

– Ancient World Study Day 2014 –

Cicero, *In Verrem* 2.1.53 ff.

1. Introduction

1.1. Gaius Verres

Cf. Jens Bartels's entry in *Brill's New Pauly*:

- ~ 115–43 B.C.
- Son of the senator C. Verres and (arguably) one Tadia
- Largely known from Cicero's speeches in 70 B.C.
- 84 B.C. quaestor to the Marian consul Papirius Carbo
- 83 B.C. joined Sulla's ranks
- 80 B.C. Legate to Cn Cornelius Dolabella, proconsul of Cilicia
- [75 B.C. Cicero quaestor in Sicily]
- 74 B.C. praetor urbanus
- 73–71 B.C. propraetor (~ provincial governor) of Sicily (i.e. during the Third Servile war [Spartacus!])
- 70 B.C. trial, then exile in Massilia (Marseille)
- 43 B.C. proscribed by Mark Antony, killed subsequently

1.2. Cicero's Speeches Against Verres

- *Against Q. Caecilius* – claiming the prosecution for himself
- *In Verrem I* – Accusation, discussing the danger for the senatorial jury to lose face if they came to the wrong conclusions, deviating from the established procedure of a speech duel by introducing witnesses at this point. This was to avoid a scenario in which the defence were given the opportunity to drag out the process on end
- (Verres gives up – unclear whether or not a speech in his defence was given by Hortensius, Cicero's opponent, at the time; cf. Alexander, *Hortensius' speech* [in bibliography])
- Cicero subsequently publishes *the Actio Secunda (In Verrem II)* in five books, in which he has collected and arranged the list of Verres' misdeeds

2. The Content of Cic. Verr. 2.1.53 ff.

2.1. The Structure of Cic. Verr. 2.1

- 1–32 Introduction**
- 32–34 Structure of the entire actio secunda**
- 34–158 Main part**
 - 34–43 Quaestorship
 - 44–102 Proquaestorship in Cilicia
 - 103–158 Praetorship

2.2. The Structure of Cic. Verr. 2.1.44–102

- 44–102 Proquaestorship in Cilicia**
 - 44–45 Crimes in Achaea

- 46–48 Crimes in Delos
- 49–61 Crimes in Asia Minor
- 62–85 Lampsacus scandal
- 86–90 The Milesian ship
- 90–94 Malleolus episode
- 95–102 Further crimes and concealment

2.3. The Structure of Cic. Verr. 2.1.53–69

(49)–61 Crimes in Asia Minor

- (...)
- 53 Aspendos
- 54 Perge
- 55 Historical precedence I: older *exempla*
- 56 Historical precedence II: recent *exempla*
- 57 Verres' crimes incomparable in scale
- 58 Verres' attempts to defend himself are void
- 59 Verres' behaviour is dangerous to the Roman nation
- 60 Verres' accounting system does not stand trial
- 61 Even the existing accounts are useless

62–(85) Lampsacus scandal

- 62 Introduction: giving motivation to a particularly wicked example
- 63 Setting the scene: Lampsacus
- 64 Introducing the main characters: Philodamus and Rubirius
- 65 Exposition: the dinner party
- 66 Rubirius causes a scandal, asking Philodamus' daughter to join the party
- 67 Catastrophe: tumultuous scenes at the party, Lampsacenes support Philodamus
- 68 Aftermath: Lampsacenes seek revenge
- 69 Roman expatriates try to mitigate

3. Unpicking Cicero's Rhetoric

Tentative definition of rhetoric:

Rhetoric is a purpose-driven, target-oriented form of human communicative behaviour, aiming for success, effectiveness, and persuasion (as well as the theoretical study of said behaviour).

3.1. Verres as a Creative Accountant. *Audiatur et altera pars* – but how?

Cicero feigns his upset about Verres' accounting system, claiming that Verres deliberately obfuscates the origin of the artworks in his possession:

[1] Cic. Verr. 2.1.60–61

60 Hic ego non arbitror illum negaturum signa se plurima, tabulas pictas innumerabiles habere; sed, ut opinor, solet haec quae rapuit et furatus est non numquam dicere se emisse, quoniam quidem in Achaia, in Asia, Pamphylia sumptu publico et legationis nomine mercator signorum tabularumque pictarum missus est. XXIII. Habeo et istius et patris eius¹ tabulas omnes, quas diligentissime legi atque digessi, patris quoad vixit, tuas quoad ais te confecisse

¹ The MSS. have *accepi* after *eius*: Peterson retains it and omits *Habeo*.

Now I do not suppose that Verres will at this point deny that he has numerous statues, and more pictures than he can count, in his possession. But I understand it to be his habit now and then to assert that these objects, which he has stolen by force or fraud, have really been bought. It would appear that he was sent out to Achaia and Asia and Pamphylia, at the national expense and with the title of assistant governor, in order to engage in the statue and picture trade. XXIII. Both his own accounts and his father's have come into my hands; I have read and studied them carefully; the father's up to the day of his death, his own for the period during which he claims to have kept them. For

Nam in isto, iudices, hoc novum reperietis. Audimus aliquem tabulas numquam confecisse : quae est opinio hominum de Antonio, falsa, nam fecit diligentissime : verum sit hoc genus aliquod, minime probandum. Audimus alium non ab initio fecisse, sed ex tempore aliquo confecisse : est aliqua etiam eiusce rei ratio. Hoc vero novum et ridiculum est quod hic nobis respondit cum ab eo tabulas postularem, usque ad M. Terentium et C. Cassium consules confecisse, 61 postea destitisse. Alio loco hoc cuius modi sit considerabimus ; nunc nihil ad me attinet, horum enim temporum in quibus nunc versor habeo tabulas et tuas et patris. Plurima signa pulcherrima, plurimas tabulas optimas deportasse te negare non potes ; atque utinam neges ! Unum ostende in tabulis aut tuis aut patris tui emptum esse : vicisti. Ne haec quidem duo signa pulcherrima quae nunc ad impluvium tuum stant, quae multos annos ad valvas Iunonis Samiae steterunt, habes quo modo emeris ; haec, inquam, duo, quae in aedibus tuis sola iam sunt, quae sectorem expectant, relicta ac destituta a ceteris signis.

62 XXIV. At, credo, in hisce solis rebus indomitas cupiditates atque effrenatas habebat : ceterae libidines eius ratione aliqua aut modo continebantur.

you will find this novelty in Verres' case, gentlemen. We have heard of a man's never keeping any accounts ; that is what is widely believed about Antonius,^a though incorrectly, for he kept very careful accounts ; still we may admit that this sort of thing occurs, and it is far from satisfactory. We have also heard of a man's not keeping accounts to begin with, but doing so from a certain date onwards ; and that too one can to some extent understand. But what we have here is a ridiculous novelty : I demanded his accounts, and he told me that he had kept them duly up to the consulship of Marcus Terentius and Gaius Cassius,^b but stopped keeping them after that. We will consider the significance of this elsewhere ; for the moment I am not concerned with it, as I have both your own accounts, Verres, and your father's, for the period with which I am now dealing. You cannot deny that you brought away a large number of beautiful statues and a large number of fine paintings. I only wish you would deny it ! Show me the record, either in your own accounts or your father's, of your buying a single one of these things, and I surrender. You cannot show that you have bought even those two beautiful statues which are standing now beside the rainpool in your hall, and stood for many long years before the doors of Juno in Samos—those two, I mean, that are now left lonely in your house, waiting for the dealer,^c deserted and abandoned by all the others.

What does Cicero actually claim here?

- Cicero accepts that people either keep accounts of their transactions or not, but he finds it hard to believe that someone stops doing so (n.b. the year in question in ch. 60 is 73 B.C., i.e. the year in which Verres went to Sicily)
- However, this is irrelevant for the current section, as accounts exist for this period.
- There are some acquisitions unaccounted for in the existing documents for which one would assume to find records. The insinuation is: this proves Verres' guilt.

Interestingly enough, Cicero takes a rather different line in his speech *Pro M. Fonteio*, just one year after the Verres trial (69 B.C.). The *Pro M. Fonteio* presents another extortion case, with the small, yet important difference that Cicero is now the defence lawyer. When it comes to questionable practices in the accounting system, Cicero claims that these are just that: practices.

[2] Cic. Font. 1–2

quaestorem aliter neminem solvisse ; hunc omnium superiorum, huius autem omnes, qui postea fuerint, 2 auctoritatem dico secutos. Quid accusas, quid reprehendis ? Nam quod in tabulis dodrantariis et quadrantariis, quas ait ab Hirtuleio institutas, Fonteius officium desiderat, non possum existimare, utrum ipse erret an vos in errorem ducere velit. Quaero enim abs te, M. Plaetori, possitne tibi ipsi probata esse nostra causa, si, qua in re abs te M. Fonteius accusatur, auctorem habet eum, quem tu maxime laudas, Hirtuleium ; qua in re autem laudas Hirtuleium, Fonteius idem fecisse reperitur. Reprehendis solutionis

as all the others paid ? For my defence, gentlemen of the jury, of Marcus Fonteius, my contention is that, since the enactment of the Valerian Law,^a from his quaestorship until that of Titus Crispinus no one has ever paid otherwise ; I assert that my client followed the example of all his predecessors, while all my client's successors have followed his. What 2 accusation do you make ? What fault can you find ? For with regard to the prosecutor's statement that in the account-books where the abatements of three-fourths and additions of one-fourth were made,^b which he says were established by Hirtuleius,^c he

So how is this substantially different from Verres? How does this justify different treatment?

The answer may lie in another statement made in the *Pro M. Fonteio* – it depends on whom you extort:

[3] Cic. Font. 30

30 nostris praestare debere. An vero istas nationes religione iuris iurandi ac metu deorum immortalium in testimoniis dicendis commoveri arbitramini? Quae tantum a ceterarum gentium more ac natura dissentiant: quod ceterae pro religionibus suis bella suscipiunt, istae contra omnium religiones; illae in bellis gerendis ab dis immortalibus pacem ac veniam petunt, istae cum ipsis dis immortalibus bella gesserunt,

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furnish either to his own citizens or to our prosecutors in his evidence except his voice, his impudence, and his effrontery. Or do you think that nations like that are influenced, when they give evidence, by the sanctity of an oath or by the fear of the immortal gods, differing so widely from all other nations as they do in habits and in character? Other nations wage wars in defence of their religion, they do so against the religion of every people; others in waging war entreat the favour and the pardon of the immortal gods, they wage war against the immortal gods themselves. XIV. These are the

So – how robust is this system? How meaningful is Cicero's accusation?

3.2. The Lampsacus episode

Cf. Steel, *Being Economical with the Truth* [in bibliography]

- Note that no express claim is made for Verres' presence at the dinner party: Cicero merely insinuates Verres' agreement and involvement
- Cicero fabricates a strange unity between the actions of Verres' staff and Verres' own intentions. Beyond the episode related in ch. 62–69, one must also wonder if there is any actual connection between the dinner party episode and a subsequent trial at which Verres punishes Philodamus and his son

Despite the rhetorical design of the passage under consideration, an important question must be asked: is 'oratory' even the right category for the *actio secunda*?

→ Was Cicero, in addition to career considerations, simply interested in the creation of 'archival truth' (in which aim he seems largely to have succeeded)?

4. Digging Deeper – and a Potential Response to Cicero

4.1. Could Verres in fact at certain times have tried to achieve something positive...

Cf. R. Schulz, *Herrschaft und Regierung: Roms Regiment in den Provinzen in der Zeit der Republik*, Paderborn 1997, who argues that during his term in Sicily Verres may have tried to achieve a more direct control and management of provincial resources by the government in Rome, thus interfering with the interests of the locals ... and their powerful patrons in Rome.

4.1. (continued:) ... but messed with the wrong people?

[4] Cic. Verr. 2.4.48–49

aspexerat, manus abstinere, iudices, non poterat. Cn. Pompeius est, Philo qui fuit, Tyndaritanus. Is cenam isti dabat apud villam in Tyndaritano. Fecit quod Siculi non audebant; ille, civis Romanus quod erat,

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even sign of any piece of figured plate, and he could not, I assure you, keep his fingers off it. There is a man of Tyndaris, Gnaeus Pompeius, formerly known as Philo, who gave a dinner for him at his country-house in the Tyndaris district. He did what the Sicilians dared not do, but what, being a

impunius id se facturum putavit ; apposuit patellam, in qua sigilla erant egregia. Iste continuo ut vidit, non dubitavit illud insigne penatium hospitaliumque deorum ex hospitali mensa tollere ; sed tamen, quod ante de istius abstinencia dixeram, sigillis avulsis
 49 reliquum argentum sine ulla avaritia reddidit. Quid ? Eupolemo Calactino, homini nobili, Lucullorum hospiti ac perfamiliari, qui nunc apud exercitum cum L. Lucullo est, non idem fecit ? Cenabat apud eum ; argentum ille ceterum purum apposuerat, ne purus ipse relinqueretur, duo pocula non magna, verum tamen cum emblemate. Hic tamquam festivum acroama, ne sine corollario de convivio discederet, ibidem convivis spectantibus emblemata evellenda curavit.

Neque ego nunc istius facta omnia enumerare conor

a roman citizen, he thought he would run comparatively little risk in doing : he put on the table a dish with embossed figures of exceptional merit. The moment that Verres saw it, without hesitation he removed from his host's table this symbol sacred to the gods of home and hospitality ; though, to be sure, with the moderation of which I spoke just now, having pulled off the engraved work he very generously sent back what was left of that silver dish. Again, he behaved in the same way to 49 Eupolemus of Calacte, a man of good family who is the guest-friend and intimate of the Lucullus family, and is now serving in our army with Lucius Lucullus. He was dining at this man's house : most of the silver put on table was bare of embossed work, since Eupolemus did not wish to be stripped bare himself ; but there were two cups, of no great size, but with embossed work upon them. Our friend here, as if he were an entertainer at a party anxious to secure his gratuity before he left, then and there had the embossed work torn off, with all the guests looking on.

So is it really just the scale of Verres' corruption that stands trial here?

An interesting clue lies in Cicero's repeated moral judgements in ch. 55 ff., trying to claim that Verres – while he essentially did the exact same things as everyone else before him – was morally corrupt and acted selfishly rather than in the interest of the state. The question is: does Verres' morality stand trial here, or is it something else that motivates Cicero's claims for the moral high ground, and a very different agenda that Cicero aims to obfuscate behind his attacks?

The evidence speaks against Cicero's moral claims as a self-serving end: in ch. 55 he refers to Lucius Mummius, the destroyer of Corinth. Outside the speeches *Against Verres*, however, Cicero (does seem to imply that (i) Mummius had little regard for Greek culture (cf. *De Officiis* 2.76) and (ii) Mummius' 'benefactions' were not entirely selfless after all.

4.2. Systemic Constraints and Established Practice

- Public offices during the Roman Republic were unpaid (and did not come with support staff)
- Running for office, while important for one's career, was often a ruinous business – to an extent that the financial exploitation of provinces became habitual to an extent that a permanent law court, the *quaestio de repetundis*, was established as early as 149 B.C. (as a result of the *lex Calpurnia*, modified by the *lex Acilia repetundarum* of 123/122 B.C.); the *repetundarum crimen*, however, has been dealt with by Roman legal institutions from at least as early as about 200 B.C.

'Privatisation' of Greek Art

Cf. the 'practice' allegedly established (?) by Marcellus in 212 B.C., ironically in the very same place where Verres is said to have committed many of his crimes: Sicily!

[5] Liv. 25.40.1-3

XL. Dum haec in Hispania geruntur, Marcellus captis Syracusis, cum cetera in Sicilia tanta fide atque integritate composuisset ut non modo suam gloriam sed etiam maiestatem populi Romani augeret, ornamenta urbis, signa tabulasque quibus abundabant Syracusae, Romam devexit, hostium quidem illa spolia et parta belli iure; ceterum inde primum initium mirandi Graecarum artium opera licentiaeque huius¹ sacra profanaque omnia vulgo spoliandi factum est, quae postremo in Romanos deos, templum id ipsum primum quod a Marcello eximie ornatum est, vertit. Visebantur enim ab externis ad portam Capenam dedicata a M. Marcello templa propter excellentia eius generis ornamenta, quorum perexigua pars compareret.

Legationes omnium ferme civitatum Siciliae ad eum conveniebant. Dispar ut causa earum, ita condicio erat. Qui ante captas Syracusas aut non desciverant aut redierant in amicitiam, ut socii fideles accepti cultique; quos metus post captas

XL. While these things were being done in Spain, it is true that Marcellus, after the capture of Syracuse, had settled matters in general in Sicily with such conscientiousness and honesty that he added not only to his own fame, but also to the dignity of the Roman people. But as regards the adornments of the city, the statues and paintings which Syracuse possessed in abundance, he carried them away to Rome. They were spoils of the enemy, to be sure, and acquired by right of war. Yet from that came the very beginning of enthusiasm for Greek works of art and consequently of this general licence to despoil all kinds of buildings, sacred and profane, a licence which finally turned against Roman gods, and first of all against the very temple which was magnificently adorned by Marcellus. For temples dedicated by Marcus Marcellus near the Porta Capena¹ used to be visited by foreigners on account of their remarkable adornments of that kind; but of these a very small part is still to be seen.

[6] Liv. 34.4.1-4

IV. "Saepe me querentem de feminarum, saepe de virorum nec de privatorum modo sed etiam magistratuum sumptibus audistis, diversisque duobus vitiis, avaritia et luxuria, civitatem laborare, quae pestes omnia magna imperia everterunt. Haec ego, quo melior laetiorque in dies fortuna rei publicae est imperiumque crescit—et iam in Graeciam Asiamque transcendimus omnibus libidinum illecebris repletas et regias etiam attrahamus gazas—eo plus horreo, ne illae magis res nos ceperint quam nos illas. Infesta, mihi credite, signa ab Syracusis illata sunt huic urbi. Iam nimis multos audio Corinthi et Athenarum ornamenta laudantes mirantesque et

carriages on holidays and ordinary days, that we may be borne through the city as if in triumph over the conquered and vanquished law and over the votes which we have captured and wrested from you; that there may be no limits to our spending and our luxury."

IV. "You have often heard me complaining of the women and often of the men, both private citizens and magistrates even, and lamenting that the state is suffering from those two opposing evils, avarice and luxury, which have been the destruction of every great empire. The better and the happier becomes the fortune of our commonwealth day by day and the greater the empire grows—and already we have crossed into Greece and Asia, places filled with all the allurements of vice, and we are handling the treasures of kings—the more I fear that these things will capture us rather than we them. Tokens of danger, believe me, were those statues³ which were brought to this city from Syracuse. Altogether

¹ See XXII. lxi.3, where Livy records the refusal to redeem the Romans captured at Cannae.

² The worship of the Magna Mater was imported into Rome in 204 B.C., and the stone which symbolized the goddess was received by the women (XXIX. x. 5; xiv. 10).

³ Marcellus transferred to Rome works of art captured in Syracuse in 212 B.C. and thereby began a revolution in Roman taste (XXV. xl. 2). The ruin on the military machine of

4.3. Roman Expansion, Propaganda, and the Art Market

excudent alii spirantia mollius aera,
(credo equidem), vivos ducent de marmore volutus;
orabunt causas melius, caelique meatus
describent radio et surgentia sidera dicent: 850
tu regere imperio populos, Romane, memento
(hae tibi erunt artes) pacique imponere morem,
parcere subiectis et debellare superbos."

...others, who singly, by utt'ring, restorest our state.¹ Others, I doubt not, shall beat out the breathing bronze with softer lines; shall from marble draw forth the features of life; shall plead their causes better; with the rod shall trace the paths of heaven and tell the rising of the stars: remember thou, O Roman, to rule the nations with thy sway—these shall be thine arts—to crown Peace with Law,² to spare the humbled, and to tame in war the proud!"

...but is this actually true?

Cf. Cic. Verr. 2.1.60 = item [1], above: Verres as an art merchant; cf. also reports about Verres' Sicilian workshop in Cic. Verr. 2.4.54.

4.3. Cicero, Greek Art, and the Proverbial Glass House (Or: The Mud Campaign)

[7] Cic. Att. 5(=1.8).2 S-B [67 B.C.]

- 2 L. Cincio HS CCIDC CCIDC CCCC pro signis Megaricis, ut tu ad me scripseras, curavi. Hermae tui Pentelici cum capitibus aëneis, de quibus ad me scripsisti, iam nunc me admodum delectant. qua re velim et eos et signa et cetera quae tibi eius loci et nostri studi et tuae elegantiae esse videbuntur quam plurima quam primumque mittas, et maxime quae tibi gymnasi xystique videbuntur esse. nam in eo genere sic studio efferimur, ut abs te adiuvandi, ab aliis prope reprehendendi simus. si Lentuli navis non erit, quo tibi placebit imponito.
- 3 Tulliola, deliciolae nostrae, tuum munusculum flagitat et me ut sponsorem appellat. mihi autem abiurare certius est quam dependere.

then be able to judge how far I ought to exert myself.

I have paid L. Cincius the HS 20,400 for the Megarian statues in accordance with your earlier letter. I am already quite enchanted with your Pentelic herms² with the bronze heads, about which you write to me, so please send them and the statues and any other things you think would do credit to the place in question and to my enthusiasm and to your good taste, as many and as soon as possible, especially any you think suitable to a lecture hall and colonnade. I am so carried away by my enthusiasm for this sort of thing that it's your duty to help me—and other people's perhaps to scold me. If a ship of Lentulus³ is not available, put them aboard any you think fit.

[8] Cic. Att. 6(=1.9).2 S-B [67 B.C.]

- alienas manus devenire.
- 2 Signa Megarica et Hermas de quibus ad me scripsisti vehementer exspecto. quicquid eiusdem generis habebis dignum Academia tibi quod videbitur, ne dubitaris mittere et arcae nostrae confidito. genus hoc est voluptatis meae. quae γυμνασιώδῃ maxime sunt, ea quaero. Lentulus navis suas pollicetur. peto abs te ut haec cures diligenter.

I am eagerly expecting the Megarian statues and the herms you wrote to me about. Anything you may have of the same sort which you think suitable for the Academy, don't hesitate to send it and trust my purse. This is how my fancy takes me. Things that are specially suitable for a lecture hall are what I want. Lentulus promises his ships. Please attend to this carefully.

[9] Cic. Att. 7(=1.10).3 S-B [67 B.C.]

- 3 Signa nostra et Hermeraclas, ut scribis, cum commodissime poteris, velim imponas, et si quid aliud οἰκῆτον eius loci quem non ignoras reperies, et maxime quae tibi palaestrae gymnasiaque videbuntur esse. etenim ibi sedens haec ad te scribebam, ut me locus ipse admoneret. praeterea typos tibi mando quos in tectorio atrio possim includere et putealia sigillata duo. bibliothecam tuam cave cuiquam despondeas, quamvis acrem amatorem inveneris; nam ego omnis meas vindemiolas eo reservo, ut illud subsidium senectuti parem.
- 5 De fratre, confido ita esse ut semper volui et elaboravi.

Yes, I should be grateful if you would ship when you most conveniently can my statues and Heracles herms and anything else you may discover that would be *convenient* you know where, especially things you think suitable to a palaestra and lecture hall. In fact I am sitting there now as I write, so that the place itself is a reminder. Further please get me some bas-reliefs which I can lay in the stucco of the small entrance hall and two figured puteals.² Mind you don't engage your library to anyone, no matter how ardent a wooer you may find. I am putting all my little gleanings aside to pay for this standby for my old age.

– Cf. also Cic. *fam.* 209(=7.23).1–3 S-B [46 B.C.]

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