

Pain and Persuasion in Cicero's Speech for Sestius

itaque si aut acrius egero aut liberius quam qui ante me dixerunt, peto a vobis ut tantum orationi meae concedatis quantum et pio dolori et iustae iracundiae concedendum putetis; (Cicero, *Sest.* 4)

This paper will note Cicero's unparalleled reliance on expressions of his own *dolor* in the speech for Sestius, explicate the risks of this tactic, and explain its importance for his argument.

Already in the exordium, Cicero sounds the theme of his *pius dolor* (§4). The phrase is striking. A search of the PHI disk shows that it occurs only twice in Latin literature, here and at *De or.* 2.201, a text circulated within a year of *pro Sestio*. That this is not a normal way to give a warrant for one's anger in a judicial speech is shown by Cicero's own practice. Again, with the help of the PHI disk, one can identify 265 instances of *dolor* and *doleo* in their various forms in Cicero's speeches. Of these, 99 focalize Cicero's own *dolor*. In no passage except this one is the orator's *dolor* explicitly linked to *pietas* in any way.

The paucity of parallels is not surprising; *pietas* and *dolor* are an odd couple. They can of course go together in contexts of feeling pain for the suffering of family members (e.g., *Har. Resp.* 43; *Lig.* 33). But they can also be opposed, with *dolor* treated as a stimulus to action that is restrained by *pietas*. (e.g., Plaut., *As.* 831; Sen. *Med.* 943-4, *Oct.* 51-52; [Quintilian] *Dec. Maior.* 5.14, 17.17;) *Dolor* requires restraint because, when roused in an aristocrat, it can lead to a response that is proper to a *nobilis*, but is not beneficial for the *res publica* (So at *Div. Caec.* 64; *Cacl.* 21 & 71). Acting out of the *dolor* born of personal injury can thus be a cause for criticism. So Cicero is explicit at §14 that he will act out of concern for Sestius rather than out of such personal *dolor*. And he must make this explicit, as we see from the exordium of *De Haruspicum Responsis*, delivered later this same year, in which Cicero must defend himself precisely for indulging such personal *dolor* (*Har. Resp.* 3).

Given that expressions of the speaker's own *dolor* carry real risks for persuasive self-depiction, it is remarkable that Cicero makes reference to his own *dolor* no less than ten times in *pro Sestio*, more than in any other speech (§§ 3, 4[bis], 14 [bis], 49[ter], 52, 131).

Why does Cicero use this double-edged emotion, ushered in by the almost unique locution *pius dolor*, as a principal theme of this speech? As is now well understood (v. esp. Kaster 2006; Riggsby 1999), the charge against Sestius, seditious violence (*vis*), has two components, the question of fact, whether the defendant committed an act of violence, and the question of quality, whether such violence was *contra rem publicam*. Cicero's defense of Sestius finesses the factual question, while making clear that all of Sestius' efforts to restore Cicero were done to benefit the republic, which is finally identified with Cicero himself (so May [1988]). In this context, *dolor*, properly if strangely introduced as *pius*, has substantial persuasive advantages:

- 1) Cicero can neatly presume his own importance to the republic by stressing that his bond with Sestius and his other supporters is part of the bond that a consul feels towards his staff because of their common service to the republic (the usage of Antonius at *De or.* 2.201, the only other instance of *pius dolor*).

2) By claiming that his *dolor* is *pius*, and equating his devotion to his friends with devotion to the state, he escapes the charge that he is indulging his feelings rather than pursuing the larger public interest.

3) Even as he claims selfless motives, Cicero shows himself responding to injury in a way that is apparently expected of a *homo nobilis*, but hardly of a returned exile,

4) In the greatest cluster of uses of Cicero's own *dolor*, which occur in his elaborate explanation that his flight into exile was really an act of heroic self-sacrifice, (§49 [ter], 52) the orator invokes the overtones of selfless patriotism with which he has invested his *dolor* since the 4th *Catilinarian* (*Cat.* 4.1; *Red. Sen.* 34-35; *Dom.* 97, 98, 100, 145). In a pleading concerned to define what actions are *contra rem publicam*, this ethical argument is of the highest importance.

[15 minutes. Handout.]

Works mentioned:

Kaster, R. A. 2006. *Speech on Behalf of Publius Sestius, Clarendon Ancient History Series*. Oxford, New York: Oxford University Press.

May, J. M. 1988. *Trials of Character*. Chapel Hill and London: University of North Carolina Press.

Riggsby, A. M. 1999. *Crime and Community in Ciceronian Rome*. Austin: University of Texas Press.