

Quintus Cicero, the tribunate, and the *Commentariolum Petitionis*

In the *Commentariolum Petitionis*, the ostensible author, Quintus Tullius Cicero, cites C. Aurelius Cotta (cos. 75) on the subject of proper campaign behavior (47). This apparent approval is incongruous, because, in the *De Legibus* (3.19-22), written by his brother, Marcus, the interlocutor Quintus vigorously assails the institution of the tribunate, even though Cotta's most noteworthy consular act was his law removing the Sullan prohibition against ex-tribunes seeking any higher office (Asc. 66, 78C, Sal. *Hist.* 3.48M). This law began the unravelling of the Sullan settlement and, from the pro-Sullan point of view, opened the door to the chaos that was to follow.

Unless the *Comm. Pet.* is consistently ironic (Alexander 2009), this incongruity is a problem for those who believe that Quintus Cicero was the author of the *Comm. Pet.*, or Marcus Cicero (Sillett 2016) or his consular campaign organization (Tatum 2018) using Quintus as a mouthpiece, or that an unknown later author wrote it. However, critics of Alexander's ironic interpretation, such as Prost (2017), Sillett, and Tatum, might reasonably respond that this incongruity proves nothing, since 1) Marcus Cicero assigned opinions to his interlocutors without much regard for their actual beliefs (*Att.* 13.19.3-5 and *Fam.* 9.8.1), and therefore we cannot be sure that the real Quintus was so adamantly opposed to undoing Sulla's anti-tribunician measures, or 2) perhaps readers were not familiar with the *De Legibus* ---especially if the *Comm. Pet.* was written much later than the Late Republic--- and therefore would not have been bothered by the incongruity.

However, these explanations are vitiated by two special factors. First, other than Marcus Cicero the *De Legibus* contains only two characters, Quintus and Atticus, the two men of his class who were best known to Marcus. While it is one thing to distribute philosophical beliefs among a variety of acquaintances or figures from the past, it is quite another to attribute a stance on a contested political topic to a best friend and to a brother. And, indeed, the dialogue violates the conventions of the genre when Quintus refuses to acknowledge his defeat with the kind of interjection that was typical of dialogues, whether the main speaker and inevitable victor was Socrates or Marcus Cicero (*Leg.* 3.26). Second, Cicero's *De Legibus*, while it was never completed, and is not one of Cicero's most famous philosophic works, was known in later centuries (Dyck [2004] 30-37), and recent scholarship (Keeline [2018] and La Bua [2019]) has shown the dominance of Cicero's works in ancient education.

Therefore, the real Quintus was unlikely to have cited C. Cotta, the author of the *lex Aurelia* of 75, as an authority. The fact that the *Comm. Pet.* does so sends a signal to readers that the work is not to be read literally, and at least some Roman readers of the *Comm. Pet.* would have recognized the incongruity --- quite possibly on the basis of the *De Legibus*, if the *Comm. Pet.* was written sometime after the fifties B.C.E., or if the work really does date from the sixties, then from firsthand knowledge of Quintus during his brother's campaign for the consulate. The incongruity, though it does not prove that the work is ironic, is most easily explained by reading the *Comm. Pet.* as tongue-in-cheek, especially within a literary culture in which pseudepigraphic works were very common (Peirano Garrison 2012).

Although the consistent irony of the *Comm. Pet.* cannot be *proven*, an ironic reading *best explains* the extant data, because it explains in the most straightforward and least complicated way how "Quintus" could imply approval for the author of the *lex Aurelia* of 75 B.C.

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