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Letters from a Broken Republic: Cicero's Correspondence and Constitutional Transgression (91–79 BCE)

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Abstract: This study argues that Cicero's correspondence offers a privileged lens on the constitutional transgressions that reshaped the Roman Republic between 91 and 79 BCE. In *Ad Atticum* and *Ad Quintum fratrem*, the political, legal, and emotional aftershocks of the Social and Sullan wars are refracted through fear, *exempla*, and recollection, showing how trauma recalibrated what elites deemed constitutionally thinkable. The *mos maiorum* emerges not as a fixed code but as a living customary matrix – often negotiating with, and at times resisting, *lex* – that could be stretched under pressure. Tracing how extraordinary measures – marching on Rome, proscriptions, and the manipulation of magistracies – crossed the threshold into ordinary politics, the article reconstructs the mechanisms by which crisis was normalised and legality became the idiom of domination. Acknowledging Cicero's conservative bias and retrospective stance, it contends that the letters remain indispensable for understanding elite concepts of legitimacy, legality, and political change: a passage from crisis response to constitutional habit culminating in a *novus mos*. Within a broader legalisation of fear, measures such as the *lex Iulia* and *lex Plautia Papiria* redefined inclusion as control, turning legality into a performative mask of coercion.

Keywords: Cicero, *mos maiorum*, Social War; Sulla; constitutional transgression.

1. Introduction

Among the surviving testimonies to the late Republic, Cicero's correspondence stands out as an intimate record of moral exhaustion and institutional erosion, written in real time yet already shaped by the frameworks with which contemporaries sought to understand what was happening to them. Against the backdrop of civil war, dictatorship, and reform, the letters capture both the immediacy of events and the cognitive scaffolding (fear, *exempla*, appeals to tradition) through which those events were rendered intelligible. Focusing on the years from the aftermath of the Social War (91–87 BCE) to the consolidation and eventual dissolution of Sulla's regime (82–79 BCE), this study reads *Ad Atticum* and *Ad Quintum fratrem* as a double register of breakdown: they document ruptures in practice while simultaneously modelling the elite habits of interpretation that made those ruptures thinkable. The focus on *Ad Atticum* and *Ad Quintum fratrem* is deliberate: these collections preserve Cicero's most analytically dense reflections, enabling us to reconstruct not only what happened but how an elite observer processed constitutional rupture in real time. Their exceptional privacy minimises rhetorical

self-fashioning, while their chronological proximity to the Social and Sullan wars makes them the earliest surviving testimony to the cognitive and emotional aftershocks of those crises. Moreover, the dialogical structure of the exchanges with Atticus exposes the very process of deliberation through which the boundaries of the constitutionally conceivable were renegotiated.

The *mos maiorum*, as used in Cicero's correspondence, cannot be reduced to a homogeneous or static repository of ancestral norms. In this study *mos maiorum* is understood not as a codified body of ancestral rules, but as an unwritten, socially embedded repertoire of exemplary practices, expectations and forms of behaviour that structured Roman political life.¹ Recent scholarship has shown that the *mos* operated as a dynamic field of identity-construction and political negotiation.² This diachronic flexibility is essential for understanding why, in the aftermath of the Social and Sullan wars, *mos* could serve both as a vocabulary of resistance to innovation and as a rhetorical instrument to legitimise unprecedented measures. In fact, such an approach aligns with the argument advanced here: that constitutional transgression did not occur against the *mos*, but through its selective reactivation and re-signification. As Kenty and Pina Polo have emphasised in recent years, the persuasive power of the *mos maiorum* lay precisely in its ambiguity – its ability to absorb coercion, reinterpret precedents, and naturalise exceptional practices.³ Späth's recent work further underlines how norms circulated through elite correspondence and rhetorical exchange, a point that reinforces the methodological value of Cicero's letters as a site where the customary order was narrated and reshaped.⁴ In this regard, these letters constitute not merely textual artefacts but a *chronotopic* space of aristocratic life – a socially situated medium in which status, hierarchy, obligation and political practice are enacted in real time. Adopting this insight, the present study treats the correspondence not only as a source for attitudes or retrospective judgments, but as the everyday arena in which constitutional norms were performed, negotiated, and subtly reconfigured through interaction. In this sense, the letters do not simply describe the erosion of the Republican order; they participate in the very processes by which elite actors normalised transgression.

Accordingly, Ciceronian texts are not neutral transcripts of reality but 'events' in their own right – crafted for persuasive effect; even when private, they select, arrange, and frame experience.⁵ As the *Cinnanum Tempus* revealed with cruel clarity, the Republic's political

¹ Cf. Hölkeskamp 2010, 17–18.

² Linke & Stemmler 2000; Bur 2020.

³ Kenty 2016, 429; Pina Polo 2011, 76.

⁴ Späth 2021, 13–14.

⁵ Lintott 2008, 3–6.

culture had already internalised a logic of improvisation in law and violence.⁶ What began as responses to emergency (temporary levies, *ad hoc* decrees, extraordinary commissions) crystallised into habits of governance (cf. Cic., *Leg. agr.*, 2.11; *Sull.*, 33; *Sall.*, *Hist.*, fr. 1.55 Maur.). By the time Cicero was writing, these habits had solidified into what may be described as an *infrastructural exception*: a form of legality that governed through the constant deferral of normality.⁷

At the centre of this analysis lies an “organic” conception of the constitution: the *mos maiorum* is treated not as a fixed code but as a living discourse, an unwritten, customary matrix continually renegotiated under pressure and often in productive tension with *lex*.⁸ Precisely because it is customary, the *mos* could be stretched, bent, or re-signified to legitimise conduct in moments of emergency; precisely because it could be stretched, transgression became the hinge by which extraordinary practices migrated into ordinary politics. The Social War marks the decisive inflection: a traumatic laboratory in which inclusion by force, the suspension of guarantees, and the routinisation of military solutions lowered thresholds of acceptability and reprogrammed expectations. From this vantage, the 90s and 80s BCE appear not as an erratic sequence of crises but as a directed passage – from crisis response to constitutional habit.⁹ Indeed, the Cinna decade, in particular, functions as a hinge in this transition (see App., *BC*, 1.66–69; Plut., *Mar.*, 43–44). During those years the boundaries between violence and law, between office and usurpation, dissolved into a single continuum of survival. What Sulla would later institutionalise, Cinna rehearsed experimentally: decrees issued without assemblies, executions disguised as civic purification, and a jurisprudence of revenge that blurred the very meaning of *Res Publica*. Cinna's regime embodied a paradox of legality: a consul acting within the forms of office while governing through violence – a foretaste of the Sullan synthesis of power and law.¹⁰

The late Republic was an age of instability and civil conflict, and both written law and unwritten tradition were serially violated by ambitious individuals and violent factions. During these formative years Cicero was a young jurist and orator; his correspondence, though later, looks back on that decade of upheaval and discerns in it the seeds of subsequent collapse. Three questions guide the discussion: first, which constitutional ruptures crystallise between 91 and

⁶ Cf. Hinard 1985, 67–74.

⁷ See Dart 2014, 111–114; Santangelo 2016, 188–193.

⁸ Literally “the custom of the ancestors”. The term is sometimes misleadingly treated as a fixed “code”; following Hölkeskamp (2010, 17–18) I use it to denote a flexible, customary matrix rather than a normative rulebook.

⁹ The notion of new reality (the notion of *novus mos*) as a Sullan-era reformulation of precedent is discussed in Heredia 2017, 210–15; Hinard 1985, 51–56; Flower 2010, 147–49.

¹⁰ Lintott 2008, 36–37.

79 BCE – armies deployed against the city, the suspension of safeguards, the manipulation of magistracies, the normalisation of violence; second, how these ruptures are reflected – directly or obliquely – in *Ad Atticum* and *Ad Quintum fratrem*; and third, how we should weigh Cicero’s testimony – both as historical evidence and as a retrospective, interest-laden narrative shaped by anxiety and self-fashioning. The argument advanced here is that the letters are more than private communications: they are interpretive instruments that allow us to observe how contemporaries experienced the erosion of norms, translated violence into legal and moral categories, and tried to imagine stability anew. Read against a post–Social War “culture of trauma” the correspondence shows how fear and exempla expanded the limits of the constitutionally thinkable and how that expansion hardened into habit.¹¹

2. Rome 91–79 BCE: From Social War to Sulla

Understanding Cicero’s testimony requires situating it within the exceptional political landscape of his youth. Between 91 and 79 BCE, Rome underwent a sequence of transformations that destabilised the Republican order: first the Social War, then the cycles of civil conflict associated with L. Cornelius Cinna, C. Marius, and L. Cornelius Sulla, and finally Sulla’s dictatorship. Read through the lens of an “organic” constitution, this period reveals the *mos maiorum* as a customary discourse whose legitimacy depended on elite interpretation and circumstance, its flexibility generating a constant, constitutive tension with *lex*. The Social War (91–87 BCE) was more than an external conflict with Italian allies; in crucial respects, it functioned as Rome’s first great civil war. Unity fractured; citizenship expanded under coercion rather than consensual reform (Cic., *Balb.*, 21; *Sull.*, 22; Liv., *Per.*, 80),¹² and ideals of constitutional inclusion were violently severed from political practice. Imposed through bloodshed, this settlement constituted a breach in the *mos*, inaugurating a conditioning atmosphere in which trauma lowered thresholds and exceptional measures began their migration into ordinary politics – from *extraordinarium* to *ordinarium*. The legislation that accompanied the Social War illustrates this shift (App., *BC*, 1.49; Cic., *Balb.*, 21; Vell. Pat., 2.15.3–4).¹³ The *lex Iulia* and *lex Plautia Papiria* redefined citizenship not as a privilege granted by consensus but as an administrative response to rebellion. By transforming the *civitas* into a bureaucratic category to be distributed, recorded, and contested, Rome translated emergency into norm. The inclusion of Italy, achieved through coercion and paperwork rather

¹¹ See Eckert 2016, 45–52, on the “culture of trauma” in this period.

¹² Bispham 2007, 276–284; Mouritsen 1998, 155–161.

¹³ Cf. Mouritsen 2017, 135–139; Dart 2014, 93–98.

than persuasion, inaugurated what may be termed a dysfunctional *ciuitas* – an expanded citizen body held together more by coercion than consensus

The symbolism of that act cannot be overstated. Once the *pomerium* had been crossed under arms,¹⁴ the cognitive and ritual separation between war and law was irretrievably broken (App., *BC*, 1.57–59; Plut., *Sull.*, 9–10).¹⁵ The city itself became a stage for military ritual: standards raised, oaths sworn, and magistrates negotiating under threat. From that moment, political legitimacy would always bear the shadow of armed possibility. A further rupture arrived in 88 BCE when Sulla marched on Rome with his legions, violating the *pomerium* and converting the ritualised boundary between war and civic life into a theatre of arms. Contemporary and later accounts register the act as a point of no return: for the first time, regular forces fought “under standards” and “by the custom of war” within the city, importing the logic of the battlefield into urban space and recoding what was politically conceivable. The years 87–82 BCE then unfolded under a regime of factional violence that Cicero would later encapsulate as the *Cinnanum tempus*: irregular procedures, purges, and exemplary terror became instruments of government. Appian's account of Marius – outlawed as *hostis publicus*,¹⁶ yet returning to hold a seventh consulship (*BC*, 1.75) – exposes the collapse of legal constraints, while Plutarch's vignette of executions signalled by the non-response to a greeting (*Mar.*, 43.4) renders visible the arbitrariness and dread of everyday politics. What is at stake is not merely excess, but the suspension and selective reactivation of institutions: a transgressive sovereignty that habituated elites to procedures once unprecedented.

With Sulla's victory in 82 BCE and the dictatorship that followed, transgression ceased to be episodic and became institutional. The proscriptions attacked the core safeguard of *provocatio ad populum*; the tribunate of the plebs was deliberately neutralised; juries were reorganised to restore exclusive senatorial control; and dictatorship, prolonged beyond precedent, blurred the boundary between *lex* and *mos*. In the trajectory reconstructed in my earlier research, the juridification of terror (*proscriptiones*, headhunting, the public display of heads on the *Rostra*)¹⁷ and the post-war management of citizenship (a dysfunctional *ciuitas* administered through paperwork, deadlines, and allocations) coalesced into a *nouus mos*: legality became the language that normalised exceptional domination (Cic., *Sull.* 33; *Cluent.*, 170; App., *BC*, 1.104), while reforms of *ciuitas* consolidated this new customary order (App.,

¹⁴ Heredia 2017, 58–60.

¹⁵ Hinard 1985, 78–83; Santangelo 2016, 191–195.

¹⁶ Cf. Lovano 2002, 105–109.

¹⁷ See Hinard 1985, 187–192; Lovano 2002, 143–148.

BC, 1.95–103; Cic., *Rosc. Am.*, 127–129; Val. Max., 9.2.1). Although Cicero was not yet writing during the turbulent decade 91–79, his later correspondence returns obsessively to those formative events. The memories of proscriptions, militarised politics, and corroded magistracies supply the background grammar against which he parsed subsequent crises.¹⁸ Framed as a culture of trauma, this work of memory explains how fear and exempla reshaped elite expectations and, through them, progressively redefined what counted as constitutionally admissible producing a *nouus mos* that structured Roman political life for a generation. In this sense, the Social and Sullan wars did not merely alter institutions; they rewired emotional and cognitive expectations. The Republic learned to survive through improvisation, to legislate fear, and to imagine stability through coercion. The correspondence of Cicero, written decades later, is the echo of that adaptation: an archive of how Romans learned to live inside the collapse.

3. Constitutional Transgression in Cicero's Letters

3.1 Armies in the City: Breaking the *Pomerium*

One of the most radical constitutional ruptures of the late Republic was the introduction of armies into the urban space of Rome. The marches on the city by Sulla in 88 BCE, and later by Cinna and Marius in 87 BCE, violated a deeply rooted religious and legal taboo: the prohibition against bringing armed troops within the *pomerium*, the sacred boundary that defined the civic sphere. This was not a tactical manoeuvre but a constitutional convulsion of unprecedented magnitude. What had once been unthinkable in earlier decades suddenly became a decisive instrument of political power. As I have argued elsewhere, this development must be understood within the post-Social War atmosphere, where collective trauma, emergency legislation, and the desensitisation born of sustained violence created a “school of brutality” that gradually lowered the threshold of the unimaginable.¹⁹ The *mos maiorum*, far from being a fixed code, was elastic: it could bend or be reinterpreted under duress. This malleability allowed an act once deemed sacrilegious (bringing armies into the city) to be integrated into elite political practice (App., *BC*, 1.57; Plut., *Sull.*, 9.2; Cic., *Att.*, 7.8).

Cicero's correspondence reveals the long-term normalisation of this transgression. Writing to Atticus in December 50 BCE (Cic., *Att.*, 7.8; 8.3; 9.2), at the height of tensions between Caesar and the Senate, he analysed the Republic's predicament with chilling clarity. If Caesar were denied his candidacy, he would take up arms; if accepted without dismissing his legions, he would march on Rome; if opposed, the Senate would face the choice of defending

¹⁸ Cf. Flower 2010, 59–63; Santangelo 2016, 200–205.

¹⁹ Hinard 1985, 61–64.

or abandoning the city. The sacred taboo of the *pomerium*, once absolute, had by then become a variable in political calculus. “Here, then, is the situation”, he wrote, “if Caesar is not accepted as a candidate, he will take up arms; if he is accepted without having handed over his army, Pompey believes that he will come to Rome with his army; if, on the contrary, he hands it over, he fears losing prestige; if he does not come to Rome, the elections will be held without him; if he comes, a decision will have to be made whether to accept him as a candidate or oppose him with arms; and if they oppose him, it will be necessary to deliberate whether the city will be defended or abandoned. You see what terrible alternatives arise and how inevitable war is”²⁰ (*Att.*, 7.8). This passage encapsulates the moral exhaustion of late republican politics. The unimaginable had become thinkable, even expected.

By 49 BCE, the march on Rome had turned into a standard hypothesis of elite deliberation. Pompey hesitated between remaining in the city and risking outlawry or leaving it and appearing to betray it. “Pompey fears that, if he remains in the city, he will be declared a public enemy; if he leaves it, he fears people will say he has abandoned Rome. As for me, I do not know which is worse. And yet, the second alternative seems to me more tolerable. In any case, nothing can be worse than the civil war that threatens us” (*Att.*, 8.3). A few weeks later Cicero admitted despair: “What can one do, then, if in the one there is a crime and in the other a punishment? I find myself trapped in a situation where any decision I make will be used against me if the regime changes. If I remain neutral, they will accuse me of cowardice; if I support Pompey and Caesar wins, I will be considered an enemy; and if I support Caesar and Pompey wins, a traitor. I see no possible way out” (*Att.*, 9.2). This paralysis was itself the product of normalisation. By mid-century Sulla's precedent had been fully internalised: the march on Rome was no longer a monstrous exception but a tool of political strategy. Cicero's vocabulary reflects this shift. His repeated use of *uis* (“force”) and *tumultus* – a technical term for a state of emergency – reveals how military language had become structurally embedded in civic life. After the Ides of March, he noted “a remarkable shortage of money because of fear of the weapons” (*pecuniae summa caritas propter metum armorum*) (*Att.*, 15.13), observing that capital lay frozen as citizens feared a return of confiscations. Political violence now penetrated the economy itself: fear disrupted credit, investment, and trade. The same logic persisted into the 40s BCE, when Antony advanced toward Rome with the *Alaudae* legion (*Att.*, 16.9). What had begun as an extraordinary rupture in 88–87 BCE had by then become habitual. The

²⁰ All translations of Cicero are my own, unless otherwise indicated.

extraordinary had turned into precedent; precedent into expectation. This is the essence of the *nouus mos*: the migration of transgression into the normative imagination of Roman politics.

3.2 Proscriptions: Legalised Terror

No less transformative was the system of Sullan proscriptions implemented between 82 and 81 BCE. Through official lists (*proscriptiones*), enemies of the regime were declared *hostes*, stripped of civic status and condemned without trial. Their execution was not only permitted but legally sanctioned, and their property could be confiscated by the treasury. In dismantling the *prouocatio ad populum* – the citizen’s right to appeal – Sulla converted violence into administration (Liv., *Per.*, 89; Cic., *Leg.*, 3.3; Val. Max., 6.3.3). The proscriptions were not simply a purge but a legal invention: terror clothed in procedure. By codifying death and confiscation, Sulla created a *novus mos iuridicum*, a legal order in which exceptional violence was not merely tolerated but legitimised (Cic., *Rosc. Am.*, 127–129; App., *BC*, 1.95–103; Plut., *Sull.*, 31–32).

Cicero’s *Pro Roscio Amerino* offers a precise glimpse of this machinery. He describes how even Sulla’s allies could be added to the lists after the official deadline, their estates auctioned at derisory prices to the dictator’s favourites (*Rosc. Am.*, 127–129). Two consequences follow. First, the elasticity of legality – lists expanded retroactively to justify crimes already committed. Second, the economic function of terror: confiscation became an engine of enrichment. Violence and greed fused in a single process of state-sanctioned plunder. Economic dispossession financed the regime while spreading fear among the elite, turning expropriation into both punishment and precedent.

This experience haunted Cicero’s generation. Writing in December 50 BCE, anticipating another civil war, he warned that the next victor “will not be more merciful than Cinna in killing the leading men, nor more moderate than Sulla regarding the property of the rich” (*Att.*, 8.9–10). Cinna personified personal slaughter, Sulla institutionalised expropriation. In such analogies, past trauma became political method. Historical exempla served as predictive models, allowing contemporaries to interpret future conflicts through inherited patterns of fear.

3.3 Re-engineering Office and Law: Magistracies, Juries, and Everyday Coercion

A third rupture concerned Sulla’s manipulation of Republican magistracies and the judicial system. His indefinite dictatorship allowed him to legislate unilaterally, bypassing the reciprocal checks that had once defined republican balance. He curtailed the tribunate of the plebs (App., *BC*, 1.100; Plut., *Sull.*, 20.1–2; Cic., *Leg.*, 3.9), forbidding tribunes from seeking

further office and thus discouraging opposition, while restructuring juries to exclude equestrians and restore senatorial control.²¹ These measures did not abolish the *mos maiorum* but reinterpreted it from above, transforming custom into instrument. The tribunate, long the embodiment of popular sovereignty, was neutralised; the courts were absorbed into the Senate; dictatorship blurred the boundary between *lex* and *mos*, turning precedent into command.

Cicero's letters from the 60s BCE convey his unease at this reconfiguration. In *Ad Atticum*, 1.13 and *Ad Quintum fratrem*, 1.2, he remarks on the erosion of tribunician power and the imbalance between Senate, magistrates, and people. For him these were not administrative reforms but signs of structural degeneration. Sulla's system redefined the Republic's equilibrium: what had been a tripartite dialogue between orders became a vertical hierarchy anchored in control. In this sense his reforms crystallised the *novus mos* institutionally, translating transgressive precedent into constitutional architecture.

By the 60s BCE, Cicero's correspondence shows that political violence had become a daily feature of public life. Armed gangs, intimidation, and assassinations accompanied elections, trials, and legislation (Cic., *Att.*, 1.16.10; *Sest.*, 42; *Pis.*, 19).²² "Clodius's violence is so great", he wrote, "that I fear for public tranquillity" (*Att.* 1.16.10); shortly afterwards, he lamented that "everything is full of turmoil" (*omnia plena tumultus*, *Att.*, 7.11.1). What had begun as exceptional trauma in the 80s had, within a generation, sedimented into habit. Political competition no longer relied primarily on persuasion or law but on the coercive control of the streets. The Social War and Sulla's dictatorship had left a legacy of learned brutality: trauma produced exempla, exempla produced habits, and habits reshaped expectation. Cicero's recurrent use of *tumultus* underscores this shift. What once denoted a temporary emergency had become a routine descriptor of civic disorder. Violence no longer shocked—it persisted as background noise, the permanent hum of politics. By this stage the *novus mos* was complete: extraordinary violence had been absorbed into ordinary life, leaving no neutral ground within the civic arena.

4. Method and Source Criticism: Reading Letters as Evidence

When using Cicero's correspondence as evidence, both its precision and its bias must be recognised. Cicero was not an external observer but a participant—a jurist, magistrate, and witness to the Republic's disintegration. Any reading of his correspondence must therefore take into account his multiple *personae* as philosopher, and politically engaged statesman/orator; the

²¹ Arena 2012, 141–148; Lintott 1999, 117–120.

²² Flower 2010, 69–72.

letters are inflected throughout by this self-understanding. His letters record not only events but perceptions: the way a cultivated Roman experienced the slow collapse of constitutional order. They function simultaneously as historical document and interpretive act. Yet, the letters are profoundly selective: their very silences are historically significant.²³ Methodologically, we should therefore treat speeches and letters as performative artefacts rather than transparent records. Each letter is structured by elite frameworks of thought – by trauma, by exempla, by inherited political vocabulary. Through them, events were not merely remembered but reframed, transformed into moral narrative.

Yet this interpretive richness entails partiality. The correspondence begins in 68 BCE, nearly a decade after Sulla's abdication, and thus looks backward through memory. Even in private exchanges with Atticus or Quintus, Cicero performs a role: the prudent statesman, defender of legality, voice of moderation amid chaos. Indeed, political letters function as acts of persuasion in their own right, comparable in structure and intent to public oratory. Because the *Ad Atticum* were never intended for publication, their tone oscillates between analytical detachment and personal despair—an oscillation that reveals how private discourse rehearsed public ideology. As Lintott notes, the letters to Atticus, though private, were “conversations carried on at a distance, not confessions”, revealing a mind reasoning through crisis rather than merely recording it.²⁴ His language – *uis, licentia, audacia, perditio rei publicae* – moralises structural change, converting political evolution into ethical decline. But this bias does not invalidate his testimony; it defines its value. Cicero's subjectivity is not a flaw to be corrected but an integral element of how Roman politics articulated itself; his emotions and judgments are part of the evidence, not noise to be filtered out. The crises he laments – the entry of armies into the city, the proscriptions, the subversion of magistracies – were not rhetorical inventions but historical realities. Ciceronian conservatism gave them moral shape, embedding trauma in narrative. His correspondence thus reveals how contemporaries converted experience into interpretation, how transgression became story, and how the collapse of the Republic was not merely recorded but cognitively inhabited. In this sense, the correspondence also participates in Cicero's continuous self-fashioning as a statesman torn between principle and expediency.

5. The Rhetoric of the “Unthinkable”: *Incredibilis* and the Expansion of the Possible

One of Cicero's most revealing rhetorical manoeuvres lies in his insistence that the Republic had entered the realm of the *incredibilis* – the “unthinkable”. For him, constitutional

²³ Lintott 2008, 176

²⁴ Lintott 2008, 175, 178–179.

transgression begins when practices once deemed exceptional – armies within the city, proscriptions, or indefinite dictatorship – cease to be inconceivable and become accepted elements of political life.²⁵ In 49 BCE, as Caesar prepared to cross the Rubicon, Cicero confessed his dread of returning *ad Cinnanans illas tempestates* (“to those Cinnan times”, *Att.*, 9.10.6), invoking with a shudder the terror of an age he had believed impossible to relive. A year earlier he had described the situation as *incredibilis ac singularis* (“unbelievable and without precedent”, *Att.*, 7.11.1); and even in 61 BCE he had observed, with stark simplicity, *omnia plena tumultus* (“everything is full of turmoil”, *Att.*, 1.16.10).

This language of disbelief should not be mistaken for naïve astonishment but read as a diagnostic device. The boundary between letter and speech is porous: both rely on *exempla* and moral evaluation to make sense of crisis.²⁶ It marks the threshold moments at which political reality crosses lines once sustained by the *mos maiorum* and by collective imagination. Cicero's speeches reinforce this pattern. In *Pro Sestio*, 42 he recalls that after the Social War Rome reached a condition *quae antea ne cogitari quidem poterat* (“something that previously could not even be imagined”). In *Pro Roscio Amerino*, 127–129 he depicts the Sullan proscriptions as institutionalised crime – the unthinkable act of killing citizens without trial absorbed into lawful practice. And in *Philippics* 2.7, attacking Mark Antony, he declares that he had never conceived of witnessing a consul act as an enemy of the state. Within the interpretive framework advanced here, these expressions chart the reprogramming of cognitive and cultural expectations that followed the Social War and Sulla's dictatorship.²⁷ Once the unimaginable happens, it alters the mental horizon of what is politically possible.²⁸ Cicero's deployment of *incredibilis* and *ne cogitari quidem poterat* reveals not only private fear but a collective awareness among the elite that the constitutional order had undergone irreversible mutation. Through such linguistic markers we can trace the emergence of a *nouus mos*, a new customary order grounded in transgression.

6. Conclusion

Cicero's correspondence provides a uniquely intimate vantage point from which to observe the Republic's constitutional disintegration. His letters document the slow passage by which extraordinary acts – marching on Rome, suspending legal guarantees, institutionalising

²⁵Cf. Santangelo 2016, 220–225; Arena 2012, 163–166.

²⁶Lintott 2008, 179.

²⁷Flower 2010, 73–75.

²⁸Heredia 2017, 175–178.

violence – migrated from the realm of the unthinkable into that of the politically admissible. This transformation was neither abrupt nor merely institutional; it unfolded through the subtle interplay of cultural, linguistic, and legal mechanisms that reframed transgression as normality. The *mos maiorum* was not discarded but strategically reinterpreted to legitimise the very practices it once forbade. The taboo against armies within the city hardened into precedent (Plut., *Sull.*, 9–10; Cic., *Att.*, 7.8); the proscriptions turned law into an instrument of terror; dictatorship itself redefined legality as the idiom of domination.

Cicero's letters capture this evolution both structurally and rhetorically. They reveal the manipulation of magistracies and juries under Sulla, the emergence of a vocabulary centred on *vis* and *tumultus*, and the progressive absorption of violence into civic life. As argued elsewhere, legality no longer restrained power but became its rhetorical alibi – a mechanism by which the extraordinary could be rendered lawful. Undeniably, Cicero's testimony is partial, retrospective, and coloured by his conservative anxieties; yet this subjectivity heightens rather than diminishes its value.²⁹ His correspondence shows how an educated Roman of his generation experienced the disintegration of his world – how each new crisis was measured against the traumatic exempla of Sulla, Cinna, and Marius, and how the boundaries of the imaginable were redrawn beyond recovery. The Republic, in this reading, did not collapse in a single convulsion but eroded through repetition (Sall., *Hist.*, fr. 1.55 Maur.; Cic., *Sull.*, 33), through acts of transgression that, once rationalised, became tradition.³⁰ The *nouus mos* born of this process was not revolutionary but adaptive: a new customary order in which fear became precedent and precedent, in turn, became law.

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²⁹ See Santangelo 2016, 207–210; Dart 2014, 112–115.

³⁰ Cf. Hinard (1985, 196–199); Thein (*forthcoming*).

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