparison increases whenever one employs it in the way unexpected to one's audience (*Quint. Inst.* 8.3.74 f.). He mentions as well (9.4.44) that given the overtone of the following items, we would benefit more, had we put stones (*saxa*) and wild animals (*bestiae*) in reversed order, because it presents a far greater challenge to awake feelings in rocks. Here, however, such advantage of sequence yielded the palm to the ornamentation (*nam plus est saxa quam bestias commoveri; vicit tamen compositionis decor*).

Some aspects of the myth need to be outlined before we move on to the heart of the matter. The Orphic movement and its alleged founder – Orpheus himself, do not form part of a particularly ancient Greek past. On the contrary – he appears nowhere in the pre-Alexandrian epic tradition. Although the first mentions trace back as far as lyric poetry of the archaic period (Simon. fr. 40 = 567 Page), and the beginnings of tragedy (A. *Ag.* 1628–1632), the motif we are investigating does not show any sign of elaboration until the works of Euripides (E. *Ba.* 561–564), where

Mythologie, Vol. III. Ed. W.H. Roscher. Leipzig 1897–1902, coll. 1115 ff.; D.R. Shackleton Bailey: *Onomasticon to Cicero's Speeches*, Stuttgart–Leipzig 1992) nor commented upon by the author of the *scholia Bobiensia*. Quintilian, quoting the sentence several times (cf. below), although he does not provide the name of the character explicitly, seems to do so in accordance with his regular practice. Cf. his comment on Cic. *Mur.* 29 (60), a passage in which there is no way of knowing for sure who is Cicero alluding to (*Inst.* 8.6.30): *neutrum enim nomen est positum et utrumque intellegitur*.

¹¹ P.E. Knox: *Ovid's Metamorphoses and the Traditions of Augustan Poetry*. Cambridge 1986, p. 48. Quotation after: C.E.W. Steel: *Cicero, Rhetoric, and Empire...*, p. 93, n. 59. Cf. W. Clausen: *A Commentary on Vergil's Eclogues*. Oxford 1994, ad 3.46 (p. 103).

¹² Cf. Cic. *Off.* 1.20 f. (66–73).

we hear that “he once moved the trees by his singing, he moved the untamed creatures.” As for this “archetypal” poet in general, an assumption can be made that his ability to influence the wild nature by singing or playing on instrument (apparently a lyre) is among the earliest characteristics attested.¹³ As evidence for a familiarity with this motif among the Roman higher classes comes Varro’s anecdote (*R.R.* 3.13.2 f.). According to it, Q. Hortensius had once arranged a “picnic” in his game-preserve (*therotrophium*) in Laurentum, where a sort of mythological enactment took place. A slave dressed-up as Orpheus was ordered to play a curved-trumpet (*bucina*) and by doing so he is said to have allured a multitude of various animals.¹⁴

While analysing the *exemplum* we have to take into consideration all the implications deriving from the extant versions of the myth. For as C.E.W. Steel has rightly noticed, at the first glimpse Cicero commits a mistake in bringing up a character, whose fate at the hands of the human kind was known to be disastrous. According to the scholar, however, his doing so can be understood in the following way: the speaker, who is aware that the hidden message will reveal itself to the audience as he intended, resorts to their *humanitas*. The Roman people have an opportunity to avoid the mistreatment of a poet, who is *sanctus*, and thereby to act superior to the so cultivated Greeks.¹⁵ A. Coşkun disagrees with such interpretation chiefly on two grounds. He claims that the maenads should be linked with Thrace alone and one cannot associate those barbarians with the Greeks. Moreover, he maintains that the jury could not have picked up so far-fetched a metaphor altogether.¹⁶ In spite of the law of metamorphosis, however, this sort of combination is acknowledgeable in that each constituent of the narration submits itself to identification with a point of reference suggested by the speaker, and moreover, the present interpretation gains further support in the antithetical arrangement of the sentence (*saxa [...] respondent... nos [...] non [...] moveamur?*). The pur-

¹³ See e.g. C. Segal: *Orpheus. The Myth of the Poet*. Baltimore–London 1989, p. 1; F. Graf: “Orpheus: A Poet Among Men.” In: *Interpretations of Greek Mythology*. Ed. J. Bremmer. London ²1990, p. 84; O. Gruppe: “Orpheus...” col. 1115. Cf. E. *Med.* 542 ff.; *Alc.* 357–362; Ps. Apollod. 1.14 Wagner; Paus. 6.20.18, 9.17.7; T. Gantz: *Early Greek Myth. A Guide to Literary and Artistic Sources*, Vol. 2. Baltimore–London 1996, pp. 721 f.: “With Euripides at the end of the century we find both trees [...] and rocks [...] following the singer as well, and one suspects that by this time such magical powers were commonplace for Orpheus.”

¹⁴ See A. Cameron: *Greek Mythography in the Roman World*. Oxford–New York 2004, p. 233. Cf. Mart. *Sp.* 21 with K.M. Coleman: “Fatal Charades: Roman Executions Staged as Mythological Enactments.” *JRS* 1990, Vol. 80, pp. 62 f.

¹⁵ See C.E.W. Steel: *Cicero, Rhetoric, and Empire...*, p. 94: “Unlike the Thracian maenads, the Roman governing classes, in the microcosm of a jury, know how to treat a poet.” Cf. F. Heubner: “Agitatorische Redundanz...,” p. 487.

¹⁶ See A. Coşkun: *Cicero und das römische Bürgerrecht...*, p. 120: “Doch ist es irrig, ‚barbarische‘ Thraker mit Griechen gleichzusetzen. [...] Steel fährt fort, dass sich die Geschworenen alternativ (bzw. ihren Staat) auch mit *barbaria* hätten identifizieren können; als *barbari* hätten sie aber dennoch gewusst, ‚how to behave justly?‘”

pose of the whole *digressio* (§§ 12–30) is, among other things, to reduce the jury's prejudices against a poet from the East. Cicero therefore flatters them by drawing a picture of their group as intellectuals. Had they passed judgment unfavourable to A. Licinius, it would certainly undo this picture.¹⁷

The word *barbaria* has to be taken here both as primitive, uneducated part of the society, to which Archias does *not* belong, and as the wild nature, yielding itself only to the charms of inspired poets.¹⁸ The two sentences (8 [19] 1 f.) were indeed interwoven into the context unexpectedly, but it is only through the third part of our passage (*nos instituti rebus optimis non poetarum voce moveamur?*) that we are allowed to fully recognize and appreciate the mythological allusion.¹⁹ Moreover, it cannot be excluded that the sentence was pronounced in a vigorous way, with a high range of rhetorical gestures employed.²⁰ This question carries a considerable amount of the emotional appeal, for had the judgment be an unfavourable, the jury would have been perceived as less compassionate than the wild beasts, and even stones, if we are to accept the sequence preferred by Quintilian (*Inst.* 1.10.9): *quorum utrumque* [sc. *Orpheum et Linum*] *dis genitum, alterum vero, quia rudes quoque atque agrestes animos admiratione mulceret, non feras modo, sed saxa etiam silvasque duxisse posteritatis memoriae traditum est.*

The good name of Archias, whom Cicero compares to Ennius as regards *auctoritas*, and even to Homer himself, considering its rank (*sanctum*) should therefore remain untouched (*Sit igitur iudices sanctum apud vos, humanissimos homines, hoc poetae nomen quod nulla umquam barbaria violavit.*). In consent with Quintilian's statement presented above we shall regard the *exemplum* in question as constituting a relation of similarity ("A" ~ "B"), since it is clear from what we have discussed above, that Archias is not meant to share Orpheus' fate at human (i.e. at the jury's) hands.²¹ In order to reinforce his argument Cicero went on, unjust

¹⁷ See D.H. Berry: "Literature and Persuasion..." p. 304. Cf. Quint. *Inst.* 6.1.22: *referenda pars haec quoque ad utilitatem rei publicae, ad iudicum gloriam, ad exemplum, ad memoriam posteritatis.*

¹⁸ Cf. Cic. *Phil.* 11.2 (6).

¹⁹ See H.C. Gotoff: *Cicero's Elegant Style. An Analysis of the Pro Archia.* Urbana–Chicago–London 1979, pp. 176 f. It is worth noting that H. Gotoff understands the passage as a reference to either Amphion or Orpheus ("Cicero evokes the myths of Orpheus and Amphion"), with which we cannot agree in the light of the present interpretation. The ambiguity was noted already by M. Radin: "Literary References in Cicero's Orations." *CJ* 1911, Vol. 6, no. 5, p. 210 and more recently by J. Dugan: "How to Make (and Break) a Cicero: *Epideixis*, Textuality, and Self-Fashioning in the *Pro Archia* and *In Pisonem*." *CA* 2001, Vol. 1, p. 47, n. 46. Cf. however H. u. K. Vretska (eds.): *Marcus Tullius Cicero. Pro Archia poeta.* Darmstadt 1979, *ad loc.* (p. 144): "eine für den gebildeten Römer klare Anspielung auf Orpheus, auch an Amphion (so Reid), für den aber die *solitudines* und *bestiae* nicht passen [...]."

²⁰ See Quint. *Inst.* 11.3.84: *at cum speciosius quid uberiusque dicendum est, ut illud 'saxa atque solitudines voci respondent', expatiatur in latus et ipsa quodam modo se cum gestu fundit oratio.*

²¹ Cf. B.P. Wallach: "Cicero's *Pro Archia*..." p. 324, n. 26. Elsewhere (*Verr.* 2.5.67 [171]) Cicero juxtaposes himself with Orpheus, suggesting that the horrible things, that had been said, would

though it was, to suggest Aulus Licinius' resemblance with other great *sacerdotes Musarum*.

There are two separate conclusions to be drawn from our examination: one general, the other concerning "the main assumption" that was stated at the outset. It seems obvious that in the light of the supported interpretation the mythological *exemplum*, in addition to providing the speech with embellishment, possesses a certain persuasive force, and cannot be reduced to a sheer refreshment, unless we regard the whole digression (§§ 12–30), of which the *Zweckmäßigkeit* was established fairly enough by M. von Albrecht, as such. As to the scholarly discussion set out by C.E.W. Steel, the employment of the law of metamorphosis clearly tips the scales in her favour.

have moved even beasts and deserts: *Si haec non ad civis Romanos, non ad aliquos amicos nostrae civitatis, non ad eos qui populi Romani nomen audissent, denique si non ad homines verum ad bestias, aut etiam, ut longius progrediar, si in aliqua desertissima solitudine ad saxa et ad scopulos haec conqueri ac deplorare vellem, tamen omnia muta atque inanima tanta et tam indigna rerum acerbitate commoverentur.* See also C.E.W. Steel: *Cicero, Rhetoric, and Empire...*, p. 94, n. 61.