Self-Presentation and Identity in the Roman World

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Edited by

Andreas Gavrielatos

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PREFACE

ANDREAS GAVRIELATOS

Identity is not a monolithic idea, but rather a nuanced concept. Classicists have borrowed the term from other fields in the humanities and social sciences as an effective tool for approaching the ancient world. Thus, it is used as a manifold concept that can be related to language, ethnicity, social status, or culture. In order to (re)construct any respective identity, different approaches and research methods have been applied. The various mechanisms of an identity's composition, and the multiple nuances of its appearance, are further complicated as we gain distance, chronologically, from the individual. This is because we cannot sufficiently appreciate the individual's experience of their own world, nor can we understand the ways in which (or indeed whether) the individual in the ancient world understood the concept of identity. Caveats always emerge when identity is considered from theoretical perspectives. In practice, it is tacitly accepted that 'identity' refers to the characteristics that suggest the individuality of a person. These may be internal, leading to a personal/individual identity, or external, leading to the public identity, and so on, within a community, etc. There are unequivocal constrictions: we can only describe the (nuances of the) identity of an individual to the extent to which they allow us to do so. Furthermore, we are able to collectively examine those identities and argue for common aspects and similar preferences of groups of individuals who share common features.

Although these caveats are ever-present, it is not the purpose of this book to enter into a discourse on the nature, aspects, or components of the concept of identity in the Roman world, nor to contribute to the debate on the validity of 'identity' as a paradigm.[1] Instead, the chapters of the present book are devoted to the exploration of self-presentation as a tool for securely approaching aspects of identity. Those aspects are not particularly limited to ethnic, cultural, linguistic, poetic, etc. facets of identities. The reason for this choice is primarily because the underlining of self-presentation proves effective for understanding the ancient world

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[1] The definition of the concept and its validity for application within classical studies has been challenged by Bell (2008) 20-4.

and interpreting its sources. Furthermore, the various levels of self-presentation, as well as the possible outcomes, suggest that identities can equally vary and take different forms. Although a paradigm other than 'identity' would perhaps be more efficient for classical studies, it is only through a more securely identifiable tool, such as self-presentation, that the concept can better be examined. Thereby, self-presentation is examined as the projection of an individual's self to the surrounding world, and again towards aspects of social life – such as the rights or obligations in one's community – and individuality – such as personal beliefs, goals, and objectives.

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The notion of self-presentation and its significance has attracted the interest of scholarship in the past.[2] In literary studies, self-presentation is usually applied in order to understand either the way in which an author creates his *persona*, e.g. in the works of Cicero, Catullus, or the *Epistles* of Plinius, or, equally often, the self-fashioning of a character in order to suggest new readings. The former function of self-presentation in Roman literature has recently been attributed by Papaioannou to literary prologues:[3]

> The prologue is the place where the author's distinct personal voice is set. This personal signature may be defined in many different ways; it may introduce, for instance, a new literary theory or a generic profile that has gone through evolution. A prologue, in other words, has a very powerful interpretative function for conveying self-image and introducing new poetics … Poetic self-presentation involves the construction and projection of an identity and a character in the course of a poem or an oeuvre.

Although focusing on Terence's work, Papaioannou's statement is not limiting, but further supports the application of self-presentation to the interpretation of a literary text.[4]

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[2] A similar term, 'self-fashioning', is also often applied. Although there have not been theoretical boundaries between the two, self-fashioning implies a higher level of deliberateness, perhaps even of self-consciousness in the act of self-presentation, which is used in a broader sense. See also the comments on the two by Leach (1990) 15-6.

[3] Papaioannou (2014) 25.

[4] Other approaches to similar self-presentations are Claassen's exploration of Ovid's 'wavering identity' (Claassen 1990). See also Martelli (2010) for parallel readings of Ovid's and Augustus' self-fashioning. These examples are only

Another example comes from Greene (1995) with a reading of the "dynamic, shifting relationships of multiple speaking voices in the anguished poems about Lesbia" of Catullus.[5] Her reading of poem 8 is facilitated by the observation that the persona's self-presentation "depends on the discontinuity of past and present", which corresponds "with the way the speaker vacillates between referring to himself in the second person or the third", and accordingly with the identity he shapes.[6] A similar approach supports the readings of poems 72 and 76. In her chapter here, she looks into the self-presentation of Propertius and its ideological implications.

In other cases, a character's self-presentation is often strategically employed by an author in order to shape specific identities, thereby becoming significant for new readings of a text. For example, Bernstein (2003) discussed the employment of rhetorical self-presentation as an act of the characters in the *Thebaid,* in order to gain or avoid ancestral links in their identities.[7] Fitch and McElduff (2002) explore notions of self-presentation in the characters of Senecan drama in order to understand the ways they assert their identities. A discussion on self-presentation immediately recalls the function of *personae* in literary texts. Bernstein in his chapter discusses the construction and function of self-presentation in Roman declamation on the basis that "the distinction between speaker and declamatory *persona* may not have been as ironclad as that between the theatrical performer and the world outside the theatre".

Also considering authors' self-presentation, Roselaar draws attention to Cicero's speeches and the identity he shapes for himself both as a Roman and as an Italian, with regard to the context of each speech. This identity is significant for his career, especially considering his status as a *novus homo*, and this emerges through his self-presentation in his speeches. Roselaar therefore contributes to the dialogue on the shaping of his *personae* and the corresponding identities in his rhetorical works.[8] By contrast, issues pertaining to Cicero's self-presentation in his philosophical works have historically attracted less attention. Scheidegger addresses this

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indicative of various works that have employed the notion of self-presentation. Self-presentation has also been a key theme in the Second Sophistic movement, as demonstrated by Gleason (1995), but also applicable to Plutarch's *Queastiones Convivales* (Klotz 2007).
[5] Greene (1995) 77.
[6] Greene (1995) 79.
[7] Bernstein (2003) 356.
[8] The *Catilinarians* also evoke some speculation on Cicero's self-presentation, see Berry (forthcoming) ch. 3.

gap with an insight into the ways Cicero constructs his self-presentation, and consequently its implications, in four of his dialogues. Therefore, although shaping an identity may not be the primary intention of an author's self-presentation, examination of its outcomes is revealing for its poetic references.

Autobiographical contexts are always intriguing sources of authorial self-presentation. As the two next chapters demonstrate, such texts may be implicit or explicit in their aims. Authors used self-presentation in order to place themselves in the literary continuum of the poetic tradition, or for posterity. Poetic identity as the outcome of an author's self-presentation is the subject of Kayachev's chapter on the *spragis* of Virgil's *Georgics* (4. 559-66). An intertextual analysis sheds light on the way the *spragis* attaches new aspects to this poetic identity, drawn from its relation to the recent past of the Roman poetic tradition. Pliny's self-presentation as a means for indirect autobiography has been addressed in the past.[9] Tzounakas, in his chapter, follows Pliny's self-presentation in his *Epistle* 9.23 and highlights its significance as well as the strategies applied. Thus, the chapter demonstrates how self-presentation, outside the sphere of autobiography, could become a means for shaping an author's identity such that he would be remembered for posterity.

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In epigraphy, self-presentation has been the means for understanding and interpreting the epigraphic habit in general, but also applied to specific case studies. Acts of self-presentation were attributed to epigraphic practice in 2001, in an edited volume by Géza Alföldy and Silvio Panciera.[10] The authors of this book contributed to the understanding of inscriptions as a means for self-presentation. Therefore, self-presentation is, at times, the individuals' primary goal and this is achieved through epigraphy. Recently, Haüssler has employed this approach in relation to the individual's process or choice of assimilation in the Roman multicultural world.[11]

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[9] Radicke (1997).
[10] Alföldy & Paniera (2001).
[11] Haüssler exploits the example of Aelius Aristeides (AD 117-181) and his panegyric *To Rome* and concludes that "self-identity depends on circumstances". On the other hand, Haüssler again notes that Cicero "chose appropriate behaviour for a senator, aspiring to the ideals of the Roman Republic and internalizing the ancestral habits, the *mores maiorum*" (Haüssler 2013: 48-51). This is a valid

The interrelation of texts and images in inscriptions has attracted the interest of recent scholarship and in particular two chapters by Mullen with regard to Regina's tombstone (*RIB* I.1056).[12] Schmidt, in his chapter, is also concerned with the self-presentation of Roman soldiers, through representations in images and texts, in order to shape either a personal or a collective identity. His case study is drawn from the tombstones of Rhineland, whose text is accompanied by a visual representation. Dzino explores the significance of the past and of reclaiming this past in the identity-construction process, with his case-study on the Iapodean urns. In this process self-presentation can be the medium, while the employed research mechanisms support the incorporation of the past into the features of this current identity. Epigraphy has indeed still much to tell about the relationship between self-presentation and identity. Funerary inscriptions are a particularly interesting field in this respect. Varga examines this relationship in order to interpret the identities displayed through self-presentation in funerary inscriptions of Dacia Porolissensis, highlighting the features of the identities that emerge from self-presentation.

In an attempt to define the concept of identity when there is little evidence about the social class and the ethnic or linguistic background of individuals, Gavrielatos analyses personal names as the means for self-presentation. In particular, he concentrates on cases of *terra sigillata* potters eager to change their names or the way in which they are presented. These changes are interpreted as deliberate choices for shaping an *aspired displayed identity*, which is suggested as a definition. Stoev also examines the individuals' names and the onomastic patterns in Moesia Inferior as the means for self-presentation. In this chapter, the author focuses on the customs of hereditary name giving, resulting in a database and the suggestion of a system for their analysis. These two chapters, with the focus on personal names and their intergenerational changes, meditate upon the multicultural, social, ethnic, and historical features of a community.

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premise for individuals who aspire to some Roman 'flavour' for their public identities, which corresponds to the social circumstances, and they foster the self-presentation that serves this purpose. Those social circumstances were understood in different ways by each individual, which is why the individuals' choices are apparent in their different self-presentation (Häussler 2013: 56-7, 66-7).

[12] Mullen (2011) 543-6; Mullen (2012) 1-5.

Finally, self-presentation was exploited as a strategy by Roman republican politicians and later by emperors for the enhancement of influence, display of power, and evidently, propaganda.[13] Benetos with his chapter chronologically rounds out the circle of discussions in this volume with the transformation of an emperor's self-presentation, namely that of Constantine the Great, marking the transition to a new era for the Roman world with the integration of Christianity.

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[13] Caesar's various forms of self-presentation have also been addressed widely, for example Östenberg (2013).

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CHAPTER I

PERSONA, IDENTITY, AND SELF-PRESENTATION IN ROMAN DECLAMATION

NEIL W. BERNSTEIN

What can you say in public if you want to be believed? Clearly not everything you might want to. In deliberative or forensic contexts, the clash between the speaker's words and his or her prior commitments may have immediate and significant repercussions. To take a famous example, Cicero delivered a speech on behalf of Caesar in the Senate in 56 BC in which he argued for measures that he had previously opposed. Cicero made clear his own displeasure with his performance in a personal letter to his friend Atticus: he called his speech a "shameful palinode (recantation)".[1] For their part, the audience scrutinizes speakers' words for any contrast with previous commitments. Juvenal offers an entertaining review of Roman audiences' assumptions about their historical figures and their healthy skepticism of perceived deviation from the *personae* associated with them: "Who would put up with the Gracchi complaining about sedition? Who would not mix sky and earth and sea and sky, if a thief displeased Verres or a killer displeased Milo, if Clodius accused adulterers, Catiline accused Cethegus, if Sulla's three students spoke against the proscription list?"[2] Audience consensus regarding the speaker's

[1] Cic. *Att.* 4.5.1: *subturpicula mihi uidebatur esse* παλινῳδία. For the possible identifications of this speech, see Crawford (1984) 158-160.

[2] Juv. *Sat.* 2.24-28: *quis tulerit Gracchos de seditione querentes? / quis caelum terris non misceat et mare caelo / si fur displiceat Verri, homicida Miloni, / Clodius accuset moechos, Catilina Cethegum, / in tabulam Sullae si dicant discipuli tres?*

persona determines the possible universe of creditable claims and arguments.

In Ciceronian terms, the declaimer opposes the fourth of the four *personae*, his fictional creation, with the first three, the *personae* that embed the performer in a social world.[3] For Cicero, writing in the tradition of the philosopher Panaetius, two of these *personae* derive from nature: (i) the universal *persona* that distinguishes human beings from animals; and (ii) the particular physical and mental endowments that distinguish one human being from another.[4] The latter two *personae* derive from culture: (iii) the ascribed social *persona* derived from birth and fortune; and (iv) the achieved *persona* constructed from our own choices and actions over the course of a lifetime.[5] I shall accordingly refer to this fourth Panaetian *persona* as the declaimer's "constructed" *persona*.

Assumptions regarding the sincerity of this *persona* are quite different in the law court or the Senate than in the world of Roman declamation. Epideictic contexts generally allow the speaker more freedom to construct a fictional *persona*. These *personae* tend to be more fantastic or outrageous than the norm encountered in the forensic or deliberative contexts. Examples include the war hero who asks to commit suicide because an astrologer has warned him that he may kill his own father ([Quint.] *DM* 4); the cannibal who now repents his appetites ([Quint.] *DM* 12); and the young man who was captured by pirates and ended up marrying the pirate chief's daughter (Sen. *Contr*. 1.6). The extravagant scenarios that provide the narrative setting for the creation of these *personae* elicit the criticism of some Roman witnesses.[6] To use contemporary terms of analysis, the *personae* constructed by the declaimer are neither "authentic" nor "sincere".[7] They have self-evidently been deliberately constructed in accordance with the declamatory scenario. Yet these constructed *personae* nevertheless gave evidence to contemporary

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[3] Cic. *Off*. 1.107-121. See Guérin (2009); (2011).

[4] Cic. Off. 1.107: *intellegendum etiam est duabus quasi nos a natura indutos esse personis; quarum una communis est ex eo, quod omnes participes sumus rationis praestantiaeque eius, qua antecellimus bestiis, a qua omne honestum decorumque trahitur et ex qua ratio inueniendi officii exquiritur, altera autem quae proprie singulis est tributa.*

[5] Cic. Off. 1.115: *ac duabus iis personis, quas supra dixi, tertia adiungitur, quam casus aliqui aut tempus imponit, quarta etiam, quam nobismet ipsis iudicio nostro accommodamus.*

[6] E.g., Petr. *Sat*. 1-5; Quint. *Inst*. 2.10.5; Juv. *Sat*. 7.150-177; Tac. *Dial*. 35. See Gunderson (2003) 1-25.

[7] See van Alphen *et al.* (2009).

Roman observers of points of affinity with the performer's identity. What remains from the standards applied to speakers in non-declamatory contexts is the measurement of the fictive *personae* against the audience's perceptions of the declaimer. The connections between the declamatory *persona* and the Roman audience's assumptions regarding the declaimer's identity are the subject of this chapter.

Declamation was an important component of the formation of the Roman elite.[8] One pedagogical goal of these rhetorical exercises was to learn how to perform according to the normative expectations set by a hierarchical and conservative society. Declamation helped to inculcate in the male student the range of ideological commitments and the verbal repertoire associated with the *paterfamilias*. (The use of masculine referents here and throughout the remainder of this chapter reflects the genre's obsessive concern with the performance of masculinity.)[9] Elite young men learned to think, act, and speak like the authoritative individuals that they would one day become. Though the goal may have been the construction of an authoritative *persona*, declaimers did not reach it through monologic discourse. Rather, they were expected to speak *in utramque partem*, on both sides of any question. Speeches for both sides of a *controversia* (declamatory exercise) may no longer always appear in our extant declamatory collections. The rhetoricians make clear, however, that a properly constructed *controversia* must leave room for arguments on both sides. The Elder Seneca observes that "there's nothing more shameful than to declaim a *controversia* in which nothing can be said for the other side—or not to engage in refutation, if something can be said in response."[10] Declaimers constantly sang palinodes, in the schoolroom rather than in the Senate, and (mostly) without shame.

Even the youngest children in our media-saturated world quickly learn the difference between the characters created in film and theatre and the actors who perform them. Modern readers sometimes assume that declamatory performances were perceived as fictions akin to film or theatre, and that the performer was not held responsible outside the schoolroom for what he said in a *controversia*. Such readings gain plausibility from the comments of the Roman rhetoricians, who draw a fundamental distinction between the speaker of declamation and his constructed *personae*. Ancient comments on the triviality of declamation,

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[8] See Bloomer (1997); Fantham (2002).
[9] See Richlin (1997); Gunderson (2003).
[10] Sen. *Contr*. 10.5.12: *nihil est autem turpius quam aut eam controuersiam declamare in qua nihil ab altera parte responderi possit, aut non refellere si responderi potest*.

most originating from some of the most successful practitioners of the form, may cause us to view these performances as "mere" entertainment. On the other hand, evidence from these same rhetoricians suggests that the distinction between speaker and declamatory *persona* may not have been as ironclad as that between the theatrical performer and the world outside the theatre. Three factors may have contributed: a) the declaimer had a higher social status relative to the actor; b) the declaimer was both the creator and the performer of his performance; and c) declamatory content had a closer affinity to pedagogy in the real-world classroom and the work of the real-world courtroom. These factors may have led to the perception of a more permeable kind of dramatic illusion and thus a more critical assessment of the performer's social identity based on his performance.

Part of declamatory training involved learning to speak from a variety of lower-status subject positions.[11] Declaimers performed both the *persona* of the *paterfamilias* but also those of disempowered individuals, such as disowned sons, aggrieved women, bereaved paupers, and confessed criminals. In section 1, I examine a few of the disempowered declamatory *personae* and some of the reasons for their construction. In section 2, I read some of the stories told by the Elder Seneca regarding the perception of declaimers in the world outside the schoolroom.

"It's necessary to look at what *persona* we're taking on": the variety of declamatory *personae*

As the declaimer Votienus Montanus observes, the author of a declamation writes "not to win but to please … He desires to win approval for himself, not the case".[12] In a real courtroom, the judges or jurors pronounce a verdict, but the fictional jury of the declamatory courtroom must never do so. It is an essential part of declamation's generic contract with the audience that the narrative time of the performance ends before the verdict is pronounced—else there would be no point in speaking on both sides of the case.[13] Therefore the audience's acclamation, not the jury's never-delivered verdict, constitutes the victory in a *controversia*. The speaker has greater freedom than the forensic pleader to pursue the performative goals of rhetorical competition.[14] Thus declamation is a form

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[11] See Bloomer (1997); Kaster (2001); Gunderson (2003).
[12] Sen. Contr. 9 pr. 1: *non ut uincat sed ut placeat… cupit enim se approbare, non causam*. See Hömke (2007).
[13] See Van Mal-Maeder (2007) 41-64.
[14] See Lanham (1976); Hömke (2007).

of serious play: playful in its inventive freedom, serious in its critical examination of tensions and contradictions within the Roman cultural code.[15]

Both Quintilian and the pseudo-Quintilianic author of the *Minor Declamations* discuss the rhetorical construction of a variety of *personae*.[16] Quintilian recommends the reading of Menander so that one may know how to perform the traditional set of characters found in New Comedy:

> …Menander, qui uel unus meo quidem iudicio diligenter lectus ad cuncta quae praecipimus effingenda sufficiat: ita omnem uitae imaginem expressit, tanta in eo inueniendi copia et eloquendi facultas, ita est omnibus rebus personis adfectibus accommodatus… ego tamen plus adhuc quiddam conlaturum eum declamatoribus puto, quoniam his necesse est secundum condicionem controuersiarum plures subire personas, patrum filiorum, <caelibum> maritorum, militum rusticorum, diuitum pauperum, irascentium deprecantium, mitium asperorum. Quint. *Inst*. 10.1.69, 71

> And a careful reading of Menander alone would, in my judgment, be sufficient to develop all the qualities I am recommending: so complete is his representation of life, so rich his invention and so fluent his style, so perfectly does he adapt himself to every circumstance, character, and emotion… I think Menander has even more to contribute to declaimers, because they have, according to the terms of their exercises, to play many different roles: fathers, sons; <bachelors,> husbands; soldiers, farmers; rich men, poor men; the angry and the submissive; the gentle and the harsh. Tr. Russell (2001).

The roles listed here represent a variety of ages and social statuses. For Quintilian, then, a declaimer must look to literature, not his own life experience, in order to construct his declamatory *persona*. The contrast between the social status of the declaimer and his characters is clear from the humbler entries on Quintilian's list of Menandrian stock characters. Declaimers were not drawn from the classes that produced soldiers, farmers, and poor men; rather, they included magistrates, governors, and future emperors.[17] The majority of declaimers appear to have been

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[15] See Lentano (2005).

[16] Quint. *Inst.* 3.8.51-52, [Quint.] *DMin.* 316.2-3. The author of the *Minor Declamations* was likely from the "school of Quintilian"; Winterbottom (1984) xi-xvi reviews the evidence.

[17] E.g. Sen. *Contr.* 2.4.12, Quint. *Inst.* 10.5.11-20, Gell. *NA* 9.15, *SHA Hadr.* 16.5. For the social status of rhetoric students and teachers, see Kaster (1988); Kaster (1995); Cribiore (2007); Bloomer (2011).

somewhere in the middle of the social elite: far above the urban poor, but likely well below the members of the emperor's circle that sometimes formed their audience. Playing the role of a poor man begging on the street was not an exercise in consciousness-raising, as an improving trip to the ghetto might have been for a member of the Victorian aristocracy. Like other genres of Roman literature, declamation makes no pretension to accuracy in its representations of poor people's lives. The poor are rather made to play symbolic roles within narratives that serve elite interests.[18] Performing a poor man's *persona* may have provided "social comfort" to wealthy students who knew nothing about poverty except that they would never have to experience it.[19] Though declaimers may generalize the argument for alleviating an individual's poverty by claiming that disinterested charity is the common obligation of all human beings, they never suggest that poverty itself should be permanently relieved through social change. The declaimers imagine poverty primarily in order to examine the logic that compels the fulfillment of obligations to elite friends and community.

Audiences mainly understand the declamatory *persona* as a deliberate construction separate from that of its creator (the cases of confusion will be discussed in section 2). The value of the *persona* derives from its functional benefit to the *controversia*. The Pseudo-Quintilianic author of the *Minor Declamations* often recommends careful consideration of the interaction between the *persona* and the goals of the argument. His discussion of the father who tried to rein in his loose-living son provides a representative example of the author's pedagogical goals:

> nam sicut paulo ante praecipiebam uobis ut personam intueremini eius apud quem dicenda esset sententia, sic nunc quoque admoneam necesse est ut intueamur personam quam nobis induimus. pater hic qualis est? non acer: luxuriosum non abdicauit, non conuiciatus est; etiam cum aliquid admonendi gratia faceret, tacuit tamen. non durus: fleuit enim. quidquid contra colorem talis animi dixerimus, quodam modo contra thema dicemus. [Quint.] *DMin*. 316.2-3

> For just as I told you a little while ago to look at the *persona* of him before whom the case is to be pleaded, so too I must now also warn you to look at the *persona* which we are assuming. What is this father like? Not harsh: he did not disown the loose-liver or scold him; even when doing something by way of admonishing him he said nothing. He is not hard: for he wept.

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[18] See Woolf (2006).
[19] See Bloomer (1997).

> Whatever we say against the "color" of such a disposition will be in some
> sort said contrary to the theme. Tr. Shackleton Bailey (2006)

The pseudo-Quintilianic author has effortlessly constructed the appropriate *persona* from two facts available in the ten words of this declamation's theme.[20] Our modern folk notion that an individual expresses an irreducible core of identity, based on his or her memory of unique experiences, is a world away from this professional's working notes on how to create a functional, schematic *persona* from extraordinarily parsimonious data.

A related question for the rhetoricians is whether the declaimer should present the voice of the client directly in a *controversia* or play the *persona* of an advocate instead. There are clear advantages of speaking in one's own voice: as Quintilian succinctly observes, "emotion cannot be delegated" to another speaker.[21] There is no decision regarding advocacy to be made in the case of female clients, who must speak through a male advocate, though the advocate is at liberty to represent their words through *prosopopoeia*.[22] The rhetoricians accordingly discuss the cases of male clients who have the right to speak for themselves but should nevertheless be assigned advocates. The contrast between Latin and Greek treatments of the same declamatory themes reveals different attitudes toward the question. Pseudo-Quintilian *Major Declamation* 2 (*Caecus in Limine*) and pseudo-Libanius *Declamation* 49 treat a nearly identical theme, that of the blind son and his stepmother who accuse one another of murdering the *paterfamilias*.[23] These speeches accordingly provide a convenient example of the different choices that declaimers may make on the question of advocacy. In both declamations, the *paterfamilias* is found dead from a sword wound, and his blind son and the father's newly married wife accuse one another of the crime. Both speeches are on behalf of the blind son; neither collection provides a speech on behalf of the stepmother. The pseudo-Quintilianic author assigns the speech to an advocate who systematically deprives his client of agency in his effort to prove that the

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[20] [Quint.] DMin. 316.th.: Flens pater per publicum filium luxuriosum sequebatur. Dementiae reus est.

[21] Quint. Inst. 4.1.47: hi [sc. affectus] sunt enim qui mandari non possunt.

[22] See Van Mal-Maeder (2007) 97-107.

[23] The theme of [Libanius] *Decl*. 49 differs in only two elements from that of [Quint.] *DM* 2: the stepmother does not claim that the son offered to split the father's inheritance with her, and the murder weapon is found lying beside the father's corpse instead of under the son's pillow. See Bernstein (2013) 118-133, for full discussion.

blind man was physically and mentally incapable of committing the murder. The pseudo-Libanian author, by contrast, writes a speech for the blind man to deliver in his own voice, in which he endeavors to exculpate himself by appealing to his virtue and makes little reference to his physical impairment.

These Greek and Latin declamations illustrate different conceptions of an identical client's *persona*. Yet neither discusses the question of advocacy from a theoretical perspective, but simply exemplify their decisions through treatment. Here the teaching of the pseudo-Quintilianic author of the *Minor Declamations* again helps to illuminate the choices made by declaimers regarding *personae*. His introduction to the case of a wealthy young man accused of harming the state by supporting disowned sons divides the question of advocacy as follows:

> in plerisque controuersiis plerumque hoc quaerere solemus, utrum ipsorum persona utamur ad dicendum an aduocati, uel propter sexum, sicut <in> feminis, uel propter aliquam †alioqui† uitae uel ipsius de quo quaeritur facti deformitatem. hic adulescens et honestus est et, cum sit locuples quoque, nihil tam turpe commisit ut illi pro se loqui fas non sit. ego tamen existimo dandum esse aduocatum: primum quod, etiamsi quid remissius ac liberalius fecit, aetate excusari potest, non consentiunt autem haec inter se, ut idem. et tantum infirmitatis animi ut hac excusandus sit. alterum illud est, quod, si defensionem ultra excusationis terminum proferimus, laudandus est adulescens, adroganter autem faciet et tumide si coeperit se ipse laudare, praesertim iactaturus id quod facere possit a fortuna esse. dabimus ergo illi his causis aduocatum. [Quint.] *DMin*. 260.1-3

> In most controversies for the most part we ask whether we should use the *persona* of the individuals themselves to make the speech or that of an advocate, either on account of sex, as <in the case of women>, or of some ugliness in the rest of life or in the act in question. This young man is of good character, and since he is also rich, he has done nothing so disgraceful as to bar him for speaking on his own behalf. However, I think we should give him an advocate, first because, even if he acted rather remissly and over-generously, he can be excused by his youth; moreover, the positions are incompatible—that the same person <is both tough enough to defend himself> and mentally weak enough to be excused for that reason. There is another point: if we carry the defense forward beyond the limit of excuse, the young man has to be praised; but if he starts praising himself, that will be arrogant and boastful behavior, especially as hearers will throw in his teeth that his ability to do what he did comes from Fortune. So for these reasons we will give him an advocate. Tr. Shackleton Bailey (2006)

Here the pseudo-Quintilianic author gives cogent advice regarding the consistency of a *persona*. Appearing too competent and praiseworthy can harm a case in which the defendant wishes to plead youth and inexperience. Declamation students learned from this and comparable cases that they would sometimes need to pretend that their social privilege was a liability rather than an asset.[24]

We have briefly surveyed some of the typical disempowered figures of Roman declamation: the young man in conflict with his father,[25] the pauper attacked by his rich neighbour,[26] and the physically impaired individual. I conclude with discussion of the starkest contrast in status and empowerment between the elite male declaimer and a constructed *persona*, that of the torture victim. Stories of torture indisputably provide the kind of entertainment that made declamation both effective pedagogy and opened it to criticisms of triviality. Yet considering the question of torture in declamation may have had a practical outcome for the elite male student.[27] Not long after completing their training, some of these students would present appeals before governors, courts, and public audiences. Others would become magistrates empowered to use torture as part of judicial *quaestiones* (investigations). The future Roman *paterfamilias* could consider the evidentiary return on torturing his valuable slaves, while the future advocate or magistrate learned to think critically about the credibility of testimony produced under torture.

For example, the advocate of [Quintilian] *Minor Declamation* 338 argues that torture is only a practical evidentiary tool if used under appropriately controlled conditions. In this declamation, a master has repeatedly tortured one of his female slaves, and she has given contradictory information regarding the paternity of the foundling whom she nursed. The advocate observes that if the master continues to torture his slave until she produces the answer that he wants, then he learns no information from the exercise. It is no different from saying "torture her until she lies."[28] The declamatory advocate in [Quintilian] *Minor Declamation* 338 adopts a *persona* similar to the forensic advocate in real-

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[24] See Bernstein (2013) 32-43, for discussion of the fantasy of elite vulnerability in declamation.

[25] On father-son conflict in declamation, see Sussman (1995); Gunderson (2003) 59-89; Vesley (2003); Fantham (2004b); Lentano (2012); Bernstein (2013) 78-104.

[26] On rich and poor in declamation, see Tabacco (1978) and Krapinger (2005).

[27] See Bernstein (2012).

[28] [Quint.] DMin. 338.26: *hactenus ueritatis inquisitio est, qua uictum te sperat si uerum dixerit. cum uero repetas tormenta, cum reducas carnificem, quid aliud dicis quam illud: 'torque donec mentiatur'?*

world torture cases. His arguments regarding the practical outcomes of
torture are comparable to those found in the Roman jurists.[29] His criticisms
of the master's choice to torture his slave reflect not our modern concern
for the woman's violated human rights but the views of a slave-owner on
the inefficient use of his property.

In other torture declamations, however, the speaker's *personae*
may vary from this elite norm. In [Quintilian] *Major Declamation* 7, a
poor free man requests permission to be subjected to torture for
evidentiary purposes. The poor man's son was murdered while walking
home one night with his father. The poor man accused his rich enemy of
the murder, but the jurors did not believe him. He now requests permission
from the jurors to subject himself to torture in order to substantiate his
accusation. His argument turns on his identity as a free man. Declamatory
law and social custom forbid the torture of a free man who has not been
accused of treason, poisoning, violation of a sacred space, or another
equally serious public crime. For this speaker, it is precisely the privileges
of this free status that furnish a warrant of credibility to his testimony:

> sed etsi fas est, iudices, dubitare de fide quaestionum, alius debet esse
> suspectus, ille scilicet, in quo seruilium pectorum recessus, in quo uerniles
> excutiuntur artes. quotiens tortori est rixa cum membris, tum cruciatus
> agnoscit adsiduis suppliciis durata patientia. at homo cui omnino est noua
> res dolor, corporis appliciti [quod] scissa lacerataque ueste primum ferre
> non potest pudorem. <quid> quod nescit ad flagellorum uices membra
> conponere nec ullo uerbera frangit occursu? [Quint.] *DM* 7.7[30]

> But even if doubt is permissible regarding the credibility of torture, jurors,
> then another person ought to be suspected—I mean of course the person in
> whom we investigate the hiding places of a slave's breast, the homeborn
> slave's tricks. As often as the torturer struggles with the victim's limbs, his
> endurance, fortified by constant punishment, is familiar with torture. But
> the man for whom suffering is a new experience cannot bear at first the
> shame of having his body bound, his clothing torn and mangled. What of
> the fact that he does not know how to shift his limbs to the turns of the
> whips nor break the force of the blows with any movement?

The declaimer cunningly reframes what his elite Roman audience viewed
as an abhorrent violation of social status—the legal torture of a free
person—as a more persuasive means of presenting credible testimony.
Even as he seeks to contravene a law that protects free men's privileges,

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[29] See Bernstein (2012).
[30] The text follows Shackleton Bailey (1976) 198-199.

the poor man continues to emphasize the distinction between free and slave. Torture uncovers the free man's sense of shame (*pudor*) and the slave's tricks (*artes*). In the poor man's view, being a free man is a physical condition as well as a legal status. An observed sensitivity to torture is an assurance of free identity rather than a dangerous vulnerability. Torture's differential effect on the bodies of slaves and free men provides further evidence of the ineradicability of this essential social distinction. Though posing an apparent threat to a free man's privilege, torture only reinforces the ideology that subtends the social hierarchy.

Learning to declaim as a son against a hostile *paterfamilias,* as a poor victim against a rich enemy, or as a pleader before an unsympathetic audience taught the transferable skill of "figured" argument. In a "figured" argument (*controuersia figurata*), the speaker pursues persuasive goals that differ from his stated objective.[31] To take the most extreme case, he will say that he wants to die when he really wishes to create hatred (*inuidia*) of his opponent. If done right, figured arguments can be effective as emotional appeals. For this reason, Quintilian recommends using them to teach orators how to simulate emotion (*Inst*. 11.1.55-56). The declamatory request for death (*prosangelia*) now appears bizarre to a modern readership that views suicide not as an act of exemplary heroism but as a consequence of depression.[32] Yet training in figured argument was entirely practical in the hierarchical society of ancient Rome, where subordinates could rarely speak their minds freely and fully to their superiors.

"I wasn't proposing terms, I was using a figure": when the declamatory illusion fails

The rhetoricians discussed in the previous section recognized the constructed *persona* as a deliberate creation in a performative context. Gunderson amusingly compares the declaimer to the host of a shock TV show, who "will never let himself be confused with a gap-toothed, trash-talking guest on a show whose theme is 'My son the rapist'".[33] The Elder Seneca and Quintilian, however, often perceived tension between the performer's identity as an elite male and the *persona* that he constructed as part of his performance. That *persona* might undermine perceptions of the performer's status. Unlike the Roman actor, who performs words composed

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[31] See Desbordes (1993); Breij (2006).
[32] See Hill (2004).
[33] See Gunderson (2003) 232.

by others, the declaimer is both the creator and the performer of his speeches. Therefore the rhetoricians hold him fully responsible for his lines of argument, figures, and dictional choices, as well as his vocal delivery, control of his body, and so on.[34]

The Elder Seneca censures a variety of performances that, for him, reflect poorly on the performer's *mores* and masculinity. Seneca criticizes Greek declaimers for their failure to attain Roman *gravitas*. Greek declaimers "allow themselves every license—and get what they demand". They address questions "which Roman ears do not tolerate"; in this case, whether a war hero can be disinherited in spite of his bravery. Their performances are undignified: even when arguing the serious case of the son who accused his father of madness, "they brawled like rivals in love".[35] His criticisms of Roman declaimers are far more frequent, however, and the stakes are higher because these men have a higher social status to protect. The performer's choices of diction may lead others to question his *uerecundia* (sense of shame). For example, special care must be exercised in the case of the female captive sold into prostitution who successfully (so she claims) remained a virgin and now wants to be a priestess. The declaimer Murredius' circumlocutions likely seem decorous to a modern readership raised on primary obscenities. They are still far too direct for Seneca, who regards them as obscene:

> dicendum est in puellam uehementer, non sordide nec obscene… obscene, quemadmodum Murredius rhetor, qui dixit: 'unde scimus an cum uenientibus pro uirginitate alio libidinis genere deciderit?' … in hac controuersia de sacerdote non minus obscene dixit Murredius: fortasse dum repellit libidinem, manibus excepit. longe recedendum est ab omni obscenitate et uerborum et sensuum: quaedam satius est causae detrimento tacere quam uerecundiae dicere. Sen. *Contr*. 1.2.21, 23

> One must speak with passion against the girl, but not vulgarly or obscenely… Obscenely, like the rhetor Murredius, who said: "How do we know that she did not bargain with her visitors to keep her virginity at the expense of some other brand of lust?"… In this *controversia* about the priestess, Murredius spoke no less obscenely. "Perhaps while she repelled his lust, she took it in her hands." One should keep well away from every obscenity of word or thought. Some things are better left unspoken, even if

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[34] See Gunderson (2000) 111-148.

[35] Sen. *Contr*. 1.2.22: *qui nihil non et permiserint sibi et inpetrauerint*; Sen. *Contr*. 1.8.7: *Graeci illam quaestionem primam solent temptare, quam Romanae aures non ferunt*; Sen. *Contr*. 2.6.12: *qui in hac controuersia tamquam riuales rixati sunt*. See Citti (2007).

it costs you your case, rather than spoken at the cost of your shame. Tr. Winterbottom (1974).

Seneca's idiosyncratic canon of judgment excludes Catullan-style defenses of the separation between life and art.[36] His declaimers cannot argue that they are chaste and dutiful unless their constructed *personae* sound like it as well. Though he avoids obscene language, Murredius' use of obscene images breaks the dramatic illusion that an advocate is speaking and calls attention instead to the improper choices made by the author/performer. At other times Murredius' inappropriate choice of words or figures seem to Seneca to recall lesser performance genres such as mime.[37]

Less threatening to prudish ears, but just as damaging to the dramatic illusion, is the declaimer's misappropriation of words and figures judged to be the property of other authors. Seneca opens his collection with remarks on the necessity of returning *sententiae* to their proper authors through the authorizing force of his memory. In Seneca's view, some declaimers cross the line between desirable open borrowing and furtive theft, a distinction to which he returns in *Suas*. 3.*pr*.7. They attempt to pass off another declaimer's intellectual property as their own, and get away with their crimes because their audiences lack knowledge of the tradition. Such laziness is symptomatic of their decline from the masculine standards of previous generations, according to Seneca: "Go on now and look for orators in these shaven and polished persons, never men except in their lusts… *Sententiae* that the most learned men cast forth they can easily speak as their own to audiences so lazy, and so they never stop violating the most holy eloquence which they cannot themselves achieve".[38] For Seneca, to be a plagiarist is coextensive with an effeminate inability to author one's own creation, and to effect a strict separation between performer and performance does not suit his critical goals.

The declaimers seem on more than one occasion to have been taken in by their own dramatic creations. They make the mistake of

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[36] Catul. 16.3-6: *qui me ex uersiculis meis putastis, / quod sunt molliculi, parum pudicum. / nam castum esse decet pium poetam / ipsum, uersiculos nihil necesse est.*

[37] Sen. *Contr*. 7.5.15: *Murredius mimico genere fatuam sententiam dixit*. For Murredius' other lapses, see Berti (2007) 190-192.

[38] Sen. Contr. 1.pr.10: *ite nunc et in istis uulsis atque expolitis et nusquam nisi in libidine uiris quaerite oratores… sententias a disertissimis uiris iactas facile in tanta hominum desidia pro suis dicunt, et sic sacerrimam eloquentiam, quam praestare non possunt, uiolare non desinunt*. See Gunderson (2003) 29-58; McGill (2005); Peirano (2013).

assuming that their persuasive capacities, aimed at gaining the audience's approbation in performances of fictional cases, would also enable them to plead successfully in the real-life forensic court. Their knowledge of the declamatory laws, each invented *ad hoc* for the purpose of its own *controversia*, proves useless in the court. Cassius Severus was offended by the declaimer Cestius' contempt for the works of Cicero and so summoned him before various praetors. Severus' accusations likely would have had no force in the Roman court and may have been designed to show up his opponent's ignorance of real Roman law. He charged Cestius with "unspecified offences," ingratitude, and finally demanded a guardian for him, each a charge that clearly recalls declamatory cases.[39] The declaimer Albucius made a comparable error in tactics while pleading in the Centumviral Court. He challenged his opponent to swear an oath, an effective means of heightening emotion in a declamatory monologue, which the opponent never interrupts because he is the same person as the declaimer. Albucius was surprised when his opponent immediately accepted the challenge. The declaimer then attempted to excuse himself by arguing that "I wasn't proposing terms, I was using a figure."[40] Seneca's stories about the declaimers' assumptions, legal knowledge, and tactics pile up the charming series of misperceptions typical of humor at academics' expense. The *personae* constructed for the fictional world of the schoolroom have no place in the mundane world of the courtroom.[41]

Finally, declaimers who attempt to shield themselves behind their fictional constructs may find themselves exposed to political risk. Latro, the star declaimer of the Senecan collection, spoke before Augustus on the theme of *Nepos ex meretrice susceptus,* "the grandchild born from a prostitute, taken in" by his grandfather. As Seneca reports, his performance "was not damaging to his theme but to himself."[42] The time was around 17 BC, the emperor Augustus and his general Agrippa were in the audience, and Augustus was contemplating the adoption of Agrippa's sons as his heirs to the throne. "Agrippa was one of those who were made noble, not born noble," Seneca reminds his readers, and his *nomen* Vipsanius was a

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[39] Sen. Contr. 3 pr.17: *subinde nanctus eum in ius ad praetorem uoco et, cum quantum uolebam iocorum conuiciorumque effudissem, postulaui ut praetor nomen eius reciperet lege inscripti maleficii. tanta illius perturbatio fuit ut aduocationem peteret. deinde ad alterum praetorem eduxi et ingrati postulaui. iam apud praetorem urbanum curatorem ei petebam*.

[40] Sen. *Contr.* 7 pr. 6-7: *non detuli condicionem, schema dixi.* See Berti (2007) 139-49.

[41] See Berti (2007) 128-154.

[42] Sen. Contr. 2.4.12: *contrariam rem non controuersiae dixit sed sibi*.