

The Imitation of Some Structural Techniques in Cicero, Tacitus, and Minucius Felix

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Reminiscences of Cicero's dialogues clutter the literary landscape of Tacitus' *Dialogus de Oratoribus* (hereafter *DDO*). The patient philology lavished upon excavating their common literary ground gives little cause for surprise. The references – or (put less generously) the debt owed – to Cicero have remained a prominent focus since the *DDO*'s earliest modern readers. Yet the call for renewed examination of the issue has recently been sounded and is thus far largely unanswered¹. The still pressing need to rethink Tacitus' reworking of Cicero can be seen as the natural result of two tendencies within the scholarship to date.

To begin with, the inquiry of the nineteenth century and the greater part of the twentieth largely confined itself to *Quellensforschung*. That philological labor has borne impressive fruits: catalogues of parallel passages and lists of structural or thematic likenesses. These investigations culminate in the systematic monograph of Haß-von Reitzenstein 1970, though her general restriction of the study to formal aspects understandably makes it a valuable prolegomenon to future work rather than the final word on Tacitus' refashioning of Cicero. Readers who appreciate the dialogue's imitation of phraseology, redeployment of dramatic motifs, or adaptation of Ciceronian ideas have begun to inquire into the broader relevance of such techniques. And these readers are growing in number.

Döpp's 1986 lean foray into the issue was soon followed by Luce 1993 who emphasizes the importance of the differences between the two authors². The *DDO* readily exhibits a

1. Döpp 1986, 7-8 notes the need for further discussion of Tacitus' sophisticated borrowings from Cicero: 'Trotz des reichen Ertrags all dieser Forschungen sind durchaus noch nicht alle Aufgaben gelöst. So fehlt es vor allem an eingehenden Interpretationen zentraler Passagen, an Analysen der Art und Weise, wie das Ciceronische von den Späteren in den Kontext ihrer Überlegungen transponiert und in welcher Weise es dabei modifiziert wird.' 'Despite the plentiful fruit of all these investigations all tasks have certainly not been completed. Primarily wanting are detailed interpretations of central passages, analyses of the manner and way in which Cicero is transposed by those who follow into the context of their own considerations and in what way it is thereby modified.' Döpp 1986, 16-22 briefly proposes certain directions for interpretation, though his analysis, to my mind, does not sufficiently account for the complexity of the issue, as will become evident below. Goldberg 1999 does carefully illuminate choice moments in the *DDO* and thereby provides a glimmer of how much remains to be done.
2. Luce 1993, 26: 'Much excellent work has been done to illustrate Tacitus' debt to Cicero in the *Dialogus*. Yet as instructive as these results are, the similarities tend in people's minds to overshadow the differences

profound knowledge of Cicero, but such knowledge need not imply either slavish imitation or lack of independence³. And while the useful (but restricted) traditional approaches have ceded ground to more searching methods, recent discussions also expect a more encompassing engagement with the subject. Goldberg 2002, for example, in a review of Mayer's 2001 Cambridge Commentary on the *DDO*, points out the need to extend the consideration of influence beyond Cicero's *rhetorica*⁴.

As a response to this second point – the need to treat more comprehensively Tacitus' adaptation of Cicero – the first part of this essay will explore how a range of Cicero's dialogues simultaneously contributes to the *DDO*'s literary design. It will likewise consider the relation between the work's borrowings from Cicero and its explicit judgments on him. Imitation of Cicero cannot be disentangled from the *DDO*'s alleged valorization of his age⁵. That fundamental issue inaugurates the dialogue and assumes center stage in its second and third debates⁶. The recourse to Cicero not only displays Tacitus' own erudition, but also demonstrates the continued presence of Cicero's legacy in imperial literature⁷.

The *DDO*'s imitations of Cicero are key to understanding the originality of its literary enterprise. Scholarly discussion of the *DDO*'s uniqueness has stressed Tacitus' differences from his forerunner. That focus touches upon important preconceptions about Cicero's relevance for the *DDO*. However, it may oversimplify matters to think of originality in terms of deviation from a precursor. That assumption largely stems from modern sensibilities and partly supposes that Tacitus' primary vehicle for distinctness was to modify or to depart from his literary forebear. This interpretive premise undoubtedly bears fruit in certain cases⁸. Yet, the present discussion explores Tacitus' sovereign employment of allusions to Cicero insofar as they exhibit a scrupulous fidelity to their models. The secondary literature has yet to appreciate fully the methodical deftness with which Tacitus insinuates structural and argumentative likenesses into the *DDO*'s literary design. Tacitus' agility in manipulating Cicero's texts goes far to explain the continued fascination with the *DDO*'s literary allusions, but risks giving the impression that, in following Cicero so closely, Tacitus slavishly pursued his rhetorical predecessor's ideals. By this logic, imitation of Cicero incontrovertibly proves

between the two authors. And it is in these differences, more than in the imitations and borrowings, that the deeper significance of the *Dialogus* is to be found.'

3. The point is demonstrated and succinctly put by Goldberg 1999, 233: 'similar form does not guarantee similar content.' Cf. also his discussion of the *prooemium* at Goldberg 1999, 226-7. An appeal to Tacitus' innovative borrowings already appears in Haß-von Reitzenstein 1970, even if she does little to press the point beyond identifying formal features.
4. Goldberg 2002 mentions the structural affinities of the *DDO* and Cicero's *De Natura Deorum* and *De Divinatione*. Haß-von Reitzenstein 1970 *passim* strongly emphasizes the affinities to the *De Natura Deorum* and shows similarities to a number of other dialogues. Hirzel 1895 is still useful for discussion of Ciceronian influence.
5. The assumption is made in discussions of Plato's influence on the *DDO*. Allison 1999, for example, argues that references to Plato are used to 'overcome' the Ciceronian models. Rutledge 2000 discusses how the modern age is contrasted with Cicero's in the context of the Platonic and Ciceronian dialogue traditions. Despite their different approaches, both assume that allusion to Cicero partly implies acceptance of his values. The same claim is implicit in Levene 2004, whose conclusions see the *DDO* as strongly dependent on Cicero's rhetorical dialogues.
6. Many interpreters have also seen this issue at the center of the first debate, by arguing that Aper's values, because of their association with the *delatores*, indicate a decline in the moral fabric of oratory since Cicero's day.
7. Roller 1997 documents one example in the sustained tradition of reading the meaning of Cicero's legacy for authors of the Empire. His essay focuses upon the reworking of Cicero's death as a declamatory topic, whereas the present discussion addresses the continued presence of Cicero's literary dialogues. See Kaster 1998 for a nuanced discussion of 'CICERO' as a rhetorical figurehead in the early Empire.
8. For example, Luce 1993 notices, as others before him, that Aper, while said to argue *in utramque partem* on four separate occasions, never admits that he actually does not believe what he says, unlike Ciceronian *advocati diaboli*, who eventually acknowledged their role-playing. This difference is important but, as I discuss below, insufficiently explains the literary dynamics of which the issue is but one part.

that Tacitus idealized his age and imitated him in tacit recognition of imperial oratory's decline.

A different approach is called for. Not only differences from Cicero, but equally similarities to him lend uniqueness to the *DDO*'s message. This claim cannot be made, however, without first recognizing the literary sophistication of the Ciceronian models themselves. Recent scholarship has come to appreciate more fully the pitfalls and merits of Ciceronian dialogue. We now read Cicero quite differently from just a few decades ago⁹, but that shift has not yet been brought to bear on interpretations of the *DDO*¹⁰.

It will further be important to consider the reverse direction of the relationship between Cicero and Tacitus: for Tacitus' imitations also propose ways of reading Cicero and constitute an important means of comparison for modern studies. Thus, a subsidiary focus will seek conclusions about Tacitus' readings of Ciceronian dialogue and will assess in particular his awareness of the sophistication and ambiguities of those texts. This issue touches upon the critical practices and literary culture of the Empire. The *DDO* may well be the best source – and the point has not received its due – to demonstrate the interpretive equipment with which a Roman audience approached Cicero's political, philosophical, and rhetorical dialogues. Thus, the analysis constitutes not only a reading of the *DDO*, but also of Cicero and of how one particular ancient reader engaged with his dialogues while implicitly assuming an audience capable of doing likewise.

In this essay I first discuss Tacitus' imitation of Cicero's *philosophica*, focusing primarily on the *De Natura Deorum* (and to a lesser extent on the *De Divinatione*). Academic Skepticism in these dialogues (though the practice is by no means exclusive to them) provides a framework within which to read certain ambiguities in the *DDO* and its much-contested 'authorial position.' Second, I move on to discuss how Minucius Felix, in his apology for Christianity, the 3rd-century dialogue *Octavius*, makes use of the *DDO* in the service of his Christian message.

The Theology of Disbelief

When Cicero catalogues his philosophical and rhetorical writings at the opening of Book II of the *De Divinatione*, he groups together the three works addressing theological questions: two dialogues, the three-book *De Natura Deorum* and the two-volume *De Divinatione*, as well as the announced (and unfortunately now fragmentary) treatise *De Fato*¹¹. Through explicit comments, *Div.* reinforces its connection to *N.D.*, which it complements by debating the purpose and validity of divination in Roman society. In addition to their thematic continuity, both works prominently wear the New Academy's epistemological method¹².

9. For an excellent summary of changes and trends in discussion of Cicero's dialogues see Craig 2001.

10. The need, however, to think about the methods of the New Academy employed in the Ciceronian models is mentioned by both Goldberg 1999 and Levene 2004.

11. Henceforth, references to Cicero's philosophical and rhetorical works will follow the OLD abbreviations (e.g. *Div.* for the *De Divinatione*, *N.D.* for the *De Natura Deorum*, or *de Orat.* for the *De Oratore*).

12. At *Fat.* 1, Cicero confirms the likeness of these two works and claims that he cannot continue their method of inquiry due to external circumstances: *quod autem in aliis libris feci, qui sunt de natura deorum, itemque in iis, quos de divinatione edidi, ut in utramque partem perpetua explicaretur oratio, quo facilius id a quoque probaretur, quod cuique maxime probabile videretur, id in hac disputatione de fato casus quidam ne facerem impedivit.* 'But what I produced in those other books, on the nature of the gods and likewise in the ones I published on divination, to have a continuous speech rolled out on each side of an issue, in order that each individual approve what seems most probable to him, a particular set of circumstances kept me from doing that in the discussion on the question of fate.'

For example, the dialogues pay tribute to the role of good judgment, *iudicium*, which Cicero elsewhere proudly claims to employ in philosophical investigation (*Fin.* 1.6). At the opening of *N.D.*, Cicero scolds the blind rashness (*temeritas*) of philosophers who adopt opinions without proper reflection (1.1). He equally badgers those too eager to seek his own opinion: *qui autem requirunt, quid quaque de re ipsi sentiamus, curiosius id faciunt, quam necesse est* (1.10). Reason rather than individual *auctoritas* should serve as a guiding principle to settle philosophical disputes: *non enim tam auctoritatis in disputando quam rationis momenta quarendae sunt* (1.10).

Although Cicero claims to have the dialogues speak for themselves, glimmers of his own position seem to peek through, as at the close of *N.D.*, when Cicero endorses Balbus' Stoic position (3.95). The second Book of *Div.*, in which Marcus Cicero argues against Quintus Cicero, has often been cited as the author's skepticism towards the practice of divination. Yet scholarship has recently challenged the extent to which we may uncomplicatedly distill Cicero's opinion from his dialogues¹³. In the case of *Div.* and *N.D.*, seminal essays by Beard 1986 and Schofield 1986 have highlighted these works' fundamental yet often misunderstood argumentative procedure. Academic dialogue effectively permitted an author to explore issues *in utramque partem*, to deploy opposing arguments in order to flesh out a given topic. Likewise, the Academic may borrow certain tenets from an interlocutor in order to shake the foundations of that opponent's overall position. These methods allow Cicero's oratorical inclinations an outlet for the artful expression of competing views. At the same time, it often becomes difficult to separate rhetorical and expository posturing from the conclusions that Cicero ultimately draws¹⁴.

The issue has acquired piquancy through two considerations, one stemming from statements in Cicero's dialogues, and the other from methods at home in modern literary criticism. Both, however, are closely related. First, Cicero undermines the adoption of a fixed opinion. The close of *N.D.* would seem to deliver Cicero's support for Balbus' Stoic position: *haec cum essent dicta, ita discessimus ut Velleio Cottae disputatio verior, mihi Balbi ad veritatis similitudinem videretur esse propensior* (3.95)¹⁵. Yet, in true Academic fashion, the claim hardly constitutes unmitigated acceptance. Balbus' argument seems weightier in the balance of truth, but how much so remains uncertain. Even to call a position more truthful relativizes its absoluteness: the comparatives, *verior* and *propensior*, immediately hedge the truths that are accepted¹⁶. The close of *Div.* demonstrates this hedging even more adamantly:

'cum autem proprium sit Academiae iudicium suum nullum interponere, ea probare quae simillima veri videantur, conferre causas et quid in quamque sententiam dici possit expromere,

13. Beard 1986 rightly stresses the distinction that should be made between 'Marcus Cicero' as a character in one of his own dialogues and Cicero as the author of the dialogues. The former is a literary figure whose opinions and conclusions are not necessarily those of the author.

14. Schofield 1986 focuses upon the rhetorical advantages of the practice, which Cicero employs, he claims, as part of a broader persuasive strategy to unite Greek and Roman philosophical method. Beard 1986 gives greater weight to the eventual uncertainty of Cicero's philosophical position, on which point her argument goes further than Schofield's. I am more persuaded by Beard's take on the question of Cicero's ultimate position in the *Div.* and, as will become evident below, I believe that the *DDO* offers crucial evidence in support of her approach.

15. 'After these things were said, we parted ways and it resulted that the argument of Cotta seemed more truthful to Velleius and that of Balbus seemed to me to tend more towards the appearance of truth.'

16. Cicero's understanding of *veritas* also holds more in store than the simple translation 'truth' would seem to suggest; it corresponds in large measure to 'verisimilitude.' For a general discussion of Cicero's use of truth terms in a philosophical context, see Glucker 1995. However, the rhetorical connotations of *veritas*, along with the different standards for rhetorical 'truth,' should not be overlooked. For a discussion of 'truth' in Cicero's rhetorical theory see the seminal discussion at Woodman 1986, 70-116.

nulla adhibita sua auctoritate iudicium audientium relinquere integrum ac liberum, tenebimus hanc consuetudinem a Socrate traditam eaque inter nos, si tibi, Quinte frater, placebit, quam saepissime utemur. 'mihi vero', inquit ille, 'nihil potest esse iucundius.' quae cum essent dicta, surreximus (2.150)¹⁷.

In these final remarks uncertainty rules in no uncertain terms. Cicero withholds final judgment (*iudicium*) as he details the methods of the Academy: to argue *in utramque partem* and to approve of what seems most like the truth. Readers are likewise exhorted to make up their own mind, to employ personal judgment rather than to bow to individual authority. These and other statements in Cicero, along with the sophisticated literary structure of the dialogues, have been understood as entailing Cicero's suspension of judgment¹⁸.

Such an interpretation may hearten literary critics of the present day, who have called into question appeals to authorial opinion. It remains a convenient coincidence that surging interest in the New Academy's methods accords well with this (now nearly dogmatic) literary-critical development¹⁹. For the Academic literary form permits the authorial mask to undermine explicitly its own authoritative status. Cicero seems to be doing what modern literary critics have wanted to see in authors of all eras.

Precisely at moments of authorial reluctance, the *DDO* follows *Div.* and *N.D.* most closely. Tacitus not only expresses the difficulty of the task he faces: *cui percontationi tuae respondere et tam magnae quaestionis pondus excipere*; he also explicitly withholds his own opinion: *vix hercule auderem si mihi mea sententia proferenda ac non disertissimum, ut nostris temporibus, hominum repetendus esset (1.3)²⁰*. Here he recalls Cicero's *perdifficilis et perobscura quaestio (N.D. 1.1)*, as well as the presentation of others' opinions: *ponam in medio sententias philosophorum (N.D. 1.6)*. Taking his cue from Cicero, Tacitus reveals the authorial presence at the outset only to efface it and continues in this vein at the work's close:

finierat Maternus, cum Messalla: 'erant quibus contra dicerem, erant de quibus plura dici vellem, nisi iam dies esset exactus.' 'fiet' inquit Maternus 'postea arbitrato tuo, et si qua tibi obscura in hoc meo sermone visa sunt, de iis rursus conferemus.' ac simul assurgens et Aprum complexus 'ego' inquit 'te poetis, Messalla autem antiquariis criminabimur.' 'at ego vos rhetoribus et scholasticis' inquit. cum arrisissent, discessimus (42.1-2)²¹.

The speakers have hardly resolved the central question and Tacitus steps in at no point to ease that indecision. The passage closely parallels the aporetic mood that Cicero conjures up for the close of *Div.* The lone reminder of Tacitus' presence, the verb *discessimus*,

17. 'Since it is particular to the Academy to interpose no judgment of its own, to approve of those things which most seem to resemble truth, to compare cases and to bring forth what may be said for each side, to leave the final judgment of listeners intact and free by not offering its own authoritative influence (*auctoritas*), we will adopt this custom handed down by Socrates and use it amongst ourselves as often as possible, if that pleases you, brother Quintus.' 'Nothing,' he said, 'could please me more.' After he had said this, we stood up.'

18. For such an interpretation see Beard 1986.

19. See discussion of the issue and bibliography in Goldberg 2002.

20. 'By god I would hardly dare [to answer this question] if I had to give my own opinion and not simply repeat the conversation of the most well-spoken – for our age – of men.'

21. 'Maternus had finished when Messalla interjected: 'there were some things I would have spoken against and some about which I would have liked to speak more, were the day not already at an end.' 'Let us,' said Maternus, 'do this again later at your pleasure and if certain things in my speech seemed obscure to you, let us meet again about them.' And, as he rose, he embraced Aper and said: 'I will accuse you before the poets, but Messalla will accuse you before the antiquarians.' 'Well, I will accuse you before the rhetoricians and lecturers,' he responded. After they had smiled at each other, we parted.'

also points the reader back to the close of *N.D.*²², as does the reason to stop debate: discussion ends not with resolution, but for the extraneous cause that day has come to an end²³. Tacitus not only distances himself explicitly from authorial opinion but also reinforces that point by invoking equivalent moments of Ciceronian dialogue.

Such distancing matches the general tenor of the *DDO*'s opening, in which Tacitus proposes the work's themes in highly ambivalent terms²⁴. However, the importance of such references does not end there, nor does their occurrence. Allusion to Cicero continues the broader plotting of the *DDO* directly onto his Academic dialogues. The *DDO* refers at numerous points to philosophical discussion in Cicero and especially to *N.D.* The overlap is most evident in two areas: first, at the *DDO*'s opening, where Tacitus introduces the rhetorical luminaries of his youth and establishes the terms of debate; second, through his depiction of the nature and content of discussion. These will be taken in turn.

Tacitus' tenuous presence emerges through the conventionally cast introduction and through brief details of the circumstances that motivate the work. As a rather young man (*iuvenis admodum*), he was present at a conversation he purports to recount from memory (*memoria et recordatione*) in response to a question from Fabius Iustus. Tacitus himself participates merely as a silent observer. Haß-von Reitzenstein 1970 notes the single occurrence in Cicero of the composite 'Young Man – Reporter of Conversation – Author,' which he employs only in *N.D.*²⁵. The introduction's last mention of Tacitus describes the encounter with Maternus as he mulls over the *Cato* he had recited on the previous day. The passage is closely modeled on *N.D.* and *Fin.*:

*intravimus cubiculum Materni, sedentem ipsum<que> quem pridie recitaverat librum inter manus deprehendimus (DDO 3.1)*²⁶.

*offendi eum sedentem in exedram et cum Gaio Velleio senatore disputantem (N.D. 1.15)*²⁷.

*M. Catonem... vidi in bibliotheca sedentem, multis circumfusus Stoicorum libris (Fin. 3.7)*²⁸.

Tacitus repeatedly directs the reader to Cicero's philosophical works and to the *N.D.* in particular. That effort continues in the employment of the 'iudex motif,' in which a character is nominated to judge ensuing debate. The convention extends back as far as Plato and occurs frequently in philosophical dialogue²⁹. In *N.D.* Cicero assumes this role himself (1.17), while in the *DDO* Maternus proposes to designate Secundus as *iudex* (4.2-5.4)³⁰.

22. *haec cum essent dicta, ita discessimus...* (*N.D.* 3.95).

23. Haß-von Reitzenstein 1970, 51 explains: 'Diese besondere Verwendung der Zeit als Schlußtopos, wie wir sie in *De natura deorum* und im *Dialogus* finden, steht in engem Zusammenhang mit der aporetischen Schlußstimmung der beiden Dialoge. Eine eindeutige Einigung läßt sich nicht erreichen, These und Antithese würden einander unaufhörlich folgen, wenn nicht die Zeit der Unterredung ein Ende setzte.'

24. See Goldberg 1999 on Tacitus' ambivalence in the *praefatio*.

25. Haß-von Reitzenstein 1970, 97. See also 99 and especially 100.

26. 'We entered Maternus' bedchamber and found him with a book between his hands, the one he had recited on the previous day.'

27. 'I came upon him seated in the sitting-hall in conversation with the senator Gaius Velleius.'

28. 'I caught sight of Marcus Cato sitting in the library with a great number of books of the Stoics piled around him.'

29. Hirzel 1895, II, 47-61.

30. Textual corruption at a crucial point in the text at section 5.4 makes it impossible to know whether, according to Aper's statement there, Secundus is actually accepted as *arbiter*. However, the textual quagmire does not affect the present discussion. The motif did not depend upon actual acceptance of the role of *iudex*. For example, at *Fin.* 2.119, Torquatus rejects Cicero's suggestion that Triarius should act as judge. The convention introduces the importance of an impartial weighing of the arguments. The judge's presence and pronouncements are typically of little importance to the convention's functioning or to the dialogue's outcome.

While these elements establish a close connection to Cicero's works in the staging of debate, Tacitus also describes the speeches in terms that pointedly suggest philosophical discussion. For example, he claims to recount *quae a praestantissimis viris et excogitata subtiliter et dicta graviter accepi* (1.3)³¹. These details stress that the speeches are a product of significant consideration (*excogitata*) as well as of accuracy and authority³². Unless we believe Tacitus' claim merely to repeat a conversation, this passage forcefully underscores the philosophical character of the speeches he has composed. Readers are right to recognize the work's general philosophical ambience³³.

Tacitus further delivers an important clue in his designation of the arguments as *probabiles*, an aspect of the work recently discussed in Luce 1993. Luce attempts to bring consideration of the *DDO*'s speeches onto new ground, arguing that they arise from the rhetorical milieu of the *controversiae* and *suasoriae*. He notes, for example, that the interlocutors claim to debate frequently (*saepe*) the work's subjects and he draws attention to Tacitus' description of the speeches as *probabiles*. On his reading, many exaggerations and inconsistencies result from accepted norms for rhetorical permissiveness. The debates resemble commonly rehashed *controversiae*, in which an interlocutor makes the best possible argument, even if that argument is less than watertight. An audience, in turn, judges whether the speeches are *probabiles*, that is, both 'probable' in a logical sense and also 'convincing,' something of which a listener can approve (*probare*). While Luce's claims may help explain certain inconsistencies in the speeches, a more direct source exists for their characterization as frequent³⁴ and *probabiles*.

In numerous philosophical dialogues, Cicero employs the adverb *saepe* to characterize repeated discussion of a given theme³⁵. Hirzel 1895 remarks upon the presence of this motif in Cicero's *philosophica*, noting its frequency in the theological works³⁶. In the same manner, the use of *probabiles* has a particularly philosophical stamp. The words *probabilis* and *probare* are employed in several of Cicero's dialogues to characterize philosophical arguments, as at *N.D.* 1.12, *Luc.* 8, and *Fat.* 1. The verb *probare* is an Academic term *par excellence* for the approval of a given position³⁷. Thus, although the influence of declamatory practices should not be dismissed, literary references direct the reader to the philosophical characterization of the work's speeches. Yet, it may oversimplify matters to separate strictly the philosophical from the rhetorical in the *DDO*. The work itself impresses upon the reader the philosophically proficient milieu of rhetorical practice. Aper mentions this fact in

31. '[those things] which I have received from the most outstanding of men, both precisely thought out and expressed with authority.'

32. The words *subtiliter* and *graviter*, though common enough as stylistic indicators (for the 'low' and 'high' styles, respectively) were favored in Cicero to designate philosophical discussion. *Subtilis* marks the fine-woven precision of dialectical argumentation, and *gravis* the weight of philosophical authority. Cf. Wilkins 1892 s.v. Messalla refers, at 31.4, to the *subtilitas dialecticae*.

33. Haß-von Reitzenstein 1970 highlights a number of touches that endow the work with a philosophical coloring.

34. The motif appears, for example, when Aper remarks to Messalla: *nam hunc tuum sermonem saepe excepi* (15.1): 'You see I have often had to endure this kind of talk from you.' The work's close suggests that discussion will take place again.

35. The characterization of discussion as being held *saepe* is a mainstay of philosophical discourse. See Hirzel 1895, II, 51 n. 4.

36. Hirzel 1895, 1.543 n. 1: 'Diese Wendung, um den Uebergang von allgemeinen Bemerkungen zum einzelnen Dialog zu machen, war also damals bei Cicero zur Manier geworden. In anderen Dialogen ist sie mir nicht aufgefallen.' This expression, to effect the transition from general comments to the particular dialogue, had thus at that time become a mannerism in Cicero. I did not come across it in other dialogues.'

37. See also *OLD* *probabilis* 3. At *de Orat.* 1.63, Cicero writes *illud est probabilius, neque tamen verum*. At *Ac.* 2, fr. 2 he states *omnia quae probabilia vel veri similia putavi nominanda*. Gucker 1995 provides illuminating treatment of *probabile*, *veri simile*, and related vocabulary in Cicero's philosophical dialogues.

his second speech (*DDO* 19): being rhetorically acute in Tacitus' day also meant being philosophically aware.

While these parallels underline a more systematic recourse to Cicero's *philosophica* than has thus far been acknowledged, they bring up a number of problems. How, for example, do they relate more generally to the literary composition of the *DDO*? Their meticulous deployment suggests that they are more than just formal artifice; and they hold significant consequences for the work's message. On the surface, Tacitus seems to nudge readers towards moments in Ciceronian dialogue that repudiate any fixed position. It has been suggested by Murgia (and noted by Goldberg without necessarily being endorsed)³⁸ that Tacitus' distancing himself from the work's statements would insulate him from their potential political dangers. Likewise, it might save him from offending Pliny, as discussed by Barnes 1986. However, such suggestions seek external reasons that might motivate otherwise inexplicable gestures in the work. Rather, in following the Ciceronian tradition so closely, these techniques reveal a specific methodological interest: they direct the reader both to consider seriously the points of debate and to avoid easy conclusions. Put otherwise: by distancing himself from a particular position, Tacitus pulls the reader into closer consideration of the speeches' contents³⁹.

And although the conventions of philosophical dialogue are a central aspect of the *DDO*'s argumentative technique, the direction they give to the work's message can be hard to pin down. For example, the characterization of Aper as an *advocatus diaboli* has often been cited as a gesture that vitiates his arguments⁴⁰. By having the other characters malign Aper's conviction, the argument goes, Tacitus intends the reader to dismiss his statements. However, to downplay Aper misinterprets his role within the tradition of Academic literary dialogue⁴¹. That tradition does not permit the reader to overlook his claims *carte-blanche*. To neglect Aper in this vein not only ignores his significance but also the fact that Tacitus gives him the longest speeches⁴². The Academic literary form permits the exploration of a variety of potentially valid and convincing viewpoints. While there are moments in Cicero's dialogues that work against an *advocatus diaboli*, such as Philus' untenable argument *contra iustitiam* (*Rep.* 3), not all cases of such role-playing can be interpreted in this vein⁴³. To deride *iustitia* is one thing, to defend modern *eloquentia* vigorously quite another.

A final point merits consideration and will direct the remaining considerations in this chapter. By concentrating the references to Cicero's philosophical dialogues at the opening and close of the *DDO*, Tacitus employs them as a framing device that gives a broader hermeneutical direction to the work. Numerous cues to the work's philosophical leaning appear at the outset, and, in case readers have forgotten, a closing flourish stands as a forceful reminder. Tacitus refers to Cicero's dialogues as unified works of considerable sophistication. By placing the *DDO* in that generic tradition, he suggests that we are to

38. See Murgia 1980, Murgia 1985, and Goldberg 1999.

39. Indeed the work's close seems to point the reader in this direction (42.1). Maternus remarks that they should revisit the issue (*de iis rursus conferemus*), if his comments have seemed obscure (*si qua tibi obscura... visa sunt*). Repeated debate will clarify matters of philosophical discussion. Tacitus here seems to coax the reader into continued consideration of the work's issues.

40. Williams 1978, against which cf. Goldberg 1999.

41. Cf. Hirzel 1895, who fairly contextualizes Aper's role in the dialogue tradition.

42. For example, Haß-von Reitzenstein's 1970 intent focus upon formal features fails to probe into their thematic relevance or to account for the literary tradition of Academic dialogue. Consequently, she thoroughly rejects Aper's role and arguments. If anything, her method (negatively) demonstrates that analysis of formal features cannot be separated from interpretive assumptions in examining the *DDO*.

43. Antonius, for example, clearly plays an important role in *de Orat.* and his arguments cannot be dismissed outright. See Hall 1994 for discussion of Antonius' role in relation to the work as a whole and to Crassus' function there.

read the work on its terms, that the *DDO* sought to profit from that tradition's literary forms and conventions. In appealing to it, Tacitus carefully distances himself from any authoritative 'Tacitean' pronouncement on the state of modern oratory. The problem of sorting out what, precisely, constitutes good oratory remains largely up to the reader. Furthermore, only repeated examination and discussion will allow us to acquire some measure of certain knowledge on this subject.

The *DDO* and Minucius Felix

Perhaps no ancient author owes as much to Cicero's *De Natura Deorum* as Minucius Felix. Nearly every page of the *Octavius'* heated debate over pagan and Christian culture and faith demonstrates an effort to adapt and to redeploy the language, arguments, and themes of *N.D.* A host of scholars have addressed that subject, and indeed the relationship of the two works, along with questions of the *Octavius'* date and its connection to Tertullian's *Apologeticum*, have dominated the study of Minucius Felix. Rather than repeat a discussion that has already received ample treatment, I would like to focus on the *DDO's* relevance to the arguments and the dialogue strategy that Minucius employs.

More than three decades ago, in an essay defending and expanding upon Büchner 1954, Carver 1974 discussed the connections of the *Octavius* to the *DDO*. In addition to various points of contact, Carver 1974, 104 noted the precise fashioning of four dialogue *topoi* in the *Octavius'* conclusion upon those of the *DDO*: '(1) the end of day as the motive for concluding the dialogue; (2) the proposal to continue the discussion later; (3) the necessity of clarifying the discussion at a future session; (4) a smiling, jocular departure.' He further remarked: 'The appearance of these four *topoi* juxtaposed cannot be found, so far as I can determine, in any other Latin or Greek work antedating the fourth century.' This and other similarities led to the conclusion that, despite the salient reliance on the *N.D.*, 'Minucius and Tacitus had a slender point of contact in the exaltation of their respective ages⁴⁴.'

Carver rightly defends the thesis that Minucius relied on Tacitus as a model when writing the *Octavius*. However, I will argue, certain aspects of the *DDO* which are essential to the *Octavius* still warrant further examination, especially as concerns the final chapters of the *Octavius*. Its reworking of the *DDO* at this point illuminates key elements of the *Octavius* which extend beyond the similarly optimistic message. It bears upon Minucius' larger cultural aims and in particular, upon his attempt to understand and to appropriate the ancient philosophical tradition within a Christian context.

At *Octavius* 39 Minucius remarks on the speech that Octavius has just concluded:

cum Octavius perorasset, aliquamdiu nos ad silentium stupefacti intentos vultus tenebamus, et quod ad me est, magnitudine admirationis evanui, quod ea, quae facilius est sentire quam

44. Carver 1974, 106. The other connections (or possible connections) discussed in his essay may be summarized in the following chart:

<i>DDO</i>	<i>Octavius</i>
2.1	3.1 (first suggested by Pellegrino 1947)
6 and 7	12.5 (along with <i>de Nat.</i> 2.7)
24.1	39
41.5	38.6-7 (first discussed in Büchner 1954)
42.1-2	40.2-4

An additional parallel may be noted. Although the *DDO* develops into a dialogue between three participants, it initially begins as a debate between two speakers (Aper and Maternus) on a single subject (poetry vs. oratory). Secundus, the third participant is nominated as judge to arbitrate the debate (as discussed above textual problems make it unclear whether or not he actually accepts the position of *iudex*). Messalla does not arrive until after the conclusion of the first two speeches. Thus, the *DDO's* first debate (two speakers, one *iudex*) may embody the closest dialogue model for the *Octavius*.

*dicere, et argumentis et exemplis et lectionum auctoritatibus adornasset et quod malevolos isdem illis, quibus armantur, philosophorum telis rettudisset, ostendisset etiam veritatem non tantummodo facilem sed et favorabilem*⁴⁵.

The passage holds a close connection to a similar passage of the *DDO*. In the brief exchange between Aper's second speech and Messalla's first speech at *DDO* 24.1, Maternus remarks on Aper's impassioned defense of modern oratory:

*adgnoscutisne... vim et ardorem Apri nostri? quo torrente, quo impetu saeculum nostrum defendit! quam copiose ac varie vexavit antiquos! quanto non solum ingenio ac spiritu, sed etiam eruditione et arte ab ipsis mutuatus est per quae mox ipsos inceseret (24.1)*⁴⁶.

The statement highlights an essential feature of Aper's technique. In his criticism of the *antiqui*, Aper borrows arguments from Cicero to justify his claim that the modern age is as rhetorically capable as was the age of Cicero. Even the phrase that Maternus employs to describe Aper's passionate defense, *copiose ac varie*, stems directly from *de Orat*⁴⁷. Through Maternus, Tacitus slyly focuses the reader's attention on those aspects of Aper's style and arguments which he has acquired from reading Cicero⁴⁸.

At issue here are the affinities among the passages in Tacitus and Minucius, and further, what their similarities reveal about the larger message of the dialogues in which they occur⁴⁹. By following Tacitus' lead, Minucius creates a compelling parallel between Aper's and Octavius' arguments: just as Aper defended modern oratory while examining (and partly criticizing) its past, so Octavius defends Christianity while discussing and rectifying the perceived faults of its philosophical forerunners. Yet the parallels extend beyond the similar attempt to dispatch one's predecessors with their own arguments.

Although Aper and Octavius criticize the past, they do not merely reject it in favor of the present. Rather, both propose a larger narrative in which that cultural background paves the way for and culminates in the values of the present moment. In the case of Aper, a fascinating appeal to and appropriation of Ciceronian authority informs his second speech⁵⁰. He seeks, for example, to undermine the distinction of *antiquus* and *novus* – of so-called 'ancient' and 'modern' orators – via a lengthy digression on Cicero's great year (16.7), during the course of which he draws on Cicero's *Hortensius*⁵¹. Aper proposes that rhetoric has

45. 'After Octavius had finished his speech we were amazed to the point of silence and stood with fixed gaze, and in my case I was overcome with immense wonder at the fact that Octavius had adorned those things, which it is easier to feel than to say, with arguments, examples, and literary precedents, and because he struck back at the malevolent with those same weapons of the philosophers with which they are armed, and he even demonstrated a truth that is not only comprehensible but even attractive.'

46. 'Do you recognize the force and spirit of our Aper? With what surge, with what force did he defend our age. How fully and with versatility did he harass the ancients! Not only with genius and life but even with learning and technique (which he borrowed from them) did he then attack those same men.'

47. At *de Orat.* 1.59, Cicero writes: *oratorem plenum atque perfectum esse eum qui de omnibus rebus possit copiose varieque dicere.*

48. It would be possible to argue that Maternus is being ironic. However, both Maternus' language and the details of his statement forcefully direct the reader to the Ciceronian quality of Aper's speech. Even if Maternus is ironic (or just playful), we are still pushed to consider the touches of Cicero with which Tacitus depicts Aper.

49. Carver 1974, 103 saw a significant difference between them: 'In being tailored to fit Minucius' apologetic purposes, the Tacitean antithesis loses some of its bite. The point which Maternus makes in the *Dialogus* is that Aper is inconsistent when he draws upon a copious knowledge of ancient literature to attack that same literature. Minucius, however, has not been at all inconsistent, but simply skillful in debate, when he refutes pagan philosophy from its own literature.'

50. Cf. Döpp 1986, 17-19. Aper traces the development of *eloquentia* (19, 1-20, 7) and provides a stylistic analysis of the merits and deficits in the premier orators of Cicero's day (21, 1-23, 4).

51. Mayer 2001, 140 suggests a possible connection between arguments in the *Hortensius* and Aper's objections to the term *antiquus*: 'The context within the dialogue in which Cicero deployed the notion of the Great

undergone changes which account for and justify its current standards of practice. Past orators and their audiences tolerated a rougher style which lacked the succinctness and polish now valued by their modern counterparts: *facile perferebat prior ille populus, ut imperitus et rudis...* (19.2). Changes in taste and times act upon rhetorical styles: *cum condicione temporum et diversitate aurium formam quoque ac speciem orationis esse mutandam* (19.2). At the broadest level Aper paints a picture of oratory as having developed and acquired sophistication since the age of Cicero.

Octavius holds a similar developmental conception of the philosophical 'pre-history' of Christianity. At 34.5 he claims that philosophers have been teaching the same doctrine as Christians: *animadvertis philosophos eadem disputare quae dicimus*. Likewise at 34.6 he calls upon Pythagoras and especially Plato as forerunners of the Christian idea of rebirth: *sic etiam condicionem renascendi sapientium clariores, Pythagoras primus et praecipuus Plato...* To be sure, Octavius criticizes philosophers on points of detail and at times in language bordering on invective (as at 38.5). But in the end the truth that is the object of philosophical debate has, on his account, finally reached maturity in the Christian era: *veritas divinitatis nostri temporis aetate maturuit*. He thereby reconciles the practice of philosophy to Christian doctrine and synthesizes the philosophical past with the Christian present: *aut nunc Christianos philosophos esse aut philosophos fuisse iam tunc Christianos* (20.1). Just as Aper had done for rhetoric, Octavius creates a narrative for Christianity that connects its philosophical past to its present manifestation, with the claim that the present day has finally gotten it right.

It is quite understandable that the *Octavius* would rely on the *Dialogus* given the affinities in their arguments and message. Both portray an individual who seeks on the one hand to align himself with a tradition and on the other hand repeatedly stresses its perceived inadequacies or failures. Both also conclude with similarly optimistic statements about the respective good of their ages. In these regard these two works share a unique strategy within the tradition of ancient dialogue. Furthermore, the partial modeling of the *Octavius* on the *DDO* not only illuminates Minucius' attempt to reconcile Christianity to philosophy; it also provides evidence of how one ancient reader interpreted Tacitus' *DDO* in imitating it. The claim I have made above about Tacitus as both a reader and interpreter of Cicero likewise applies to Minucius' reading of Tacitus. It is noteworthy that Minucius borrows arguments from both Aper and Maternus in a manner that reconciles those arguments. Their statements about the development of oratory (Aper) and the good of the present day (Maternus) are not read by Minucius in opposition to one another, but as complementary facets of a larger coherent message. Certainly Minucius may simply have selected bits of the *DDO* without considering how those pieces fit together in the larger context of the model from which they are drawn; in the end we cannot know with certainty how Minucius understood the *DDO* beyond the clues that his imitations provide. But the careful parallels in the larger messages of both works suggests that Minucius regarded the

Year is uncertain. But at *Hort.* fr. 52 Grilli = 32 Müller an argument is put forward by Hortensius himself to show that *sapientia* is older than *philosophia*, which he calls *recens*, since it dates only from Thales. Now, he ought at some point (though there is no room in the context of the transmitted fragment) to have justified the odd claim that Thales, who lived five centuries before him, was 'recent'. Did Hortensius slyly insinuate the reckoning by the Great Year to support his unusual assertion? If that were so, Aper's reference to the eponymous dialogue would have more point. He is not just reminding his hearers that Cicero had happened to refer to that calculation in the work, but might even be employing a strategy similar to that of one of its interlocutors, and for a similar purpose, to weaken an opponent's position in advance.' The reference is to the following passage in the *Hortensius*: '*quando*' inquit '*philosophi esse coeperunt? Thales, ut opinor, primus. recens haec quidem aetas. ubi ergo apud antiquiores latuit amor iste investigandae veritatis?*'

DDO as a particularly apt model through which to justify the values of the present day while still connecting those values to their cultural past.

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