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## CICERO AS A COMMUNAL CIVIC MODEL: ITALIAN COMMUNES OF THE THIRTEENTH AND FOURTEENTH CENTURIES

Cicero's works were partially but continuously passed on throughout the late Middle Ages.<sup>1</sup> *De inventione* and *Rhetorica ad Herennium* – which was then thought to have been written by Cicero – were among the main materials used to teach rhetoric in medieval schools and universities. They were also the texts that medieval readers knew best among his works.<sup>2</sup> Promoted to *magister eloquentiae* in a gradually developing scholastic canon, Cicero represented both the *trivium* training and the more pragmatic *dictamen* training.<sup>3</sup> Despite the way in which practical training gradually distanced itself from Cicero's doctrines, both texts remained on the list of the most copied works until the end of the Middle Ages.<sup>4</sup> Alongside this consistency in the rhetorical curriculum, the corpus of Cicero's manuscripts was greatly modified from the 13th thirteenth century onwards, shortly before the first humanist rediscoveries. From then on, one observes renewed, keen interest in Cicero's moral texts, particularly in *De officiis*, *De amicitia*, and *De senectute*, as well as, to a lesser extent, in the Caesarian speeches. This modification of copying practices in the Italian city states reflects the ways in which methods of reading Cicero's texts evolved at the time. Virginia Cox notes that the 1260s were a turning point in the use of references to Cicero in textbooks of rhetoric. In earlier decades, Cicero had become a symbolic tutelary figure who was rarely used to determine the rules of eloquence. He then returned to the core of many *dictamina* and commentaries;<sup>5</sup> and at the same time he acquired an unprecedented political dimension in the communal world. This new utilization of Cicero's persona and works coincided with a communal movement that placed speeches at the core of the city's civic and political structures.<sup>6</sup>

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<sup>1</sup> J. O. Ward, 'What the Middle Ages Missed of Cicero, and Why', in *Brill's companion to the reception of Cicero*, ed. W. H. F. Altman (Leiden 2015) 307–26.

<sup>2</sup> V. Cox and J. O. Ward, *The rhetoric of Cicero in its medieval and early Renaissance commentary tradition* (Leiden 2006); J. O. Ward, *Ciceronian rhetoric in treatise, scholion and commentary* (Turnhout 1995); J. J. Murphy, *Rhetoric in the Middle Ages. A history of rhetorical theory from Saint Augustine to the Renaissance* (Berkeley 1974).

<sup>3</sup> V. Cox, 'Ciceronian rhetoric in Italy, 1250–1360', *Rhetorica* 17/3 (1999) 239–88; M. Camargo, *Ars dictaminis, ars dictandi* (Turnhout 1991).

<sup>4</sup> This is a reference to the inventory of Cicero's manuscripts that I made during my doctoral research: C. Mabboux, *Cicéron et la Commune : présence(s) d'une autorité rhétorique et politique dans la culture civique italienne (XIIIe-XIVe s.)*, Université de Savoie, 2016.

<sup>5</sup> Cox, 'Ciceronian rhetoric in Italy' (n. 3, above) 239–42.

<sup>6</sup> On the politicization of speech in the communes, one can refer to the substantial bibliography provided by Enrico Artifoni on the subject, including: 'I podestà professionali e la fondazione retorica della politica

| 31 The advent of the thirteenth century was a radical political and cultural turning point in Italian city states. The consular councils gradually made way for a single judicial authority: the *podestà*.<sup>7</sup> This figure was elected for a given time, just as the consuls had been, but unlike them he was a stranger in the city that he was called upon to run. The explanation for this requirement lies in the expectations that were summed up by the citizens of Cremona in 1233 in the following expression: ‘rule, unify, unite, and maintain’ the city.<sup>8</sup> These expectations reveal the practical and the moral objectives of the office: choosing a foreign ruler was meant to meet the requirements of efficiency, as he ought not to be able to use his term to serve private interests. This choice indicates a certain hope for neutrality and impartiality, which matches the ideological values driving the communes, among which the idea of *iustitia* was crucial. Above all, the Cremonese expression established the commune’s prime value and purpose, that is to say the *pax*, *i.e.* the maintenance of peace and order.<sup>9</sup> The rules against violence were created in a period of ceaseless internal as well as external urban conflicts. Wars multiplied between cities on grounds of territorial expansion and as a means to improve their positions on the political scene, either on the Pope’s or the emperor’s side – even though the notions of ‘Guelph’ and ‘Ghibelline’ extended rapidly beyond their partisan meanings and eventually marked no more than the distinction between two opponents. Within the cities, lineage competitions, fights among factions, and, later, confrontations between magnates and the *popolo* tore up the cities. The *podestà* appeared to be a remedy to internal quarrels as a mediator. This role had to be expressed through speech.

Orality was thus assigned a new place in the thirteenth century: this is why Carlo Delcorno wrote of ‘a culture of speech’.<sup>10</sup> This culture was visible at universities through the keen interest in the *disputatio*, which valued debates and verbal confrontations. In a less antagonistic manner, but still in an effort to convince, this culture also appeared in the apostolates of the mendicant orders. Their preaching to the town was embellished with

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comunale’, *Quaderni storici* 63 (1986) 687–719; ‘Gli uomini dell’assemblea. L’oratoria civile, i concionatori e i predicatori nella società comunale’ in *La predicazione dei frati della metà del ’200 alla fine del ’300*, ed. Centro italiano di studi sull’Alto Medioevo (Spoleto 1995) 142–88; ‘Sull’eloquenza politica nel Duecento italiano’ *Quaderni medievali* 35 (1993) 57–78.

<sup>7</sup> J.-C. Maire Vigueur, *I podestà dell’Italia comunale. I. Reclutamento e circolazione degli ufficiali forestieri (fine XII sec. – metà XIV sec.)* (Rome 2000).

<sup>8</sup> P. Boucheron, ‘L’espace politique des podestats dans l’Italie communale’, *Histoire urbaine* 3 (2001) 181–89 (181).

<sup>9</sup> M. Vallerani, ‘Procedura e giustizia nelle città italiane del basso medioevo (XII–XIV secolo)’, in *Pratiques sociales et politiques judiciaires dans les villes de l’Occident à la fin du Moyen Age*, ed. J. Chiffolleau et al. (Rome 2007) 439–94.

<sup>10</sup> C. Delcorno, ‘Professionisti della parola: predicatori, giullari, concionatori’, in *Tra storia e simbolo. Studi dedicati a Ezio Raimondi* (Florence 1994) 1–21 (2).

gestures and *exempla* to convince the *concio*, *i.e.* the gathered people of the city. As it was also a vessel for secular speech, the gathering of audiences became institutionalized. Thus, as demonstrated by the 1224 statutes of the city of Volterra, taking part in the *concio* became fully part of the citizens' duty.<sup>11</sup> This phenomenon was visible in the urban morphology of the towns, as more and more public squares were laid out. Speech became part of the *urbs* in order to reach the *civitas*. The politicization of speech was twofold; first, it became a way to exercise power. When adopted by communal institutions, it turned into a governing instrument. The multiplication of discussion groups encouraged the creation of specific standards to practise eloquence, which were to become a peculiarity of the Italian city states. Second, speech was politicized through its role as the guardian of the *polis*, as part of an idealized and standardized vision of harmonious community life. The speeches delivered in the communes' squares supplied the community with a unitary discourse. Thus, one of the *podestà*'s responsibilities as coordinator and mediator was eloquence. Faced with the republican ideal of consensus based on rational persuasion, he could not afford to be a poor orator. He had to show at the same time that he supported the ever growing practice of writing.

| 32 Between 1240 and 1260, representatives of the *popolo* entered communal governments. They were a group of citizens who owed their social ascent to monetary and commercial practices and who proclaimed that they did not belong to the former nobility of the *milites*. In the context of a renewal in legal studies, the *popolo* relied on the law and the ideal of justice to gain legitimacy. This political approach further stimulated the flourishing production of administrative, documentary, and diplomatic texts. Meanwhile, the professional environment surrounding this production was the breeding ground for prolix literature on the city and its commune through historiographical, laudatory, or moral reflections.<sup>12</sup> Cicero was to be progressively included among these texts, first as a figure of *auctoritas* and then as an historical figure, in order to valorize a city defined by its self-determination, its debates, and its ethical principles. As a tutelary figure of rhetoric, Cicero made well-known appearances in government training, through several *libri de regimine*, the most famous of which remains *Tresor* by Brunetto Latini. Yet, as Massimo Giansante pointed out in the case of Bologna, Cicero remained absent in the introductions to statutory and legislative texts. Unsurprisingly, writers favoured biblical citations and references to great Christian authors, but they did not

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<sup>11</sup> J. Le Goff and J.-C. Schmitt, 'Au XIII<sup>e</sup> siècle: une parole nouvelle' in *Histoire vécue du peuple chrétien*, I, ed. J. Delumeau (Toulouse 1979) 257–79 (269).

<sup>12</sup> M. Zabbia, 'Formation et culture des notaires (XI<sup>e</sup>–XIV<sup>e</sup> siècle)', in *Cultures italiennes*, ed. I. Heullant-Donat (Paris 2000) 297–324.

hesitate to borrow from a few classics such as Ovid, Horace, or Virgil.<sup>13</sup> Against all odds, they did not use Cicero, whose rhetorical texts they had all but worn out during their legal studies, and who was becoming more and more important in didactic literature, especially in Florence.<sup>14</sup>

How can one account for this partial presence? The issue should be addressed through its multifarious nature: Cicero's different appearances within the communal culture should be separately analysed, since he appears as a rhetorician, a senator, a lawyer, or a philosopher in the texts. Gradually putting aside the *auctoritas* and discovering Cicero's personality, his words and acts invited themselves into diverse texts, ranging from rhetorical commentaries to friendly poems, and from historical epics to Petrarchan invectives. The author reached different types of readership at a time when *volgarizzamenti* (translations making texts written in Latin accessible to *illitterati* readers) were developing. The end of my study is set at the end of the fourteenth century, when the influence of the *signorie* was growing in northern Italy and further, hitherto unknown classical texts were discovered, thus introducing new relationships with the words of the ancients. Up to that period, one can see how and to what extent Cicero's civic thought enriched urban models, and, conversely, how the standards of communal thought influenced how his texts and his persona were considered.

### *Cicero and the rhetorica texts of the thirteenth century*

At the beginning of the thirteenth century, Cicero was a somewhat distant rhetorical authority. He had been the tutelary figure in the art of rhetoric for centuries, but no longer seemed to fit the contemporary requirements of eloquence.<sup>15</sup> In parallel with the liberal and theoretical education that was still in force, new programmes were organized as early as the eleventh century in an effort to provide more practical and technical professional training. Starting then, rhetoric was progressively integrated into new types of training, among which the *ars dictaminis* played a prominent role. This training, which was particularly widespread in Bologna and Orléans, aimed | 33 to present the rules for writing in prose.<sup>16</sup> Mainly

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<sup>13</sup> M. Giansante, *Retorica e politica nel Duecento* (Rome 1998) 12.

<sup>14</sup> On the cultural study of the transition from *dictamen* to humanism, see the debates sustained by the works of Paul O. Kristeller, Quentin Skinner, and Ronald G. Witt.

<sup>15</sup> Cicero's style is presented by Jean de Garlande, for instance, as a teaching style, but one that was not used in the chancelleries. Cf. A.-M. Turcan-Verkerk, 'La théorie des quatre styles: une invention de Jean de Garlande', *Archivum Latinitatis Medii Aevi* 66 (2008) 167–87.

<sup>16</sup> B. Grévin, 'L'*ars dictaminis* entre enseignement et pratique (XIIe–XIVe siècle)', *Revue de Synthèse* 133/2 (2012) 175–93 (177); A.-M. Turcan-Verkerk, 'L'art épistolaire au XII<sup>e</sup> siècle: naissance et développement de l'*ars dictaminis* (1080–1180)', *Annuaire de l'École Pratique des Hautes Etudes* 140 (2009) 155–58; G. C.

intended to train notaries and chancellors, whether they were religious or secular, this mode of art with a practical aim imposed a new understanding of Cicero's theoretical teachings. The rules of classical eloquence were part of the *ars dictaminis*, as an abstract level of rhetorical knowledge.<sup>17</sup> The art's theoretical paradigms, however, had evolved. Although rhetoric was largely presented as a civil science in the twelfth century in accordance with Cicero's thought, in the thirteenth century it was considered rather as a topical system and was placed under the aegis of Boethius.<sup>18</sup> Moreover, the existing distance between the standards of the oral discourse and the codification of the written discourse required an adaptation of Cicero's precepts.

One might expect that the development of the art of oratorical speaking in the communes would have modified the trajectory of this shift and led to a return to classical tutelary figures. Yet that was not the case. The *ars praedicandi* and *ars arengandi* textbooks mentioned Cicero's rhetorical models only sparingly. The *ars praedicandi* textbooks, which appeared at the very end of the twelfth century, explained how to write public sermons in order to educate the masses about faith and morality, and they all, with very few exceptions, paid scant attention to Roman rhetoric.<sup>19</sup> One had to wait until the 1270s for the creation of *artes praedicandi* in which the Ciceronian organization of speech was described. It then faded again a century later.<sup>20</sup> Similarly, the *ars concionandi* (or *ars arengandi*) hardly referred to classical models at first. This art, which guided the writing of civic speeches at assemblies or in public, developed in the thirteenth century; it grew out of the reinterpretation of the rules set by the *ars dictaminis*, as efforts were made to apply them to oral speeches.<sup>21</sup>

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Alessio, 'L'*ars dictaminis* nelle scuole dell'Italia meridionale (secoli XI–XIII)', in *Luoghi e metodi di insegnamento nell'Italia medioevale (secoli XII–XIV)*, ed. L. Gargan and O. Limone (Galatina 1989) 289–308.

<sup>17</sup> The teaching of theoretical rhetoric decreased, but nevertheless persisted throughout this period. Several sources show that some *dictatores* such as Giovanni di Bonandrea, author of a *Summa dictaminis* in 1292 and professor of rhetoric at the University of Bologna, read *Rhetorica ad Herennium* out loud. Cf. P. O. Kristeller, *Renaissance thought and its sources* (New York 1979) 239; H. Wieruszowski, 'Rhetoric and the classics in Italian education of the thirteenth century', in *Politics and culture in medieval Spain and Italy* (Rome 1971) 589–627.

<sup>18</sup> K. M. Fredborg, 'Rhetoric and dialectic', in *The rhetoric of Cicero* (n. 2, above) 165–92.

<sup>19</sup> On the *ars praedicandi* one can refer to a profuse bibliography, including: M. G. Briscoe and B. H. Jaye, *Artes praedicandi, artes orandi* (Turnhout 1992); C. Delcorno, *La predicazione nell'età comunale* (Firenze 1974); R. M. Dessi and M. Lauwers, *La parole du prédicateur: V<sup>e</sup>–XV<sup>e</sup> siècle* (Nice 1997); A. Thompson, *Revival preachers and politics in thirteenth-century Italy. The Great Devotion of 1233* (Oxford 1992).

<sup>20</sup> M. Jennings, 'Rhetor redivivus? Cicero in the *artes praedicandi*', *Archives d'histoire doctrinale et littéraire du Moyen Age* 56 (1989) 91–122.

<sup>21</sup> Guido Faba was the first *dictator* who explicitly applied epistolary rules to the oral discourse in *Parlamenta et epistole* in 1242. Cf. E. Artifoni, 'L'oratoria politica comunale e i laici rudes et modice literati', in *Zwischen Pragmatik und Performanz. Dimensionen mittelalterlicher Schriftkultur*, ed. C. Dartmann et al. (Turnhout 2011) 237–62; Camargo, *Ars dictaminis, ars dictandi* (n. 3, above) 40; *Speeches from the Oculus pastoralis*, ed. T. O. Tunberg (Toronto 1990) 5–6.

Furthermore, as Virginia Cox has pointed out, it was only in the 1260s that Cicero's rhetorical models started to be regularly and categorically utilized again for theoretical considerations that guided both written and spoken words.<sup>22</sup> For the past few years, historians of language have been emphasizing the evolution of technical standards in the art of writing at the time of this 'Ciceronian renewal'.<sup>23</sup> This article focuses on its moral and political aspects.

| 34 One of the distinctive features of the way in which the *ars concionandi* used references to Cicero was to associate the art of speaking with knowledge of human behaviour so as to turn it into a *scientia civilis*.<sup>24</sup> While Bolognese orators hardly emphasized the political value of their art in the first half of the thirteenth century, their successors considered it the main purpose of eloquence: '*La scienza del governamento delle cittadi è cosa generale sotto la quale si comprende rettorica*'.<sup>25</sup> Thus, rhetoric took on a practical dimension at the heart of the city. Every day, it was used by anyone who wished to be involved with diplomatic actions, give orders, or simply raise their voice at their commune's assembly:

... scienza di Rettorica, la quale avanza tutte le altre scienze per la bisogna di tutto il giorno parlare nelle valenti cose, siccome in far leggi e piati civili e criminali nelle cose cittadine, siccome in fare battaglie et ordinare schiere e confortare cavalieri nelle vicende degli imperii, regni e principati; con governare popoli, regni, cittadi, ville, stranie e diverse genti, come si conversa nel gran cerchio del mappamondo della terra.<sup>26</sup>

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<sup>22</sup> Cox, 'Ciceronian rhetoric in Italy' (n. 3, above) 239–45.

<sup>23</sup> J. O. Ward, 'The medieval and early Renaissance study of Cicero's *De inventione* and the *Rhetorica ad Herennium*: commentaries and contexts', in *The rhetoric of Cicero* (n. 2, above) 50–69.

<sup>24</sup> P. Von Moos, 'L'ars arengandi italienne du XIII<sup>e</sup> siècle. Une école de la communication', in *Entre histoire et littérature. Communication et culture au Moyen Âge* (Florence 2005) 389–418 (394). The expression refers to the beginning of *De inventione*, in which Cicero points out: *quare hanc oratoriam facultatem in eo genere ponemus, ut eam civilis scientiae partem esse dicamus* (Cicero, *De inventione* 1.6).

<sup>25</sup> 'Governmental science of the communes is a general domain including rhetoric': Brunetto Latini, *Rettorica* (c. 1260): *La Rettorica di Brunetto Latini*, ed. G. Maggini (Florence 1915) 41. Cf. Artifoni, 'Gli uomini dell'assemblea' (n. 6, above).

<sup>26</sup> 'Rhetorical science is more important than all other sciences because it is useful every day in order to speak about important things: like creating laws and resolving civil and criminal cases with regard to urban matters; like making battle, giving orders to the troops, encouraging knights in fortunes of empires, kingdoms and principalities; like governing peoples, kingdoms, cities, houses, foreign and different people, as we discuss in the high circles of the world': Guidotto da Bologna, *Fiore de rettorica*, (c. 1260): *Il Fiore di rettorica di fratre Guidotto da Bologna*, ed. B. Gamba (Milano 1847) 24–25.

Concionatoris officium est de his rebus posse dicere, que res ad usum civilem legibus moribus ue constitute sunt, quo aptius fieri poterit.<sup>27</sup>

Two themes of *De inventione* were generally associated with these new attributes of eloquence: first, the myth of a unifying orator who would create the city; second, the threat posed by a poor orator to his fellow citizens.<sup>28</sup> Enrico Artifoni emphasized the anthropological aspect imparted to speech in the communal writings of the *duecento* through the use that Thomas Aquinas and Brunetto Latini made of the legend of Orpheus.<sup>29</sup> Political interpretations of this myth persisted throughout the period, showing how much power orators could acquire through their persuasiveness. For instance, Orpheus is mentioned as a leader of men in Petrarch's work a few years later, encouraging Giacomo Colonna to help the king of France fight infidels: *Perché d'Orpheo leggendo et d'Amphione | se non ti meravigli, | assai men fia ch' Italia co' suoi figli | si desti al suon del tuo chiaro sermone, | tanto che per Iesù la lancia pigli.*<sup>30</sup> This empowerment | 35 through speech aroused suspicion towards the orator, as he could influence the commune into making harmful choices. From then on, many *dictatores* inspired by *De inventione* called for the moral education of citizens.<sup>31</sup> Nonetheless, Cicero only rarely appeared as the tutelary figure of this ethical discourse. Biblical texts remained the main point of reference in terms of morality. Therefore, it was not surprising that, although Cicero was the archetypal rhetorician, Solomon was much more frequently the orator who embodied eloquence at the service of the commune.<sup>32</sup> Jacques de Dinant, for

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<sup>27</sup> 'The speaker's office is to be able to talk about these things, which are constituted for civil use by laws or rules of conduct, so that it can happen more appropriately': Jacques de Dinant, *Ars arengandi* (c. 1290): A. Wilmart, 'L'*Ars arengandi* de Jacques de Dinant avec un appendice sur ses ouvrages *De dictamine*', in *Analecta Reginensia. Extraits des manuscrits latins de la reine Christine conservés au Vatican* (Vatican City 1933) 121.

<sup>28</sup> Both themes come from the prologue to *De inventione* (Cicero, *De inventione* 1.1–3).

<sup>29</sup> E. Artifoni, 'Retorica e organizzazione del linguaggio politico nel Duecento italiano', in *Le forme della propaganda politica nel Due e Trecento*, ed. P. Cammarosano (Rome 1994) 157–82 (162–63); 'Orfeo concionatore. Un passo di Tommaso d'Aquino e l'eloquenza politica nelle città italiane nel secolo XIII', in *La musica nel pensiero medievale*, ed. L. Mauro (Ravenna 2001) 137–150.

<sup>30</sup> 'For if you don't marvel at the legends of Orpheus and Amphion, less should you at rousing Italy's sons with the sound of your clear speech, so they take up the lance for Christ': Petrarch, *Canzoniere* (c. 1340–1370): Petrarca, *Il Canzoniere e i Trionfi*, ed. E. Fenzi (Rome 1993) 52 (XXVIII).

<sup>31</sup> One can refer, for instance, to Bono Giamboni's words, when he said around 1260 that '*la sua favella così è in lui pericolosa come uno coltello aguto e tagliente in mano d'uno furioso*': Bono Giamboni, *Fiore di rettorica*, ed. G. B. Speroni (Pavia 1994) 4.

<sup>32</sup> Moreover, references to Solomon were used by *dictatores* to produce a 'sapiential discourse' so as to put their art to good use. The integration of the *ars dictaminis* in God's designs enabled them to turn the art of rhetoric into a key for cosmological interpretation and, at the same time, imparted a spiritual vocation to what had only been a technique up to this point. Cf. E. Artifoni, 'Sapientia Salomonis. Une forme de présentation du savoir rhétorique chez les dictatores italiens', in *La parole du prédicateur* (n. 19, above) 291–310.

instance, introduced his *Ars arengandi* by challenging Cicero's status as the father of the arts of speaking:

Salomon huic primus auctor nec Tullius ymus dicitur, et nummus, dicar qui sum quasi limus [...] Tullius est auctor cunctorum si videatur [...] Nomen concionatoris proprie fuit ipsius prudentissimi Salomonis, qui Salomon ecclesiasten se voluit nominare.<sup>33</sup>

Although the rhetorical techniques were Cicero's, the spirit that breathed life into speech was first and foremost divine.<sup>34</sup> Nevertheless, the absence of Cicero's name was an illusion in many cases. The influence of his moral precepts can, in fact, be perceived in many oratorical textbooks. The *Ars loquendi et tacendi*, written in about 1245, revealed how much its author must have owed to *De officiis* and *De amicitia*, which he had probably read in an anthology. Written as a compilation, Albertano da Brescia's textbook gathered together a corpus of citations urging orators to tone down their language and understand the impact of what they were saying. Direct references to Cicero's rhetoric are virtually absent from this work whereas biblical texts account for the highest number of citations. Nevertheless, Cicero is regularly used to define injustice, resist passions, or determine the rules of friendship.<sup>35</sup> How many of these precepts were selected to be transmitted in civic speeches?

Due to the lack of preserved communal speeches from the thirteenth and fourteenth centuries, it is difficult to estimate the actual number of Ciceronian expressions in urban ideals. One can try, however, to detect their influence upon civic speeches through the models of harangues that circulated as early as the second quarter of the *duecento*. Originally, these harangues were written by *dictatores*, who used them as opportunities to put their training into practice. Later on, many notaries tried to do the same. In his *Parlamenta e epistole* of 1243, Guido Faba provided relatively short examples of written and spoken requests using very few references. Cicero seems to be completely absent from these since no

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<sup>33</sup> 'Solomon is said to be the first author for this and not Cicero, the soil and the sum; I will be said to be the mud, as it were. [...] Tullius is author of all, if it seems appropriate. [...] The name of the orator was properly that of the most wise Solomon himself, who wanted to name himself the Preacher (*ecclesiastes*).' Wilmart, 'L'ars arengandi de Jacques de Dinant' (n. 27, above) 121.

<sup>34</sup> One can particularly notice this in Giovanni da Vignano's *Flore de parlare* (c. 1290), in which Tullius, '*chi fo padre de retoricha*', is used to present the strategies of the *exordium* but disappears in the shadows of Salomon and Seneca (to whom the words of the *Ecclesiastes* are attributed here) when the usefulness of speech is described. Cf. Giovanni da Vignano, *Flore de parlare* in Matteo Libri, *Arringhe*, ed. E. Vicenti (Milano 1974) 231–33.

<sup>35</sup> Albertano da Brescia, *Liber de doctrina dicendi et tacendi. La parola del cittadino nell'Italia del Duecento*, ed. P. Navone (Florence 1998).

mention of his name is made, and none | 36 of the moral themes developed by the *dictator* refer to him indirectly. Faba's references are almost exclusively biblical, as shown by both the vocabulary and the metaphors he uses. One interesting fact, however, is that Cicero is also never used in *Oculus pastoralis*, another collection of speeches written about twenty years earlier by an anonymous author, except in one very specific case: the evocation of friendship. The philosopher's words are only used in two of the collection's twenty-two speeches, but they are everywhere in those. The speech to make to one's allies and the corresponding answer are a compilation of various excerpts from *De amicitia*, reorganized and put together to express a request.<sup>36</sup> Such erudite speeches might very well correspond to a literary demonstration, rather than to an actual practical proposition, and it would seem inappropriate for Cicero to be cited *in extenso* in actual political exchanges. Furthermore, the juxtaposition of extracts displayed in *Oculus pastoralis*, for example, shows a traditional use of references to Cicero, which is typical of the didactic literature of the *duecento*, when the author of speeches would compile the most famous passages by this moral *auctoritas*.

### *Cicero's De officiis, De amicitia, and Caesarian speeches in the thirteenth and fourteenth centuries*

Unlike his rhetorical works, Cicero's moral works were rarely taught in the thirteenth and fourteenth centuries.<sup>37</sup> Although more copies of *De officiis* and *De amicitia* were made at that time, we know that most of Cicero's maxims circulated via anthologies. Yet the selection of excerpts for these works determined which citations the authors of moral and political treatises would choose. Three main types of texts were borrowed from Cicero's works for these compilations, and they point to different notions of what a classical authority ought to offer: definitions, maxims, and precepts.

Definitions were the most common. Most of them were extracted from the second book of *De inventione* and were, quite unexpectedly, hardly used in rhetorical demonstrations. In this book, Cicero develops several themes, such as what is useful and honest when organizing a speech, and describes several virtues to this end.<sup>38</sup> These definitions were commonplace in

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<sup>36</sup> These are the sixth and seventh models of speeches. Cf. *Speeches from the Oculus pastoralis* (n. 19, above), 32–38.

<sup>37</sup> R. Black, *Humanism and education in medieval and Renaissance Italy* (Cambridge 2001) 211–12.

<sup>38</sup> Among the most common Ciceronian definitions of the communal didactic literature of the thirteenth and fourteenth centuries the following can be found: *studium autem quod est adsidua et vehementer aliquam ad rem adplicata magna cum voluptate occupation* (*De inventione* 2.31), *virtus est animi habitus naturae modo atque rationi consentaneus* (2.159), *prudencia est rerum bonarum et malarum neutrarumque scientia. partes eius: memoria, intelligentia, providencia* (2.160), *gloria est frequens de aliquo fama cum laude* (2.166).

medieval didactic literature, so much so that they often circulated without being associated with Cicero. They could be found, for instance, in *Summa de vitiis et virtutibus* by Guido Faba (c. 1240) without any mention of Cicero's name.<sup>39</sup> A few of them had been used by Augustine and Jerome, allowing them to gain a considerable readership and widespread use. Later, medieval authors gave credence to these virtuous standards as a tradition and to show that they acknowledged the authority of the Church Fathers, rather than in actual deference to the ancient rhetorician.<sup>40</sup>

Things were completely different in the case of Cicero's maxims, that is, the judgments he stated in his moral treatises, which he seemed to endow with universal value. They were transferred from one author to the next in varied forms as if they were the expression of truth. The 37 most common excerpts deal with two themes: injustice<sup>41</sup> and friendship.<sup>42</sup> These maxims were retained from one treatise to the next primarily because the respect imparted to Cicero was enough to support the judgment they expressed. Therefore, it is not surprising that they were singled out for anthologies. As their significance grew through their association with *auctoritas*, via the name of Cicero, they became the first thing which needed to be mentioned in connection with him.

Lastly, the most frequent references to Cicero's moral works also include a collection of precepts. These were generally short sentences used as adages to state a rule or suggest some advice.<sup>43</sup> These statements stood on their own because no demonstration was needed, and because they reappeared so frequently that they became an expected chorus of sorts. Readers knew them well; they were no longer associated with Cicero, and could be found in a far

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<sup>39</sup> V. Pini, 'La *Summa de vitiis et virtutibus* di Guido Faba', *Quadrivium* 1 (1956) 41–152 (90).

<sup>40</sup> Similarly, Cicero's classification of moral virtues, which separates the soul's dispositions into four groups (guided by *prudentia*, *iustitia*, *fortitudo*, and *temperantia*), did not change in Christian works written until the thirteenth century. It was then gradually reconsidered owing to the rediscovery of the *Nicomachean Ethics*. Nonetheless, Coluccio Salutati, for instance, still mentioned the identification of four cardinal virtues at the end of the trecento. Cf. I. P. Bejczy, *The cardinal virtues in the Middle Ages. A study in moral thought from the fourth to the fourteenth century* (Leiden 2011) 154–58.

<sup>41</sup> *Totius autem iniustitiae nulla capitalior quam eorum, qui tum, cum maxime fallunt, id agunt, ut viri boni esse videantur* (*De officiis* 1.41), [...] *qui autem non defendit nec obsit, si potest, iniuriae, tam est in vitio, quam si parentes aut amicos aut patriam deserat* (1.23), *quare suscipienda quidem bella sunt ob eam causam, ut sine iniuria in pace vivatur* (1.35).

<sup>42</sup> *Nulla est igitur excusatio peccati, si amici causa peccaveris* (*De amicitia* 37). *Nullam in amicitia pestem esse maiorem quam adulationem, blanditiam, adsentationem* (91) was also often cited in the works of the thirteenth and fourteenth centuries in a simplified form, often between Cicero's words and their rewording by Ambrose in *De officiis ministrorum* (3.135): *Non est enim vera amicitia ubi est fallax adulatio*.

<sup>43</sup> *Est amicitia nihil aliud nisi omnium divinarum humanarumque rerum cum benevolentia et caritate consensio* (*De amicitia* 20), *haec igitur lex in amicitia sancitur, ut neque rogemus res turpes nec faciamus rogati* (40), *proprium est animi bene constituti, et laetari bonis rebus et dolere contrariis* (47), *videndum est, ut ea liberalitate utamur, quae prosit amicis, noceat nemini* (*De officiis* 1.42), *nihil est enim liberale, quod non idem iustum* (1.42).

wider range of literature than definitions or maxims since they appeared in moral didactic texts as well as in chronicles or in the commentaries on the *Commedia*. Whether they were definitions, maxims, or precepts, references to Cicero had two things in common in the communal literature of the thirteenth and fourteenth centuries: first, the fact that they represented Cicero's authority in disembodied form; second, the fact that the corpus from which they were taken was very limited.<sup>44</sup>

The most frequent citations present Cicero as a Stoic philosopher, whose precepts blend perfectly with Christian morality.<sup>45</sup> Therefore, it is not surprising that the only mention of Cicero in *Dicerie* by Filippo Ceffi (c. 1330) should present him as a guardian of the soul against passions:

Ma però che 'l dolore e l'ira impedisce l'animo, conviensi dire con Tullio: o ira, partiti, però che teco non si puote operare dirittamente. Conviensi dunque restringere nostro grave cruccio, e provvedere e pensare alla mortale vendetta del tiranno che 'l ci tolse, a ciò che sia alleggiamento del nostro animo.<sup>46</sup>

However, references to Cicero are more varied in the compilations of speeches dated after the mid-thirteenth century than in previous works. Matteo Libri, who was inspired by Albertano da Brescia, regularly adds citations in his *Arringhe* (c. 1275), hence the occasional mention of Cicero | 38 with sentences taken from *De officiis* and, more often, from *De amicitia*. There is nothing original about these, since most of them had already been cited in *Oculus pastoralis*. The themes that Libri develops without referring to any authority at all are more interesting. One notices, as with Filippo Ceffi, how the vocabulary the author uses to examine social and political relations had evolved in comparison with the models of the first half of the *duecento*. A few constants emerge: the wealth of biblical references; the themes of

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<sup>44</sup> The corpus consists mostly of his two rhetorical treatises (*De inventione*, *Rhetorica ad Herennium*) and his two most famous and most circulated moral works in the thirteenth and fourteenth centuries (*De officiis*, *De amicitia*). When *De senectute* is cited, it is first and foremost the authority of Cato that is put forward. Cicero often appears only as the author who put down into words what the wise Roman said.

<sup>45</sup> N. E. Nelson, 'Cicero's *De officiis* in Christian thought: 300–1300', in *Essays and studies in English and comparative literature*, ed. English Language Institute (Ann Arbor 1935) 59–160; E. K. Rand, *Cicero in the courtroom of St. Thomas Aquinas* (Milwaukee 1946).

<sup>46</sup> 'Since pain and anger impede the soul, we must say with Cicero: O, anger, leave us, because we cannot act rightly with you. Therefore we have to restrict our torment and to prepare and consider the mortal revenge against the tyrant who killed him, whence there is a relieving of our soul.' Filippo Ceffi, *Dicerie* (c. 1330): G. Giannardi, 'Le *Dicerie* di Filippo Ceffi', *Studi di filologia italiana* 6 (1942) 5–63 (62). This is a rewording of an excerpt from *Ars loquendi et tacendi* by Albertano da Brescia: *Liber de doctrina dicendi et tacendi* (n. 35, above) 4. The passage *De officiis* 2.18 was very common in the *dictamina*.

friendship, justice, and honour; as well as the rationality of power. Nevertheless, both authors attach new importance to the pursuit of peacefulness and unity in the city, as shown by their preference for vocabulary such as ‘peace’ and ‘rest’, but also ‘concord’.<sup>47</sup> Interestingly, in several instances, this new lexis seems to come from the reconstruction of ancient approaches and, particularly, from the rewording of Ciceronian arguments. When focusing on *Arringhe* by Matteo Libri, one can notice how several passages mirror Cicero’s expressions without translating them exactly. Here is an example:

Semo tenuti a ringraziare lo nostro segnore Deo e’l senno e’l vostro grande intendemento k’ella illuminato lo core e l’animo de quisti signori a venire a pace, a tranquillitate, a concordia e riposo intre lore.<sup>48</sup>

The lexical and syntactic similarity between Matteo Libri’s wording and the introduction to *Pro Murena* is obvious. However, the extreme rareness of this speech throughout the Middle Ages makes it inconceivable for the Bolognese notary to have borrowed directly from *Pro Murena*. Therefore, Matteo Libri might have reworded most of his references from those used by his contemporaries, especially by the authors of *specula principum*.

Treatises on government ethics intended for *podestà* were a particularly flourishing genre in the Italian city states, despite substantial divergences between these very different works as to the teachings they addressed and their contents.<sup>49</sup> Although their function first directed them towards the cities’ rulers, they could educate a broader public invested in deliberative structures. The institutional distinctiveness of the places they described led to them educating a broader public. Through the *podestà*’s edification, the whole of the civic body, which would be involved in government offices, also had to be educated. A new reference to *De officiis* was thus soon included in this literature. While the work had been read hitherto as a moral rule, it now became a standard for civic action. *Liber de regimine civitatum* by Giovanni da Viterbo is one of the earliest examples of this. Unfortunately, the author is not

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<sup>47</sup> Matteo Libri amplifies this double vocabulary with notions of *tranquillitas* and *unitas*, which are extremely common in his speeches.

<sup>48</sup> ‘We have to thank our God and good sense and your great intelligence that lit up the heart and the soul of these lords and convinced them to respect peace, tranquillity, concord and rest among them’ Matteo Libri, *Arringhe*, XIII.13 (n. 34, above) 46. – ... *ut vestrae mentes atque sententiae cum populi Romani voluntatibus suffragiisque consentiant eaque res vobis populoque Romano pacem, tranquillitatem, otium concordiamque adferat*” (Cicero, *Pro Murena* 1.1).

<sup>49</sup> Artifoni, ‘Sull’eloquenza politica nel Duecento italiano’ (n. 6, above) 63–65; M. Viroli, *Dalla politica alla ragion di stato. La scienza del governo tra XIII e XVII secolo* (Rome 1994) 3–47.

well known, which makes dating his work all the more difficult.<sup>50</sup> Although opinions differ widely, several historians have dated it to the 1230s. Giovanni supports his advice with a set of citations, mainly extracted from *Corpus iuris civilis*, the Bible, Seneca, and *De officiis*. Traditional cross-references to Cicero as a guide to speech and a promoter of virtues can be found, as can – and this is a novelty – references to Cicero as a political advisor. References to the *auctoritas* of Cicero began to be used to state the rules for establishing the city, the necessity of taxes, or, in even greater number, the criteria for selecting a proper ruler. The protection of property, favouring the candidate's personal qualities over his lineage, and the taste for justice all illustrate the orientation of civic practices.<sup>51</sup> Citations from *De officiis* became more common, and they diversified as they began to be selected from outside the traditional moral canon, whose scope had been defined by the anthologies of the preceding century. Cicero became the sage of republican government and the witness of its institutional system, as can be noted in Dante:

De collegiis quidem, quibus homines ad rem publicam quodammodo religati esse videntur, sufficit illa sola Ciceronis auctoritas in secundis Offitiis: 'Quandiu', inquit, 'imperium rei publice beneficiis tenebatur, non iniuriis, bella aut pro sotiis aut de imperio gerebantur, exitus erant bellorum aut mites aut necessarii; regum, populorum et nationum portus erat et refugium senatus; nostri autem et magistratus inperatoresque in ea re maxime laudem capere studuerunt, si provincias, si sotos equitate et fide defendissent. Itaque illud 'patrocinium' orbis terrarum potius quam 'imperium' poterat nominari'. Hec Cicero.<sup>52</sup>

Less explicitly, references to *De officiis* multiplied to address concord and justice in didactic literature. Yet Cicero was rarely identified as the authority to which one should refer

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<sup>50</sup> A. Zorzi, 'Giovanni da Viterbo', in *Dizionario biografico degli Italiani*, ed. Istituto della Enciclopedia italiana, LVI (Rome 2001) 267–72.

<sup>51</sup> Giovanni da Viterbo, 'Liber de regimine civitatum', ed. G. Salvemini, in *Scripta anecdota glossatorum*, III (Bologna 1901) 215–80.

<sup>52</sup> 'Concerning corporate assemblies, in which individuals seem somehow bound to the state, that authority of Cicero alone in the second book of *De officiis* is sufficient. "As long", he says, "as the power of the Republic was upheld by benefits, not by injuries, war was waged on behalf either of allies or about dominion, the outcome of the wars were either beneficent or necessary. The senate was a harbour and refuge for kings, peoples, and nations. Our magistrates and generals strove particularly for praise in that matter if they had defended provinces and allies with equity and fidelity. So this government might rather have been called a 'defence' than a 'dominion' of the world." So wrote Cicero.' Dante, *De monarchia* (c. 1313): Dante, *La monarchie*, ed. M. Gally (Paris 1993) 170 (II.5.7).

on these matters.<sup>53</sup> Borrowing from his political thought was hardly new, but medieval authors were usually able to access a rough outline of these ideas through the use Augustine had made of them.<sup>54</sup> Thus, the phrase from *De re publica* that urges fair men to give to each individual according to their merits was a constant feature in communal literature, although its Ciceronian origins were often left unacknowledged.<sup>55</sup>

Ius suum cuiilibet reddatur, et regatur civitas in iustitia et equitate.<sup>56</sup>

Justice doit estre si establement fermee dedens le cuer au signor, k'il doinst a chascun son droit.<sup>57</sup>

Quel k'ama iustitia ama constante e perpetua voluntate de dare soa raxone a çascuno; e ki ama soa raxone a çascuno, ama tranquillitate e reposo, per le qual cose le terre montano in grand grandeça.<sup>58</sup>

| 40 Cicero's civic thought, which was known through indirect sources, was difficult to identify for medieval authors. Brunetto Latini – though he was a fervent admirer of Cicero, whose work he had commented on and translated – regularly cites him without naming him.<sup>59</sup> He thus gives the following definition of concord, directly translated from *De officiis*, without mentioning its origin:

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<sup>53</sup> This theme was particularly common in communal didactic literature. In most cases, authors addressed it without resorting to an authority. It was the case, for instance, with Dante when he defined concord as *uniformis motus plurium voluntatum*. Cf. Dante, *La monarchie*, (n. 52 above), 140–42 (I.XV.5).

<sup>54</sup> C. J. Nederman, 'Nature, justice and duty in the *Defensor Pacis*: Marsiglio of Padua's Ciceronian impulse', *Political Theory* 18/4 (1990) 615–37.

<sup>55</sup> [...] *esse enim hoc boni viri et iusti, tribuere id cuique, quod sit quoque dignum* (Cicero, *De re publica* 3.1). Quentin Skinner presented the expression as a litany at the end of the thirteenth century: Q. Skinner, 'Machiavelli's *Discorsi* and the pre-humanist origins of republican ideas', in *Machiavelli and republicanism*, ed. G. Bock *et al.* (Cambridge 1990) 121–42 (132).

<sup>56</sup> 'Law must give back to everyone what is his, and the city must be governed with justice and equity.' Giovanni da Viterbo, *Liber de regimine civitatum* (n. 51, above) 220.

<sup>57</sup> 'Justice must be so firmly established in a man's heart, that he gives everyone his due.' Brunetto Latini, *Tresor*, ed. G. Beltrami *et al.* (Torino 2007) 792 (III.74.2).

<sup>58</sup> 'He who loves justice loves a constant and perpetual will to give everyone his due; and he who loves to give everyone his due loves tranquillity and repose, by means of which countries rise to the highest greatness.' Matteo Libri, *Arringhe* (n. 34, above) 34.

<sup>59</sup> On Brunetto Latini as a political reader of Cicero: C. Mabboux, 'Être auteur aux côtés de l'*auctoritas*: Brunet Latin, Cicéron et la commune', *Bullettino dell'Istituto storico italiano per il Medio Evo* 115 (2013) 287–325.

Concorde est une vertu que lie en un droit et en une habitation çaus de une cité et d'un païs. Platons dit: Nos ne sumes nés par nos solement, mes une partie en a nostre païs et une autre nos amis. Et dient une maniere de philosophes qui furent apelés stoici: Totes choses furent crieés as usaiges des homes, et les homes sont engendrés les uns par achoisons des autres, ce est a dire que les uns valent as autres. Et por ce devons nos ensivre nature des homes por servise, ce est donant et prenant et de ses mestiers et de ses ars et de sa richesce.<sup>60</sup>

A few years later, Remigio de' Girolami explicitly resorted to Cicero to address this matter.<sup>61</sup> Why is there such a difference in citation processes between the *duecento* and the *trecento*? Copying *De officiis* became popular again in the fourteenth century, and its translation in literature seemed to be achieved with a better knowledge and appreciation of its content.<sup>62</sup> In the case of *De amicitia* and its uses, things were completely different, since the substantial number of copies in the thirteenth and fourteenth centuries was consistent with the preceding period.

Since the High Middle Ages, *De amicitia* had been part of a large corpus describing the benevolent feelings that can bring two people closer, and the loyal relations that accompany friendship.<sup>63</sup> There was an abrupt change in the 1240s when Book 8 and Book 9 of the *Nicomachean Ethics* were discovered.<sup>64</sup> According to Aristotle, virtuous friendship is most

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<sup>60</sup> 'Concord is a virtue that unites people of a city or a country in a single law and a single place. Plato says: We are not born for ourselves alone, but our country claims a share of our being, and our friends a share. And some philosophers called Stoics say: Everything has been created for man's use, and men are born some for the sake of others, that is to say that they may be able to help one another mutually. And in this direction we ought to follow Nature as our guide by giving and receiving from its knowledge, its arts, and its wealth.' Brunetto Latini, *Tresor* (n. 57, above) 584 (II.108); Cicero, *De officiis* 1.22.

<sup>61</sup> Remigio de' Girolami, in the *De bono comuni* (1301), uses Aristotle (*Nicomachean Ethics*) and *De officiis* as well as some speeches by Cicero to explain the primacy of the common good over individual interests: *Item in libro I De Officiis: "Qui rem publicam professi sunt, duo precepta Platonis teneant: unum quod utilitatem civium sic tueantur ut, quicquid agant, ad eam referant, obliti commodorum suorum; alterum ut totum corpus rei publice curent ne, dum aliquam partem tuentur, reliquas deserant."* Cf. Remigio dei Girolami, *Dal bene comune al bene del comune. I trattati politici*, ed. E. Panella (Florence 2014) 152; Cicero, *De officiis* 1.25. Remigio used the same quote in *De bono pacis* in 1304.

<sup>62</sup> According to the inventory of Cicero's manuscripts that I made during my doctoral research, *De officiis* became his second most copied work after *Rhetorica ad Herennium* in the fourteenth century. Its copies numbered twice as many as those of *De inventione*, Cicero's most copied work until the thirteenth century. *De officiis*, which was used as a source that supported Aristotle's *Nicomachean Ethics*, was increasingly referred to after the rediscovery of the *Ethics*. Cf. Nelson, 'Cicero's *De officiis* in Christian thought' (n. 45, above) 156–60.

<sup>63</sup> Among these texts, biblical references are the most numerous but *Disticha Catonis* or *Formula vitae honestae* by Martin de Braga are also included.

<sup>64</sup> Robert Grosseteste, bishop of Lincoln, produced the first full Latin translation of the *Nicomachean Ethics* in 1246–47. However, partial versions of the text had been circulating since the mid-twelfth century. Cf. B. Sère, *Penser l'amitié au Moyen Âge. Etude historique des commentaires sur les livres VIII et IX de l'Ethique à Nicomaque, XIII<sup>e</sup>–XV<sup>e</sup> siècle* (Turnhout 2007) 35–38, 76–83.

obviously expressed in the city, which relies on a free choice of people to live together and to share actions. This new reference at the end of the *duecento* led intellectuals to express the rules of agreement between | 41 rulers (as in *Oculus pastoralis*), but also those of the political communes, in terms that referred to friendly feelings.<sup>65</sup> Like Aristotle, Cicero considers friendship as the highest form of social bond. In his *Ethics*, however, Aristotle presents a case study of various social groups among whom this bond might be created – thus emphasizing its political implications – whereas in *De amicitia* Cicero stresses the moral requirements of friendly feelings. Owing to the difference in their approaches, fewer references to Cicero were used in the Italian city states. The treatises in which authors intended to use friendly feelings to explain the cohesion of political societies referred to the *Nicomachean Ethics* much more often than to Cicero's works.

This is very clear, for instance, in *De amicitia* by Giovanni da Legnano, who taught canon law at the *studium* of Bologna. His treatise, which he wrote *c.* 1365, was meant to clarify the legislator's point of view on friendship.<sup>66</sup> According to Giovanni, legislators must give up all privileged personal bonds in order to aim for the common good. Yet the bond that unites the prince and his subjects ought to be understood through *amicitia*. Similarly, tyranny could be depicted as enmity because it denies the rules of political relations. The jurist's entire demonstration relies on Book 8 of the *Nicomachean Ethics*. Cicero is only seldom used for moral considerations at an individual level, far from juristic considerations. It would thus seem that *De amicitia* was thought of as an essential but outdated reference that had to be cited when defining a theoretical framework. Cicero's works were thus unequally utilized in communal didactic literature and in the education of citizens. *De officiis* seems to have been directly available to address government and communal issues, whereas *De amicitia* seems to have suffered from its moral purpose.

In addition to these two works, the Caesarian speeches were the third text which aroused renewed interest in the Italian cities. Benefiting from earlier vernacular translations, these defence speeches showed Cicero in a different light after the 1260s. They revealed the

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<sup>65</sup> E. Artifoni, 'Amicizia e cittadinanza nel Duecento. Un percorso (non lineare) da Boncompagno da Signa alla letteratura didattica', in *Parole e realtà dell'amicizia medievale*, ed. I. Lori Sanfilippo and A. Rigon (Ascoli 2012) 9–30; E. Artifoni, 'Segreti e amicizie nell'educazione civile dell'età dei comuni', *Micrologus* 14 (2006) 259–74; *Écritures et pratiques de l'amitié dans l'Italie médiévale*, ed. A. Fontes (Paris 2010).

<sup>66</sup> This treatise has not been re-edited recently. Cf. Ioannis de Lignano, *De Amicitia, Tractatus Illustrium in utraque tum Pontificii, tum Caesarei iuris facultate Iurisconsultorum*, XII (Venezia 1584), fol. 227r–242r; M. Ascheri, 'La *amicitia* tra politica e diritto: il *Tractatus* di Giovanni da Legnano', in *Parole e realtà dell'amicizia medievale* (n. 65, above) 227–42; C. Zendri, '*Utrum regis ad subditos sit amicitia: droit, politique et amitié dans la pensée de Giovanni da Legnano (vers 1320–1383)*', *Astérion* 6 (2009) [<http://asterion.revues.org/1473>].

senator and the lawyer behind the author and thus favoured a new vision of Cicero, whose behaviour beyond his words could also be examined.

### *Cicero as an historical figure*

From his status as a source of rhetorical and moral *auctoritas*, Cicero became an historical figure in communal didactic literature at the end of the thirteenth century. Previously, he had been considered first and foremost as an abstract idea, as the disembodied protection that legitimized rhetorical and moral education. The first words used to describe Cicero depicted his role as a rhetorician and as an author: *Tullio fue al tempo di questo imperatore grande filosofo, e fece la Rettorica, cioè la scienza di bello parlare e dello dittare, e scrisse di molte buone sentenze*.<sup>67</sup> According to the various known *accessus* ('introductions') written to accompany his texts, two main facts of his life were known: first, his position as a lawyer, which is described in the Caesarian speeches that circulated quite frequently throughout the Middle Ages; second, his fight against Catiline, which became popular with Sallust's account. A third point – his career as a 42 soldier for Caesar – reappeared regularly, but it was inaccurate because medieval authors confused Cicero with his brother Quintus.

Throughout the thirteenth century, Cicero appeared in various historical accounts, including the very common *Fet des Romains*, which was translated into the vernacular several times in the Italian city states. In these accounts, Cicero as authority made way for Cicero as historical persona. However, he usually remained in Caesar's shadow. One notices, especially in the Tuscan context, that the way in which authors depict Cicero is, most of the time, a response to the image they had of Caesar, and, by extension, of the empire. Around 1260, Guidotto da Bologna, who dedicated his *Fiore di rettorica* to Manfred, the illegitimate son of Frederick II, portrayed Cicero as the emperor's sidekick:

Nel tempo che signoreggiava il grande e gentile uomo Giulio Cesare, il quale fu il primo imperadore di Roma, di cui Lucano e Sallustio et altri autori dissono alti e maravigliosi versi, nel xiii anno dinanzi alla natività del nostro Signore; in quell tempo

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<sup>67</sup> 'At the time of this emperor, Cicero was a great philosopher and made the *Rettorica*, that is science of the nice speech and of the nice writing, and he wrote many great sentences': *Fiore di filosofi e di molti savi* (anonymous, second half of the thirteenth century): ed. A. Cappelli (Bologna 1865), 24.

fu un nobile e virtuoso uomo, cittadino di Capoa e del regno di Puglia, il quale era fatto abitante della nobile città di Roma, et aveva nome Marco Tullio Cicerone.<sup>68</sup>

At the same time, Brunetto Latini, who was a great supporter of the Florentine Guelphic cause, drew a much darker portrait of the Roman general. He presents him as being responsible for having seized the government from the republic, as he was driven by the typical pride of noblemen and disregarded collective institutions.<sup>69</sup> In his *Rettorica*, Brunetto thus justifies the fact that Cicero sided with Pompey during the civil war while giving his involvement a contemporary dimension: *Et poi nella guerra di Pompeio e di Julio Cesare si tenne con Pompeio, sicome tutti savi ch'amavano lo stato di Roma; e forse l'appella nostro comune però che Roma è capo del mondo e comune d'ogne uomo.*<sup>70</sup> Since republican Rome was considered as the symbolic ancestor of each commune, Cicero was a model of wisdom for each citizen. Presented as the guardian of the communal institutional model, he became a true model of civic commitment with Brunetto Latini. On the other hand, the Florentine notary's interpretation of Cicero's career is hardly representative of the times in which he lived. The senator is rarely involved in attacks against the imperial model. His persona is much more often used, in the Florentine context, for political demonstrations: *Popolo*, as Cicero, is opposed to the magnates, who are portrayed as Catiline. In the *popolo's* commune, authors underscored Cicero's plebeian origins, contrasting them with the conspirator's nobility:

Tulio era cittadino di Roma nuovo e di non grande altezza; ma per lo suo senno fue in sì alto stato che tutta Roma si tenea alla sua parola [...], e per lo bene della terra fue al tutto contrario a Catellina.<sup>71</sup>

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<sup>68</sup> 'In the days when the great nobleman Julius Caesar governed, who was the first emperor of Rome and who was portrayed by Lucan and Sallust and other authors in high and fantastic verses, in the thirteenth year before the Nativity of our Lord; in these days there was a noble and virtuous man, a citizen of Capua and of the kingdom of Apulia, who was made citizen of the noble city of Rome and had the name Marcus Tullius Cicero.' Guidotto da Bologna, *Fiore di rettorica* (n. 26, above) 24.

<sup>69</sup> *A la verité dire il n'ama onques les senators ne les autres officiaus de Rome, ne eaus lui; car il estoit estrait de la lignee Enee, et après ce estoit il de si haut coraige que il ne baoit fors qu'a la seignorie avoir dou tout, selonc ce que ses ancestres avoient eu:* Brunetto Latini, *Tresor* (n. 57, above) 68 (I.36.6).

<sup>70</sup> 'In the war between Pompey and Julius Caesar, he sided with Pompey, as every wise man loving Rome; and maybe he calls Rome 'our commune' because Rome is the head of the world and commune of every man': Latini, *Rettorica* (n. 25, above) 10.

<sup>71</sup> 'Tullius was a new citizen of Rome and not of great nobility; but by his intelligence he attained such an important status that the whole of Rome respected his words [...], and for the country's sake, he entirely opposed Catiline.' Brunetto Latini, *Rettorica* (n. 25, above) 10.

| 43 e perché Tulio era nuovo cittadino in Roma [...] non ardì di fare prendere Catellina né giustiziare, come al suo misfatto si convenia; ma per suo grande senno e bello parlare il fece partire della città.<sup>72</sup>

It is interesting to note that for Boccaccio, who was close to the Neapolitan nobility, Cicero was also of an important lineage:

Tullio [...] discese di nobili parenti; per ciò ch'è si legge li suoi passati essere stati re della lor città [...] . Divenne per la sua industria in Roma splendido cittadino, in tanto che non solamente fu assunto tra la gente patrizia, ma esso fu fatto dell'ordine del Senato, e insino al sommo grado del consolato pervenne; nel quale avendo [...] cautamente sentita la congiurazione ordinata da Catellina, presi certi nobili giovani romani che a quella tenevano, essendosi già Catellina partito di Roma, di grandissimo pericolo liberò la città.<sup>73</sup>

Beginning in the second half of the thirteenth century, then, and for a short period of time, Cicero was no longer considered simply as an author, but also as a man of action. He became just as much the politician as the theoretician of good government.<sup>74</sup> Yet the flattering image of a man of conviction was not to survive the rediscovery of Cicero's letters. The first humanists soon realized that the senator's opinions reflected his opportunism. The disillusionment Petrarch felt upon reading the letters is well known. Disappointed in the historical persona, despite his passion for the author, he blamed Cicero in a letter for what he saw as his pointless career: as a civic counter-model, he and his doubts perfectly represented the appeal of a contemplative life.<sup>75</sup> Yet, after him, one generation of humanists attempted to defend Cicero's political involvement. They were also usually involved in their commune's

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<sup>72</sup> 'And because Tullius was a new citizen in Rome, [...] he did not dare to capture Catiline nor judge him, as required by his misdeed. But Tullius made him leave the city by his great intelligence and his beautiful eloquence.' Giovanni Villani, *Nuova Cronica*, ed. G. Porta (Parma 1991) 48 (I.30).

<sup>73</sup> 'Tullius [...] was descended from a noble family; according to the sources, his ancestors were kings of their city [...] . He became a great citizen in Rome on his own merits, as he was not only promoted to the patrician group, but also appointed to the senatorial order, and even reached the highest rank of the consulate; in that [...] having cleverly foreseen the conspiracy organized by Catiline, he freed the city from a major hazard, having captured some young Roman noblemen, who were involved in it, when Catiline had already left Rome.' Giovanni Boccaccio, *Esposizioni sopra la Comedia di Dante*, ed. G. Padoan (Milan 1994) 251 (IV.1).

<sup>74</sup> The first substantial biography dedicated to Cicero came with his works in manuscript 552 at the Bibliothèque municipale de Troyes (see Laura Refe in this volume) and was written around 1330 in Verona. Cf. J.-Y. Tilliette, 'Une biographie inédite de Cicéron, composée au début du XIV<sup>e</sup> siècle', *Comptes rendus des séances de l'Académie des Inscriptions et Belles-Lettres* 147/3 (2003) 1049–77.

<sup>75</sup> Pétrarque, *Lettres familières*, ed. A. Longpré, V (Paris 2015) 576–79 (XXIV.3).

affairs: Coluccio Salutati as chancellor in Florence and Francesco Zabarella as an ambassador in Padua.<sup>76</sup> Pier Paolo Vergerio wrote a reply to Petrarch's letter in Cicero's name in 1394. He separated the Stoic peace of mind from true wisdom, which made it necessary to seek salvation for the whole community.<sup>77</sup>

*A posteriori*, the growing affection that communal and, later, humanist authors showed for Cicero as both a theorist of the community and an example of involvement in civic life might have been the sign of a change in republican values in the communes as early as the second half of the thirteenth century.<sup>78</sup> However, the impact on institutional and political practices is difficult to assess. | 44 Following Massimo Giansante's works in Bologna, no references to Cicero can be found in preambles to statutes and official acts issued by Italian communes. The influence of the author of *De officiis* seems to have been restricted to theorizing what makes a good government and a good citizen. Furthermore, the historiography of 'civic humanism' was developed based on the case of Florence, and has very often identified Brunetto Latini as a precursor. Yet Latini appears as a very special case in this corpus. He is the most significant example of an author who promoted Cicero's role as an actor of the *civitas*, but it is difficult to find others, after him, who combined the classical figure's rhetorical, civic, and historical *auctoritas* equally explicitly.<sup>79</sup> The geographical spread and continuity of the growing use of *De officiis* as an educational source for civic practices implies that the work's main observations were part of a common culture as early as the mid-thirteenth century. However, the text was not included in the training *cursus* of the time and was to be commented on in universities much later.<sup>80</sup> One must imagine either the expansion of a political anthology (which might have been based on *Liber de regimine civitatum*) that would point to the key definitions of *De officiis*, or, in certain cases, more direct interpretations by scholars who had generally already been trained in the art of Cicero's prose as they were learning rhetoric. In both cases, it was progressively established that Cicero was

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<sup>76</sup> G. Casale, *Cicerone a Firenze. Il repubblicanesimo di Coluccio Salutati* (Roma 2013); D. Girgensohn, 'Francesco Zabarella aus Padua: Gelehrsamkeit und politisches Wirken eines Rechtsprofessors während des grossen abendländischen Schismas', *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte* 79 (1993) 232–77.

<sup>77</sup> J. M. McManamon, *Pierpaolo Vergerio the Elder. The Humanist as orator* (Tempe 1996) 54–59.

<sup>78</sup> Q. Skinner, *Visions of Politics*, 2 vols (Cambridge 2002) II 10–38; H. Baron, *The crisis of the early Italian Renaissance. Civic humanism and republican liberty in an age of classicism and tyranny* (Princeton 1955).

<sup>79</sup> To a lesser extent than Brunetto Latini, Marsilius of Padua cites Cicero as an exemplary consul in *Defensor pacis*. He uses the senator as an illustration to recommend wisdom to the future prince. According to Marsile, Cicero made a shrewd and cautious decision in choosing to condemn Catiline and his accomplices without due process of law. Cf. Marsilius of Padua, *The Defender of the Peace*, ed. A. Brett (Cambridge 2005) 82.

<sup>80</sup> One ought to note that none of Cicero's works were found by Giovanna Murano in the inventory she made of taxation lists for *pecia* and *exemplaria*. Cf. Giovanna Murano, *Opere diffuse per exemplar e pecia* (Turnhout 2005).

an authority on government ethics and that, more and more often, just as he was inevitably used as a tutelary figure for any rhetorical thinking, he became equally significant in observations on the ethics of good government. This can help understand why the doge Andrea Dandolo mentioned Cicero at the very beginning of his *Liber albus* around 1345, which was used to compile documents on the history of Venice:

Actus nostros in eterni regis beneplacito dirigentes illam in eo plenitudinem gratie semper speravimus, ut nostris temporibus, que sua clementi pietate prosperari dignetur, deformata reformare, corrigenda corrigere et indirecta dirigere valeamus. [...] Sane Ciceronem et ceteros, quos summe virtutes in eternum valiture commemorant, nil magis adauxisse conspicimus, quam accuratissima observantia ordinis in agendis et recta distributio dicendorum.<sup>81</sup>

### *Conclusion*

Civic references to Cicero seem specific to the communal world. *De officiis* and *De amicitia* were used much less often in the *libri de regimine* that were sent to rulers who did not belong to the communal world than in those addressed to *podestà*. *Poema de regimine et sapientia potestatis*, which was written by Orfino da Lodi around 1245, is to be excluded from them. Cicero only appears in it as a moral *auctoritas*.<sup>82</sup> This work is not exactly a mirror for princes, as it was |45 intended for the author's son, who was the notary of Frederick II's illegitimate son, Frederick of Antioch. The very small number of Ciceronian citations could be due to the fact that Orfino was part of a very different generation from that which witnessed the Ciceronian renewal of the 1260s. We know that the notary had been trained before the 1210s. Yet this cultural gap might prove to be much more revealing in his case than his pro-imperial convictions.<sup>83</sup> The cases of *De regno* by Thomas Aquinas (c. 1265, for the king of Cyprus), of *De regimine principum* by Egidio Romano (1279, for Philippe le Bel),

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<sup>81</sup> 'Directing our actions in the well of the Eternal King, we have always hoped for that plenitude of grace in him, so that in our times – may he consider it worthy for them to prosper, by his merciful piety – we can reform what is deformed, correct what is to be corrected and steer what is diverted. [...] We did not look to add anything further to Cicero and the rest, whom their supreme virtues, destined to last for eternity, recall, than conscientious respect for the order of things in what is to be done and the correct distribution of things to be said.' G. L. Tafel and G. M. Thomas, *Der Doge Andreas Dandolo und die von demselben angelegten Urkundensammlungen zur Staats- und Handelsgeschichte Venedigs* (Munich 1855) 24–25.

<sup>82</sup> *Iam nova progenies celo dimittitur alto, | principis in prato geminantur germina lato, | fructibus et foliis mellitis flore beato: | Tullius atque Cato Salomon sibi Seneca Plato | viribus Achilles forma Paris Ector Ulixes:* Orfinus de Laude, *De regimine et sapientia potestatis*, ed. S. Pozzi (Lodi 1998) 62.

<sup>83</sup> E. D'Angelo, 'Orfino da Lodi', *Enciclopedia Federiciana*, II, ed. O. Zecchino (Rome 2005), 423–25.

and *Liber de regimine rectoris* by Paolino Minorita (1314, for the Duke of Crete) happen to be more significant. The last two do not cite Cicero. Paolino Minorita uses the Bible as his main source, adding a few references to classical authors (mainly Seneca, but also Ovid, Socrates, and Aristotle).<sup>84</sup> Egidio Romano presents Aristotle and Thomas Aquinas as his main sources.<sup>85</sup> He probably uses a few of Cicero's precepts when referring to the Dominican. Here again, these invariably refer to moral recommendations based on Christian sources. Although Thomas rarely cites *De officiis* and *De re publica* in his work, he generally selects remarks on virtue when he does so.<sup>86</sup> He thus conforms to a long-standing tradition of moral and Christian interpretation of Cicero's thought.

The communal specificity regarding the Ciceronian civic model should be interpreted based on the authors' precise cultural heritage, rather than on their dedicatees' political regimes. The rediscovery of Cicero as a politician was intimately connected to concerns about guiding the voice of citizens. Notaries, who wrote a major part of the didactic communal literature, first encountered Cicero through his oratorical standards during their training. Once the notaries had become indispensable links in the chain of urban promotion, especially after the mid-thirteenth century and the advent of popular governments, they included Cicero's rhetorical models again in a pragmatic manner to set civic standards, progressively relying on the behavioural rules they found in *De officiis*. Obvious or indirect references to Cicero's work gradually became part of a common culture that was conducive to personal interpretations. Despite the setting of rules to cite Cicero, which was inherent in the compilatory dimension of didactic writing, each author adapted Cicero's texts and persona to their own demonstrations. Therefore, there was no unique Ciceronian civic model in the communal world, but rather a multitude of them, combining his appearances as a rhetorician, a philosopher, and a consul in variable proportions.

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<sup>84</sup> Paulin de Venise, *Trattato de regimine rectoris*, ed. A. Mussafia (Vienna 1868).

<sup>85</sup> Aegidii Romani, *De regimine principum doctrina*, ed. V. Courdaveaux (Paris 1857).

<sup>86</sup> S. Thomae Aquinatis, *De regno* in *Opuscula Omnia*, ed. P. Mandonnet (Paris 1927) 312–487 (319, 326, 361, 362). Thomas Aquinas knew *De officiis* well. He cited it regularly in the remainder of his work when addressing virtues. Cf. E. K. Rand, *Cicero in the courtroom of St. Thomas Aquinas* (n. 45, above).