



CICERO'S TREATMENT OF SULLA IN THE *PRO ROSCIO AMERINO**

ABSTRACT

This article addresses the view that Cicero's *Pro Roscio Amerino* contains 'criticism' of Sulla (the 'anti-Sulla' thesis). It argues that there is no evidence of criticism, that Cicero had no incentive to criticize Sulla, and that his attack is aimed solely against Chrysogonus. In particular, the article draws attention to the methodological implications of the 'anti-Sulla' thesis, arguing that it is unsound to second-guess Cicero's meaning, to project 'sarcasm' onto his words, or to suggest post euentum rewrites; these views, it is argued, owe more to preconceived scholarly notions of Sulla as a tyrant than to actual indications in the text. In addition, the notion that the speech was 'courageous' or 'political' is challenged, with emphasis being placed on the identity of the nobiles supporting Cicero: these Sullans had nothing to fear from Sulla but, equally, there is little reason to suppose that they were trying to attack him.¹

Keywords: Cicero; Sulla; *Pro Roscio Amerino*; nobiles; dictatorship; Civil War

The *Pro Roscio Amerino* has long been the subject of interest, largely because of one man who, although not present at the trial, is mentioned numerous times: L. Cornelius Sulla. The trial was held in the year 80, most likely in the first few months.² This was the year of Sulla's second consulship; his decisive victory at the Battle of the Colline Gate remained a recent memory, and he may have been dictator still.³ Under these circumstances, it is almost inevitable that Sulla came to be mentioned at the trial—the first case held in his newly formed *quaestio de sicariis et ueneficiis*. But what is perhaps more surprising is the extent to which Cicero brought Sulla into the picture.

Cicero's task was to defend his client, Sex. Roscius ('the younger'), from the charge of killing his father, also called Sex. Roscius ('the elder'), a prominent citizen of America murdered at Rome during the autumn of 81. Cicero's strategy was to switch from defence to attack, turning the audience's attention away from his client and onto

* I am grateful to Dominic Rathbone and James Corke-Webster for comments on an early draft, and to Henrik Mouritsen for advice at all stages.

¹ 'Sullan' is used here to describe those men who had taken Sulla's side during or immediately after the Civil War; thus F. Santangelo, 'Sullanus and Sullani', *Arctos* 46 (2012), 187–91. In broad terms, *nobilis* is taken to mean 'descended from a consul', at least for the Ciceronian era; thus M. Gelzer, *The Roman Nobility*, transl. R. Seager (Oxford, 1969), 27–40, 49–50; L.A. Burckhardt, 'The political elite of the Roman Republic: comments on recent discussion of the concepts *nobilitas* and *homo nouus*', *Historia* 39 (1990), 77–99.

² T.E. Kinsey, 'The dates of the *Pro Roscio Amerino* and *Pro Quinctio*', *Mnemosyne* 20 (1967), 61–7.

³ On the vexed question of when Sulla abdicated his dictatorship, see most recently F.J. Vervaet, 'The date, modalities and legacy of Sulla's abdication of his dictatorship: a study in Sullan statecraft', *Historia Antiqua* 36 (2018), 31–82.

L. Cornelius Chrysogonus, a freedman of Sulla's. Cicero alleged that the plaintiff, a relative named T. Roscius Magnus, had committed the murder in partnership with one of the prosecution witnesses, T. Roscius Capito. Cicero claimed that these two subsequently approached Chrysogonus to split the thirteen properties of the elder Roscius between them; that Chrysogonus agreed to the plan, added the elder Roscius' name onto the proscription lists (even though the official end date of 1 June 81 had passed), and purchased the properties at a bargain price; and that Chrysogonus then arranged for Magnus to prosecute the younger Roscius in order to eliminate any opposition. Such is the tale spun by Cicero.⁴

Cicero stops short of accusing Chrysogonus of complicity in the murder. But his strategy turns the freedman into the main villain of the piece. In particular, he devotes the final sections to arousing the anger of the jurors and the wider Sullan elite against Chrysogonus, whom he presents as powerful, greedy and corrupt, the archetype of a treacherous freedman (§§124–54). This has given rise to the notion that the speech is really aimed against Sulla, Chrysogonus' *patronus*.

In modern times, the idea goes back (at least) to Carcopino, who argued in his 1931 monograph that Sulla wanted to become king. Carcopino interpreted the *Pro Roscio* as a 'political' attack on Sulla, in which Cicero, sponsored by a behind-the-scenes coalition of *nobiles*, cut Sulla down to size.⁵ Nowadays no one subscribes to Carcopino's central thesis that Sulla aimed to establish a monarchy.⁶ Yet many scholars have returned to the premise that the *Pro Roscio* is, in some way or another, aimed against Sulla—what we might broadly call the 'anti-Sulla' thesis. We can identify two main variations of this thesis, often with significant overlap. On the one hand, we find the 'political' variation, which echoes Carcopino in focussing on the (imagined) background to the trial. For example, Badian saw Roscius' trial as a *coup de théâtre* organized by the *nobiles* to demonstrate that they, not Sulla, still held power in Italy.⁷ And one current scholar has portrayed the *Pro Roscio* as the single most important step in challenging Sulla's proscriptions and bringing them to a halt.⁸ More common is the second variation, which pinpoints individual passages as proof that Cicero adopts a 'critical' or 'sarcastic' stance towards Sulla. The strongest advocate of this view was Buchheit, whose analysis was later followed by Diehl. They argued not only that the attacks on Chrysogonus are intended to reflect poorly on his *patronus*, but also that Cicero inserts 'hidden criticism of Sulla' throughout the speech in the form of subtle allusions, double-edged

⁴ Longer summaries: F. Hinard and Y. Benferhat, *Cicéron. Pour Sextus Roscius* (Paris, 2006), vii–lviii; A. Dyck, *Cicero Pro Sexto Roscio* (Cambridge, 2010), 1–20. For doubts about Cicero's narrative (including the possibility that the younger Roscius did murder his father), see n. 84 below.

⁵ J. Carcopino, *Sulla, ou la monarchie manquée* (Paris, 1950¹⁰), especially 147–211. A survey of earlier interpretations can be found in R.V. Desrosiers, 'The reputation and political influence of Lucius Cornelius Sulla in the Roman Republic' (Diss., University of North Carolina at Chapel Hill, 1969), 10–13.

⁶ The classic rebuttal remains M. Gelzer, review in *Gnomon* 8 (1932), 605–7; cf. Kinsey (n. 2), 61–7; R. Syme, *Approaching the Roman Revolution: Papers on Republican History* (Oxford, 2016), 64–92. A rare exception has been I. Worthington, 'Coinage and Sulla's retirement', *RhM* 135 (1992), 188–91, who tried to resurrect Carcopino's thesis by examining the iconography of Sulla's coinage.

⁷ E. Badian, *Foreign Clientelae* (Oxford, 1958), 249–51.

⁸ A. Eckert, 'Coping with crisis: Sulla's Civil War and Roman cultural identity', in J. Klooster and I.N.I. Kuin (edd.), *After the Crisis: Remembrance, Reanchoring and Recovery in Ancient Greece and Rome* (London, 2020), 85–101. Chronologically, this interpretation is puzzling: the proscriptions had ended over six months before Roscius' trial.

exculpations and open mockery.⁹ In recent years the pendulum appears to have swung towards this variation, with several scholars arguing that Cicero goes out of his way to criticize or be sarcastic towards Sulla in the *Pro Roscio*.¹⁰

At first sight, the underlying logic makes sense. It seems natural that an attack on Chrysogonus might be an attack on his *patronus*; and Cicero appears to corroborate this view in the *De officiis*, where he asserts that his defence of Roscius was delivered 'against the power of the despot L. Sulla' (*contra L. Sullae dominantis opes*, 2.51). However, the waters are muddied by the fact that, within the *Pro Roscio* itself, Cicero repeatedly professes *not* to be criticizing Sulla, whom he presents as a virtuous man far removed from the actions of his freedman. Nor can it be said that the *De officiis* passage inspires much confidence. Cicero gives no indication elsewhere that the *Pro Roscio* was targeted against Sulla. In the *Brutus* (312) and in the *Orator* (107), he speaks only of the great success of the speech, with no hint of an 'anti-Sulla' agenda. And the timing of the *De officiis* gives cause for suspicion. It was written over thirty-five years after Roscius' trial, during the autumn of 44—in other words, when Cicero was squaring up against Mark Antony and emphasizing his tyrant-defeating credentials in the wake of the Ides of March. Revisionism is therefore to be expected; for what surer proof could there be that Cicero has always been the foe of despots and a protector of the *res publica* than that he had gallantly defeated the tyrant Sulla in his first public case?¹¹

It is time for a systematic assessment of the question: does Cicero criticize Sulla in the *Pro Roscio* or not? It is an important issue to set right. Apart from a few passages in the earlier *Pro Quintio*, the *Pro Roscio* is our only contemporary evidence for political conditions at Rome in the aftermath of the First Civil War. Therefore, our interpretation of the speech has a profound impact on how we approach the year 80 and Sulla's *dominatio* as a whole. In particular, the notion that the speech contains 'criticism' has been used to support a certain hypercritical, almost moralistic judgement of Sulla; that is, if Cicero was willing to criticize Sulla in the *Pro Roscio*, then Sulla must have been a despicable tyrant hated by his contemporaries. However, if we discover that the criticism is illusory, then one suspects that the equation runs in the opposite direction: that the modern preconception of Sulla as a tyrant has led scholars to infer criticism where none exists.

SULLA IN THE *PRO ROSCIO*

There are around a dozen instances in the *Pro Roscio* where Cicero mentions Sulla or makes a clear allusion to him:

⁹ V. Buchheit, 'Ciceros Kritik an Sulla in der Rede für Roscius aus Ameria', *Historia* 24 (1975), 570–91; H. Diehl, *Sulla und seine Zeit im Urteil Ciceros* (Hildesheim / Zürich / New York, 1988), 85–117.

¹⁰ e.g. D.H. Berry, 'The publication of Cicero's *Pro Roscio Amerino*', *Mnemosyne* 57 (2004), 80–7; I. Gildenhard, *Creative Eloquence: The Construction of Reality in Cicero's Speeches* (Oxford, 2010), 352–8; A. Eckert, 'Good fortune and the public good: disputing Sulla's claim to be *Felix*', in H. van der Blom, C. Gray and C. Steel (edd.), *Institutions and Ideology in Republican Rome: Speech, Audience and Decision* (Cambridge, 2018), 283–98; J.A. Rosenblitt, *Rome after Sulla* (London and New York, 2019), 20–9.

¹¹ Note also Plut. *Cic.* 3.4–6, 4.4. Plutarch claims that Sulla initiated the prosecution of Roscius; that Cicero was the only person brave enough to defend him; and that, having won the case, Cicero fled to Greece to avoid Sulla's wrath. Most scholars dismiss these claims, which find no support in Cicero's evidence and are openly contradicted by *Cic. Brut.* 312–14. They must be a fabrication, invented by Plutarch or an earlier pro-Ciceronian biographer.

§6: the first mention of Sulla in the speech: '[Chrysogonus] claims to have purchased these properties for 2,000 sesterces from that most brave and illustrious man, L. Sulla, whose name I mention with respect.'¹²

§16: Cicero makes an approving allusion to the Sullan victory in the Civil War, which he characterizes as the 'victory of the nobility' (*uictoria nobilitatis*). This characterization reoccurs multiple times.¹³

§21–2: Cicero says he is certain that Sulla remained unaware (*imprudens*) of the elder Roscius' illegal proscription. An explanation immediately follows: Sulla was repairing and preparing the *res publica*, he was establishing peace, he was governing alone; and in such circumstances, it is unsurprising that he did not notice the actions of Chrysogonus.

§25–6: Sulla's unawareness (*imprudencia*) is again asserted as fact. Cicero proceeds to explain: the people of Ameria sent an embassy to inform Sulla about the elder Roscius' proscription, but they were prevented from reaching him by the schemes of Chrysogonus and Capito.

§89–91: Cicero touches upon a recent slaughter of professional prosecutors (*accusatores*), but swiftly clarifies that Sulla had no knowledge of this because he was busy governing the *res publica* (see below for discussion).

§110: Cicero reiterates that Chrysogonus prevented Sulla from being informed.

§127: Cicero clarifies that, by focussing on the illegality of the elder Roscius' proscription, he is not trying to criticize Sulla: 'For from the very beginning, both my own speech and Sulla's own exceptional virtue have exonerated him.'¹⁴ Instead, Cicero re-emphasizes that Chrysogonus alone is being targeted.

§130: Cicero proclaims that Chrysogonus cannot hope to pass the blame onto his *patronus*, as worthless freedmen tend to do; for the jury knows that Sulla, occupied by the magnitude of his tasks, remained *imprudens* of Chrysogonus' actions.

§131: Cicero defends Sulla's *imprudencia* via a comparison to Jupiter Optimus Maximus (discussed below).

§136: Cicero claims to have supported the Sullans in the Civil War: 'All those who know me will recognize that ... I vigorously strove to secure the victory of those who have now won it.'¹⁵ He asserts that only a 'wicked citizen' would have refused to back the Sullans, who were restoring '*dignitas* at home and *auctoritas* abroad'.¹⁶ And he singles out Sulla's role in this restoration: 'I am glad, gentlemen, and extremely delighted that this has been accomplished, that each has had their *honor* and *gradus* restored; and I am aware that all these results are due to the will of the gods, the zeal of the Roman people, and the wisdom, power and good fortune of L. Sulla.'¹⁷

§139: Cicero praises Sulla's dictatorship for restoring order to the *res publica*: 'While it was necessary and events demanded it, one man possessed all power; but

¹² *bona ... quae de uiro fortissimo et clarissimo, L. Sulla, quem honoris causa nomino, duobus milibus nummum sese dicit emisse.*

¹³ e.g. §135 *causam nobilitatis uictoriamque ... causa nobilitatis*; §138 *causa nobilitatis*; §141 *nobilitas armis atque ferro rem publicam reciperauit*; §142 *uictoria nobilium.*

¹⁴ *nam Sullam et oratio mea ab initio et ipsius eximia uirtus omni tempore purgauit.*

¹⁵ *sciunt ii, qui me norunt ... id maxime defendisse, ut ii uincerent, qui uicerunt.*

¹⁶ *quo in certamine perditu ciuis erat non se ad eos iungere, quibus incolumibus et domi dignitas et foris auctoritas retineretur.*

¹⁷ *quae perfecta esse et suum cuique honorem et gradum redditum gaudeo, iudices, uehementerque laetor eaque omnia deorum uoluntate, studio populi Romani, consilio et imperio et felicitate L. Sullae gesta esse intellego.*

after he created magistrates and established laws, each man's sphere of duties and *auctoritas* were restored to him.¹⁸

§153: Cicero comments that the Senate refused to endorse the proscriptions because they were 'harsher' (*acrius*) than what the *maiores* had practised.

With the partial exception of the final one, these passages seem to display the utmost respect towards Sulla. Cicero repeatedly dissociates the dictator from the events leading up to the trial, emphasizing that Sulla remained entirely *imprudens* of Chrysogonus' schemes. And he pre-emptively deflects any criticism that this *imprudencia* might entail; for how could Sulla notice everything if he was busy restoring the *res publica*? In addition, Cicero goes out of his way to affirm his support for the Sullan victory, speaking loftily of a *uictoria nobilitatis* and the recovery of *dignitas*, *auctoritas*, *honor* and *gradus*. And he highlights the role played by Sulla in this process, above all in the rising tricolon at §136: 'the wisdom, power and good fortune of L. Sulla'.¹⁹

Even the final passage (§153) conforms to the general pattern of respect. For a start, Sulla remains unmentioned; it is the proscriptions that are censured, not their author. Nor does Cicero express this as his own opinion but as the opinion of 'the Senate' as an abstract whole. Moreover, it is a muted remark, speaking less of criticism and more of disapproval.²⁰ And it is balanced by a passage earlier in the speech in which Cicero explicitly acknowledged the necessity of the proscriptions and expressed joy (*laudo*) at how they had brought rewards for the 'brave' Sullans (§137).

None of this should come as a surprise in light of where and when Cicero was speaking. In his later works, Cicero was happy to denounce Sulla and his regime, especially when it came to the proscriptions. Given the regularity of these remarks, we may assume that they reflect his genuine views.²¹ However, he took the opposite approach in the *Pro Roscio*, limiting himself to one muted remark about the proscriptions and instead praising Sulla enthusiastically. This is logical: Sulla was consul (and possibly dictator), his supporters dominated the Senate, and the jury presiding over Roscius' case was likely made up of men sympathetic to his cause (more on this point later). Cicero must have calculated that to express anything less than enthusiasm for Sulla's *causa* was to invite unwanted controversy; after all, his task was to defend Roscius, not to make grand political statements. This was particularly the case because Cicero had an ambiguous history when it came to the Marians. He had remained in Rome throughout the *Cinnanum tempus* (*Brut.* 307–11), he shared a hometown with C. Marius, and he was a distant relative of the latter's nephew, M. Marius Gratidianus, who had been horrifically executed during the proscriptions. Under these circumstances, pro-Sullan posturizing was entirely logical for the young Cicero.²²

¹⁸ *dum necesse erat resque ipsa cogebat, unus omnia poterat; qui posteaquam magistratus creauit legesque constituit, sua cuique procuratio auctoritasque est restituta.*

¹⁹ For Sulla's victory as a 'restoration' of the *res publica*, see further Cic. *Rosc. Am.* 141, *Har. resp.* 54, *Dom.* 79, *Brut.* 311; cf. n. 79 below.

²⁰ Thus R.J. Seager, 'The political significance of Cicero's *Pro Roscio*', *LCM* 7.1 (1982), 10–12; cf. T.E. Kinsey, 'The political insignificance of Cicero's *Pro Roscio*', *LCM* 7.3 (1982), 39–40.

²¹ e.g. Cic. *Verr.* 2.3.81, *Caec.* 95, *Leg. agr.* 2.56, 3.5, *Cat.* 2.20, 3.23, *Sull.* 72, *Dom.* 43, *Att.* 7.7.7, 9.10.2–3, *Lig.* 12, *Fin.* 3.75, *Off.* 1.43, 1.109, 2.27; and the sources at n. 52 below.

²² Cicero's desire to distance himself from the Marians is also visible at §33–4, where he attacks the 'insane' C. Flavius Fimbria and bemoans the death of the *pontifex maximus* Q. Mucius Scaevola, murdered on the younger C. Marius' orders.

CRITICISM?

In a sense, therefore, our assessment of the ‘anti-Sulla’ thesis hinges upon a question of methodology. Cicero appears to present us with a straightforward message: do not confuse my attack on Chrysogonus with an attack on Sulla. This message is rational given the circumstances of the trial, and the frequency with which Cicero repeats it indicates that he wants us to accept it at face value. Therefore, we must ask whether it is methodologically valid to second-guess this straightforward message and instead interpolate ‘criticism’ or ‘sarcasm’ into the equation. In some cases, the answer is simple. In several of the passages said to contain criticism of Sulla, we can show that this ‘criticism’ rests on a misunderstanding of Cicero’s meaning or (particularly in the case of Buchheit and Diehl) on putting words into his mouth. And since the ‘anti-Sulla’ thesis largely depends on an argument-by-accumulation, the more individual passages we can discount, the less plausible the thesis becomes as a whole:

§1–10: Cicero starts by claiming that he is only speaking because Roscius’ noble patrons (*nobilissimi*) are too afraid to defend him themselves. Some scholars see this as an attack on Sulla and the loss of free speech.²³ This interpretation warrants two replies. First, Cicero clarifies that the *periculum* and the *terror* are caused by ‘perhaps the most powerful young man in the State at the present moment, L. Cornelius Chrysogonus’ (*adulescens uel potentissimus hoc tempore nostrae ciuitatis, L. Cornelius Chrysogonus*, §6). The faux-solemn use of the *tria nomina* combines with the emphatic end position to highlight that it is Chrysogonus (and only Chrysogonus) who is responsible. In contrast, Sulla is treated with absolute respect: ‘that most illustrious and brave man, L. Sulla, whose name I mention with respect’.²⁴ Second, Cicero is only fulfilling the expectations of a *captatio beneuolentiae*. It was the orator’s job to earn his audience’s sympathy at an early stage.²⁵ This is why Cicero exaggerates Chrysogonus’ *potentia* and the fear of *nobiles*, just as he also exaggerates his own youth and nervousness: ‘For these reasons, jurors, I beg and implore you to listen with kindness, carefully and sympathetically, to my words.’²⁶ But it is only a rhetorical device. *Nobilissimi* had nothing to fear from a freedman. Nor is there any significance in the fact that Cicero was speaking. What we observe is a normal sequence of events: client appeals to noble patrons, patrons enlist advocate, and advocate defends client—flanked by the noble patrons whose presence lends weight to the defence.²⁷

§89–91: Cicero ridicules his opponent, a career prosecutor (*accusator*) named C. Erucius. He mentions a recent slaughter of *accusatores* and compares this to the Battles of Cannae and Lake Trasimene. Some scholars see this as an attempt to portray Sulla as a ‘New Hannibal’ terrorizing Rome.²⁸ As one scholar asserts: ‘The conclusion

²³ e.g. Buchheit (n. 9), 577–9; Rosenblitt (n. 10), 24–5.

²⁴ See n. 12 above.

²⁵ Cic. *Inu. Rhet.* 1.20–3, *Orat.* 124, 131, *De or.* 3.321–3; *Rhet. Her.* 1.6–8; Quint. *Inst.* 4.1.

²⁶ §9 *quapropter uos oro atque obsecro, iudices, ut attente bonaque cum uenia uerba mea audiat.*

²⁷ See further T.E. Kinsey, ‘Cicero’s case against Magnus, Capito and Chrysogonus in the *Pro Sex. Roscio Amerino* and its use for the historian’, *AC* 49 (1980), 173–90, at 183–7; A. Vasaly, ‘Cicero’s early speeches’, in J.M. May (ed.), *Brill’s Companion to Cicero: Oratory and Rhetoric* (Leiden / Boston / Cologne, 2002), 71–111, at 73–4, 80–1; M.C. Alexander, *The Case for the Prosecution in the Ciceronian Era* (Ann Arbor, 2002), 149–72, at 157–8; Hinard and Benferhat (n. 4), 62; Dyck (n. 4), 66.

²⁸ Buchheit (n. 9), 584–5; Diehl (n. 9), 92; A. Eckert, ‘Reconsidering the Sulla myth’, in A. Eckert and A. Thein (edd.), *Sulla: Politics and Reception* (Berlin and Boston, 2019), 159–72, at 165–6; also Eckert (n. 10), 291–3.

is inevitable: Sulla *Felix dictator* is the arch enemy of Roman society, the worst threat to the public good.²⁹ Yet Cicero explicitly reassures his audience that Sulla had no part in the slaughter of the *accusatores*: 'As generally happens, the violence and turmoil of war bring many acts unknown to the generals. While he who wielded supreme power was occupied with other matters ...'.³⁰ More significantly, Cicero is not talking about 'Roman society' or 'the public good'. He is talking about the *accusatores*—not men we are meant to sympathize with. In the eyes of polite society, professional prosecuting was considered distasteful and unseemly; for, as Cicero explains, only an undignified man would ruin other people's lives as a career (§83).³¹ Thus he repeatedly ridicules the *accusatores* in the *Pro Roscio*, comparing them to guard dogs and cackling geese (§§56–7, 90). He even threatens them with physical violence—broken legs and branded foreheads—if they undertake false prosecutions (§§56–7). Indeed, the only reason Cicero mentions the slaughter of *accusatores* is to turn their deaths into a cruel joke. To paraphrase this joke: you are only considered a decent prosecutor, Erucius, because all your fellow *accusatores* are dead! (§89). Therefore, it is clear that Cannae and Trasimene are not mentioned to attack Sulla (who is explicitly absolved), but because they are proverbial examples of bloodshed—thereby lending a sardonic emphasis to Cicero's vindictive mockery of Erucius.³²

§125: Cicero claims to be uncertain which law sanctioned the proscriptions: 'Either the Valerian or the Cornelian law; for I am not familiar with it and I do not know' (*sive Valeria est sive Cornelia, non enim noui nec scio*). Buchheit and Diehl believe that Cicero is denying the validity of Sulla's legislation, while Butler sees it as a 'not-so-subtle complaint' about the lack of transparency in the Sullan regime.³³ Both interpretations infer much from very little. Clearly, Cicero is trying to distance himself from the proscriptions, but we need not read criticism into this. And Dyck has suggested that Cicero is playing into the motif of the 'uneducated orator' who feigns ignorance of literary matters (visible for instance at §46, where he pretends not to know the playwright Caecilius).³⁴

§154: the last paragraph of the speech, where Cicero urges the jurors to acquit Roscius and banish cruelty (*crudelitas*) from the *res publica*. Some scholars see this as an attack on Sulla: 'Anyone at the trial will have known who was ultimately responsible ... Therefore, there was no need for Cicero to name Sulla.'³⁵ But this misses the point that *crudelitas* is a call-back to the previous paragraphs. At §146, Cicero asked Chrysogonus why he was pursuing Roscius with *ista tanta crudelitas*. At §150, he declared that Chrysogonus' *crudelitas* can only be satisfied with Roscius' blood. And at §152–3, he warned the jury that Chrysogonus wants to start a 'much crueller proscription' (*multo crudelior proscriptio*), this one targeting Roscius and the sons of the proscribed. For Cicero's audience, therefore, it would be obvious that the *crudelitas* at §154 is that of Chrysogonus.

²⁹ Eckert (n. 10), 292.

³⁰ §91 *uerum, ut fit, multa saepe imprudentibus imperatoribus uis belli ac turba molitur. dum is in aliis rebus erat occupatus, qui summam rerum administrabat ...*

³¹ Cf. Cic. *Off.* 2.49–50, *Brut.* 130; Quint. *Inst.* 12.7.

³² Cf. Cic. *Verr.* 2.5.28, where Cicero again uses Cannae as a part of a joke, this time to mock Verres.

³³ Buchheit (n. 9), 586; Diehl (n. 9), 92–5; S. Butler, *The Hand of Cicero* (London and New York, 2002), 17–18.

³⁴ Dyck (n. 4), 182.

³⁵ Eckert (n. 28), 162. Similar at Eckert (n. 10), 291; Diehl (n. 9), 90.

SARCASM?

More complex is the charge of sarcasm. We can never know exactly how Cicero delivered his lines. As a result, there is an inherent arbitrariness in categorizing a passage as sarcastic or ironic, unless there are clear indications in the text. For an illustration of what ‘clear indications’ might mean, the *Pro Quinctio* provides a good example. Towards the end of the *narratio*, Cicero complains about the praetor Cn. Cornelius Dolabella, a *nobilis* of great pedigree. Dolabella had forced Cicero’s client Quinctius to bring a legal wager into court against his will. Cicero’s remarks speak for themselves (§31):

Dolabella, quem ad modum solent homines nobiles, seu recte seu perperam facere coeperunt, ita in utroque excellunt, ut nemo nostro loco natus assequi possit, iniuriam facere fortissime perseuerat.

Following the custom of the *nobiles*—who, regardless of whether they start something rightly or wrongly, excel so greatly in either conduct that no man born of our rank can possibly match them—Dolabella most bravely persevered in committing an injustice.

This is clear sarcasm. The superficial terms of respect (*recte, excellunt, fortissime*) are immediately undermined by the ludicrousness of the pairings (‘excellent wrongdoing’; ‘brave injustice’). And when he evokes ‘men born of our rank’, Cicero unites the audience and himself in knowing mockery of Dolabella: we lowly men cannot possibly match the obstinacy of a *nobilis*.

Compare this with §22 in the *Pro Roscio*, one of the passages often said to contain sarcasm. Here, Cicero explains for the first time that Sulla was too busy restoring the *res publica* to notice Chrysogonus’ actions. In doing so, he references Sulla’s famous good fortune (*felicitas*): ‘In addition, although Sulla is fortunate—as he really is—no one can be so fortunate that they do have not one dishonest slave or freedman in a large household.’³⁶ Multiple scholars have considered this remark to be sarcastic, ironic or impertinent, a caricature of the dictator’s proud propaganda: Sulla thinks he is divinely favoured, but he cannot even control his freedman.³⁷ Yet this seems to infer criticism where none exists. Unlike with Dolabella’s ‘brave injustice’, Cicero does not undermine or ridicule Sulla’s *felicitas*. Quite the opposite: he asserts that Sulla is fortunate in a matter-of-fact way (*ille felix sit*) before backing this up with an emphatic aside (*sicut est*). This matches the one other reference to Sulla’s *felicitas* in the speech which, as noted already, is equally emphatic: ‘the wisdom, power and good fortune of L. Sulla’ (§136). Furthermore, there is a distinct tone of sympathy at §22 which the sarcastic reading fails to explain. Cicero is not saying: despite his good fortune, Sulla *cannot even* control his freedman. He is saying: despite his good fortune, *even Sulla* cannot control his freedman.³⁸ The difference is crucial. In a society where slave ownership and manumission were ubiquitous, the motif of a trusting patron betrayed by their ex-slave would immediately resonate, especially among an elite audience. In other words, Cicero is not trying to mock Sulla at §22 but to humanize him—to defend the

³⁶ *huc accedit quod, quamvis ille felix sit, sicut est, tamen in tanta felicitate nemo potest esse, in magna familia qui neminem neque seruum neque libertum improbum habeat.*

³⁷ e.g. Carcopino (n. 5), 158–9; A. Haury, *L’ironie et l’humour chez Cicéron* (Leiden, 1955), 76–7, 114; Buchheit (n. 9), 581–4; E. Gabba, *Republican Rome, the Army and the Allies*, transl. P.J. Cuff (Berkeley and Los Angeles, 1976), 138; Diehl (n. 9), 100–4, 114–15; Berry (n. 10), 83; F. Hinard, *Sullana uaria: aux sources de la première guerre civile romaine* (Paris, 2008), 105 n. 30.

³⁸ Recognized by Dyck (n. 4), 90.

dictator's *imprudencia* by bringing it down to the recognizable level of the everyday *pater familias*: who among us does not have a dishonest freedman in their household?³⁹

By far the most commonly quoted example of 'sarcasm' comes at §131. Here, Cicero again asserts that Sulla was *imprudens* about Chrysogonus' actions; as before, he defends this *imprudencia* as unfortunate but understandable (*non placet, iudices, sed necesse est*). And to illustrate this point, he draws a parallel between Sulla and Jupiter Optimus Maximus:

etenim si Iuppiter Optimus Maximus, cuius nutu et arbitrio caelum, terra mariaque reguntur, saepe uentis uehementioribus aut immoderatis tempestatibus aut nimio calore aut intolerabili frigore hominibus nocuit, urbes deleuit, fruges perdidit, quorum nihil pernicii causa diuino consilio, sed ui ipsa et magnitudine rerum factum putamus, ad contra commoda, quibus uitimur, lucemque, qua fruimur, spiritumque, quem ducimus, ab eo nobis dari atque impertiri uidemus, quid miramur, iudices, L. Sullam, cum solus rem publicam regeret orbemque terrarum gubernaret imperique maiestatem, quam armis receperat, legibus confirmaret, aliqua animaduertere non potuisse? nisi hoc mirum est, quod uis diuina adsequi non possit, si id mens humana adepta non sit.

In fact, if Jupiter Optimus Maximus—whose nod and decisions rule the sky, earth and seas—has often harmed men with furious winds or unrestrained storms or excessive heat or intolerable cold, has destroyed their cities and wrecked their crops, we do not attribute any of these things to some divine plan for causing destruction, but to the force and greatness of nature. Yet on the other hand, the advantages which we make use of, the light which we enjoy, and the air which we breathe, we recognize that these things are given and bestowed upon us by Him. So, jurors, why are we surprised that L. Sulla—when he was guiding the *res publica* by himself, when he was governing the entire world, and when he was strengthening the empire's majesty, which he had regained through force of arms—was not able to pay attention to some things? Unless it is surprising that a human mind has not obtained that which a divine force cannot achieve.

Some scholars proclaim that the sarcasm is 'evident'.⁴⁰ Others offer more of an explanation: Cicero provides a subtle criticism of the inadequacies of one-man-rule, or, by the mere act of comparing Sulla to a god, portrays him as a tyrant.⁴¹ However, it can hardly be said that the sarcasm is 'evident'. Cicero's message can be paraphrased as follows: we do not blame Jupiter for natural disasters and catastrophes, even though he is an almighty god who is responsible for such things; therefore, we should definitely not blame Sulla, a mere mortal, simply because he failed to notice something when he was busy restoring the *res publica*. It is perfectly possible to read the passage in this non-critical sense, devoid of sarcasm or irony. More to the point: from a methodological perspective, this non-critical interpretation is the most likely because it matches what Cicero says elsewhere without ambiguity: that Sulla cannot be blamed.

Nor should we assume that the act of comparing Sulla to a god was ironic. Sulla emphasized his special relationship with the gods: not only with Venus/Aphrodite, celebrated in his cognomen Epaphroditus ('favourite of Aphrodite'), but also with Jupiter Optimus Maximus, whose temple on the Capitoline he was proudly rebuilding after the fire of 83.⁴² Thus, as Ramage has observed, this passage is in keeping with

³⁹ For senators blamed for their freedmen's actions, cf. H. Mouritsen, *The Freedman in the Roman World* (Cambridge, 2011), 148–9.

⁴⁰ Gabba (n. 37), 138. Similar at: E.S. Gruen, *Roman Politics and the Criminal Courts, 148–78 B.C.* (Cambridge, MA, 1968), 268; W.V. Harris, *Rome in Etruria and Umbria* (Oxford, 1971), 271–3; and especially Berry (n. 10), 84–6.

⁴¹ Buchheit (n. 9), 587–9; Diehl (n. 9), 104–6; Gildenhard (n. 10), 352–8.

⁴² Sulla and the Capitoline: Plin. *NH* 36.45; Val. Max. 9.3.8; Tac. *Hist.* 3.72.

Sulla's wider self-presentation. It can be viewed, quite uncomplicatedly, as panegyric: as an extravagant *laudatio* designed to emulate Sullan propaganda, to justify Chrysogonus' exceptionality, and—if a copy were to fall into Sulla's hands—to appeal to the inflated ego of the dictator himself.⁴³ All explanations to the contrary stumble upon the same objection: does it make sense to imagine that Cicero would spend so long praising Sulla and insisting on his innocence, only to contradict himself with one sudden (and entirely self-destructive) gibe?

CRITICIZING SULLA IN FRONT OF SULLANS?

Talk of self-destructiveness returns us to an important point. A defence advocate's primary objective was not to make political statements (especially for an orator as young and obscure as Cicero, who had not yet begun his senatorial career)⁴⁴ but to secure the acquittal of his client by winning over the jury. And in the case of the *Pro Roscio*, it seems unlikely that Cicero would believe that 'criticizing Sulla' was a good way of doing this. Here was a trial held during the year 80, at the height of the Sullan *dominatio*, while Sulla was consul (and possibly dictator). Inevitably, therefore, the jury must have comprised men with firm pro-Sullan sympathies. Some of the jurors were probably *nobiles*, the very men whom Sulla boasted of 'restoring' to the *res publica*. Some had doubtless profited personally from the proscriptions.⁴⁵ But, as Hinard has pointed out, the majority of jurors must have come from the ranks of Sulla's new senators: the three hundred *equites* promoted to the Senate in the year 81. After a decade of fighting and proscriptions, there were probably no more than one hundred and fifty men left in the Senate at the start of 81. Therefore, Sulla's three hundred inductees made up somewhere around two-thirds of all senators in the year 80; as a result, they must have dominated the senatorial jury at Roscius' trial. In fact, Cicero appears to acknowledge this when he addresses the jurors and states: 'You were chosen for the Senate from the rest of the citizens on account of your *dignitas*' (*qui ex ciuitate in senatum propter dignitatem ... delecti estis*, §8).⁴⁶

This is crucial to our assessment of the 'anti-Sulla' thesis. Many of its strongest advocates dwell on the brutality of Sulla's dictatorship. Their reasoning is implicit: if Sulla was an unpredictable tyrant,⁴⁷ a war criminal,⁴⁸ even a mentally ill, insane

⁴³ E.S. Ramage, 'Sulla's propaganda', *Klio* 73 (1991), 93–121, especially 117–18 n. 138. Cf. Desrosiers (n. 5), 38–41; Dyck (n. 4), 186–7; and A.M. Riggsby, *Crime and Community in Ciceronian Rome* (Austin, 1999), 203 n. 40, on §131: 'in general, one should be hesitant to see flattery in ancient texts as ironically fulsome, and especially hesitant to find that passages could *only* be read in this way' (italics original).

⁴⁴ Rightly stressed by Kinsey (n. 20), 39–40.

⁴⁵ Cf. C.P. Craig, *Form as Argument in Cicero's Speeches: A Study of Dilemma* (Atlanta, 1993), 39–40.

⁴⁶ Hinard and Benferhat (n. 4), xxix–xxx; Hinard (n. 37), 97. Sulla's three hundred inductees: Livy, *Per.* 89; App. *B Ciu.* 1.100; cf. F. Santangelo, 'Sulla and the Senate: a reconsideration', *CCG* 17 (2006), 7–22, observing that there is no evidence behind the common assumption that Sulla first restored the Senate to its 'normal' membership of three hundred and then inducted his three hundred *equites*. On the high death toll of the 80s, cf. Eutr. 5.9.2; Oros. 5.22.4; R.J. Evans, 'The *consulares* and *praetorii* in the Roman Senate at the beginning of Sulla's dictatorship', *Athenaeum* 61 (1983), 521–8.

⁴⁷ Rosenblitt (n. 10), 20.

⁴⁸ A. Eckert and A. Thein, 'Introduction', in A. Eckert and A. Thein (edd.), *Sulla: Politics and Reception* (Berlin and Boston, 2019), 6 n. 34.

man;⁴⁹ and if his dictatorship was a moment of 'cultural trauma' for Roman society,⁵⁰ full of 'atrocities' and 'seemingly endless acts of violence and terror',⁵¹ then surely Cicero must have wanted to criticize him? There is no denying the violence of Sulla's victory; nor that Romans later came to view Sulla as the proverbial *exemplum* of a tyrant (*tyrannis*) who strived for despotism (*dominatio*) or even monarchy (*regnum*).⁵² However, while it is one thing to acknowledge this later revulsion, it is quite different to apply it retrospectively to the jurors at Roscius' trial. Sulla had championed the *nobiles*; he had promoted the new senators; he had made them the arbiters of justice in his *res publica restituta*. The status of these men depended on protecting his enactments. Indeed, their unwillingness to countenance any changes to the Sullan *status quo* became a trope over the next decade; it is a central motif in Cicero's *Verrines* and in Sallust's speeches to 'Lepidus' and 'Macer'.⁵³ And it is probably no coincidence that one of our earliest and most influential observers, the historian L. Cornelius Sisenna, emphasized the popularity of Sulla's dictatorship.⁵⁴ Sisenna's outlook was doubtless coloured by his pro-Sullan sympathies.⁵⁵ But this is precisely the point: many men must have felt similarly grateful towards Sulla in the year 80—especially among the three hundred inductees.

In short, Roscius' trial was not a suitable occasion for anti-Sulla polemic. But it was suitable for pro-Sullan posturizing—and this is exactly what Cicero does, aligning himself with the Sullan cause and stressing that Sulla had nothing to do with Chrysgonus' deeds.

THE *POST EVENTVM* THESIS

For this reason, some scholars suggest *post euentum* rewrites: Cicero did not want to criticize Sulla in 80, but perhaps he would after Sulla was dead. Therefore, Cicero must have added the 'critical' passages to the published version after Sulla's death in 78; and since Cicero was abroad that year, this means that he published the speech only in 77 (or even later).⁵⁶

Naturally, this argument presupposes that the 'critical' or 'sarcastic' passages do contain criticism or sarcasm, which, as we have seen, is doubtful. More significant are the methodological objections. It is probable that Cicero may have tweaked certain passages, removed mundane material, or even added entire paragraphs. But we cannot

⁴⁹ Worthington (n. 6), 189.

⁵⁰ A. Eckert, 'There is no one who does not hate Sulla: emotion, persuasion and cultural trauma', in E. Sanders and M. Johncock (edd.), *Emotion and Persuasion in Classical Antiquity* (Stuttgart, 2016), 133–45, especially 137.

⁵¹ Eckert (n. 10), 288.

⁵² e.g. Cic. *Leg. agr.* 1.21, 2.81, 3.5, *Har. resp.* 54, *De or.* 3.12, *Att.* 8.11.2, 9.7.3, *Phil.* 2.108, 5.17; *Caes. BCiu.* 1.4 (with Cic. *Att.* 9.7c.1); *Sall. Cat.* 5.6, 47.2, *Hist.* 1.43, 1.44, 1.49, 3.15 Ramsey.

⁵³ e.g. Cic. *Verr.* 2.3.81; *Sall. Hist.* 1.49, 3.15 Ramsey.

⁵⁴ *FRHist* Sisenna F 135: 'Many people supported the dictatorship at very many public gatherings with all their hearts and enthusiasm' (*multi populi plurimae contiones dictaturam omnibus animis et studiis suffragauerunt*).

⁵⁵ See most obviously *Sall. Jug.* 95.2. But this should not be pushed too far: Sisenna was clearly no Sullan lackey, otherwise Sallust would not compliment him so strongly.

⁵⁶ See, above all, Berry (n. 10), building upon earlier arguments by Gabba (n. 40), Gruen (n. 40) and Harris (n. 40). Cf. Hinard and Benferhat (n. 4), 108, who make the extreme suggestion that the speech was published only in 70.

identify these changes with any certainty. Therefore, to designate X or Y passage as a *post euentum* addition is a subjective (and methodologically dubious) endeavour—and not something that historians should do lightly.⁵⁷

Specific objections can be raised for the *Pro Roscio*. First, it seems doubtful that Cicero would wait until the year 77 to publish the speech. By his own testimony, the *Pro Roscio* was the most important case of his early career. In the *Brutus*, he boasts that it made him the most sought-after advocate in Rome, receiving an influx of cases in short succession (312–13). In the *Orator*, he speaks of the huge applause that greeted the speech and asserts that people had great expectations of his youthful promise (107). And the whole reason he cites the trial in the *De officiis* is because it won him fame (*gloria*) and influence (*gratia*) as an advocate (2.51). In other words, everything we know about the trial suggests that Cicero would not want to delay publication. Instead, it seems more likely that he circulated the written version as rapidly as possible to capitalize on what was the most high-profile success of his career to date.⁵⁸

Moreover, if Cicero delayed publication to add criticism of Sulla, then why not more? Why would Cicero wait several years, losing the momentum gained from rapid publication, to add only a few passages of barely noticeable sarcasm? And if he was trying to capitalize on a new wave of anti-Sullan sentiment, then why did he leave the lengthy sections in support of Sulla unabridged?⁵⁹

The act of publication was influenced by a variety of overlapping motivations: the desire to advertise oneself to a new audience, to immortalize courtroom successes for posterity, or to remind clients of the valuable service provided to them. But Stroh has rightly emphasized that publishing a speech was, first and foremost, a didactic exercise: ‘these are the strategies I used to win the case’. Therefore, Cicero’s written speeches had to be a faithful representation of the arguments he had actually used, otherwise they would serve little purpose as *exempla* to be studied and emulated.⁶⁰ Applying this verisimilitude-principle to the *Pro Roscio*, we have a speech delivered under the shadow of Sulla’s *dominatio* and in front of an audience of pro-Sullan jurors. Clearly, ‘criticizing Sulla’ was not a viable strategy; rather, the dictator needed to be carefully separated from the actions of his freedman if Cicero’s attack on Chrysogonus stood any chance of success. So why would Cicero pretend otherwise in the published version? Would this not defeat the didactic ideals of the exercise?

In other words, by publishing the *Pro Roscio*, Cicero was not trying to demonstrate: ‘how to win a case by attacking a dictator’. He was trying to show: ‘how to win a case by avoiding attacks on a dictator’. It is an exercise in negotiating with the powerful, in turning an influential freedman into an engaging villain whilst also dissociating them from their (even more influential) *patronus*.

⁵⁷ See further Riggsby (n. 43), 178–84; J. Powell and J. Paterson, ‘Introduction’, in J. Powell and J. Paterson (edd.), *Cicero the Advocate* (Oxford, 2004), 1–57, at 52–7.

⁵⁸ Thus Hinard (n. 37), 104; J.E.G. Zetzel, ‘A contract on Ameria: law and legality in Cicero’s *Pro Roscio Amerino*’, *AJPh* 134 (2013), 425–44, at 427 n. 5.

⁵⁹ Cf. T.E. Kinsey, ‘Cicero’s speech for Roscius of Ameria’, *SO* 50 (1975), 91–104, who made a similar point while refuting J. Humbert, *Les plaidoyers écrits et les plaidoiries réelles de Cicéron* (Paris, 1925).

⁶⁰ W. Stroh, *Taxis und Taktik: Die advokatische Dispositionskunst in Ciceros Gerichtsreden* (Stuttgart, 1975), 50–4. Stroh’s own chapter on the *Pro Roscio* contains much of interest (Stroh [this note], 55–79). However, it suffers from the implausible thesis (first expounded by R. Heinze) that the prosecutors wanted Roscius to be acquitted. For refutation of this thesis, see Craig (n. 45), 44–5; Alexander (n. 27), 160–6.

THE *NOBILES* AND THE 'COURAGE' OF THE SPEECH

Although Cicero reassures us that an attack on Chrysogonus does not equal an attack on Sulla, there is no guarantee that Sulla would have agreed. Thus it is often said that the attack on Chrysogonus contained an inherent risk: Cicero did not know how Sulla would react; therefore, the *Pro Roscio* was a courageous speech. By itself, this view does not necessarily overlap with the 'anti-Sulla' thesis. One may argue that there were risks to Cicero's strategy but also accept that he minimized them by treating Sulla with the utmost respect.⁶¹ However, if we focus too much on the supposed 'courage' of the speech, there is a danger of bringing the 'anti-Sulla' thesis in via the backdoor. It is only a short step from 'courage' to 'subversiveness'; and some scholars have used the notion of Cicero's 'courage' to characterize him as a plucky, valiant underdog—in other words, as a man who would dare to criticize Sulla.⁶² However, this view fails to account for one crucial aspect of the trial: the identity of Roscius' backers.

Cicero portrays his client as a simple down-to-earth rustic hounded by the all-powerful Chrysogonus. Yet reality was much different.⁶³ Roscius' family was clearly one of the most wealthy and well-connected families in Ameria. His thirteen farms were valued at six million sesterces (§§6, 21), and the family enjoyed ties of *hospitium* with the Metelli, the Servilii and the Scipiones, three of the most illustrious families in Rome (§15). Moreover, Cicero repeatedly asserts that the elder Roscius had supported Sulla during the Civil War (§§16, 21, 126), and there is no indication that this point was called into doubt. Indeed, the elder Roscius was apparently seen every day at the height of the proscriptions 'celebrating' Sulla's victory in the Roman forum (§16 *exsultare*); on this basis, Loutsch is probably correct to see him as a *sector*—that is, one of the wealthy Sullans who spent their time in the forum buying the properties of the proscribed at auction.⁶⁴

All in all, an influential family with friends in high places; and when the time came for the younger Roscius to muster his defence, he turned to his father's noble connections. Among the ranks of the younger Roscius' supporters, Cicero names a P. Scipio and a Metellus; as Roscius' *aduocati*, they tried to compel Chrysogonus to surrender two slaves who had witnessed the murder (§§77, 119). Later he names a Valerius Messalla who, although young, contributed zealously to Roscius' defence (§149). It is heavily implied that other *nobiles* were involved too; most likely, Cicero only names these three because they were actually present at the trial, or because they were the closest to him in age. Their names alone are immensely impressive: scions of the most illustrious families in Rome, and the very kind of nobles whom Sulla had claimed to 'restore' in his *uictoria nobilitatis*.⁶⁵

⁶¹ e.g. Gruen (n. 40), 265–71; M. Gelzer, *Cicero: Ein biographischer Versuch* (Wiesbaden, 1969), 19–21; Craig (n. 45), 30–1; Alexander (n. 27), 170–1.

⁶² e.g. Rosenblitt (n. 10), 20–9. This 'courageous' characterization is supported by Plutarch (*Cic.* 3.4.6), but his narrative is demonstrably false; cf. n. 11 above.

⁶³ See further A. Afzelius, 'Zwei Episoden aus dem Leben Ciceros', *C&M* 5 (1942), 209–17, at 213–17; A. Vasaly, 'The masks of rhetoric: Cicero's *Pro Roscio Amerino*', *Rhetorica* 3 (1985), 1–20, especially 4–13 (on Roscius as a *rusticus*) and 17–19 (on reality being much different).

⁶⁴ C.M. Loutsch, 'Remarques sur Cicéron, *Pro Sex. Roscio Amerino*', *LCM* 4.6 (1979), 107–12, at 108.

⁶⁵ Cicero turns to address Scipio and Metellus at §77; Messalla's presence is noted at §149. On their possible identities, see Carcopino (n. 5), 162–6; Hinard and Benferhat (n. 4), xxxviii–xli; Dyck (n. 4), 143, 203. To summarize the options: Valerius Messalla should be either Niger (*cos.* 61) or Rufus (*cos.* 53); Metellus could be Celer (*cos.* 60), Nepos (*cos.* 57), or M. Metellus

Cicero also mentions another key supporter: Caecilia Metella, ‘daughter of Balearicus’, at whose house Roscius stayed while his defence was being organized (§§27, 147, 149).⁶⁶ This Caecilia was able to count numerous consuls in her immediate family, including her brother Q. Metellus Nepos (*cos.* 98), her father Q. Metellus Balearicus (*cos.* 123) and her grandfather Q. Metellus Macedonicus (*cos.* 143), one of the most famous Romans of his time.⁶⁷ She was also a distinguished and respected matron in her own right. For example, she once appeared before the Senate to report a dream sent by the goddess Juno Sospita; this episode gained her wide renown and was, it seems, eventually included in Sisenna’s authoritative history of the period.⁶⁸ But even more important were Caecilia’s connections to the highest ranks of the Sullan elite. She was first cousin of P. Servilius Vatia and (probably) the wife of Ap. Claudius Pulcher, two leading Sullans who would be consuls together in the year 79.⁶⁹ And she was connected to the incumbent consuls as well: Q. Metellus Pius, a second cousin, and Sulla, whose fourth and most famous wife, Metella, was another cousin.⁷⁰ Furthermore, when this Metella died in 80 or 79, Sulla took as his final wife a Valeria: either the aunt or the sister of the Valerius Messalla who helped Cicero to defend Roscius.⁷¹

In short, the group of patrons gathered behind Roscius included men (and women) at the heart of the Sullan establishment: *homines nobilissimi atque integerrimi nostrae ciuitatis* (§119). The notion of Cicero’s ‘courage’ now seems rather fanciful. As Afzelius put it: ‘Metelli, Servilii, Scipiones, Valerii: in other words, the Sullan government itself ... Was there really any danger that Sulla would act against the interests of these men to defend the follies of a freedman?’⁷²

Furthermore, in light of the close connections between Roscius’ backers and Sulla, it is entirely plausible that Cicero’s decision to attack Chrysogonus had received the green light from Sulla himself.⁷³ If we assume that Cicero had informed the *nobiles* of his strategy, or that he had planned the defence with at least one of them (probably Valerius Messalla), then there is every likelihood that an intermediary such as Ap.

(*pr.* 69); and while P. Scipio could be the praetor attested in *c.*93, he is more likely that man’s son who was later adopted into the Metelli (and became *cos.* 52).

⁶⁶ = Caecilia no. 135, *RE* III.1 (1897), 1235.

⁶⁷ Also her four uncles, consuls in 117, 115, 113 and 111 respectively. See Münzer’s *stemma* at *RE* III.1 (1897), 1229.

⁶⁸ *Cic. Diu.* 1.4, 1.99 (quoting Sisenna), 2.136; *Obseq.* 55. On this episode: M.-L. Hänninen, ‘The dream of Caecilia Metella: aspects of inspiration and authority in Late Republican Roman religion’, in P. Setälä and L. Savunen (edd.), *Female Networks and the Public Sphere in Roman Society* (Rome, 1999), 29–38; P. Kragelund, ‘Dreams, religion and politics in Republican Rome’, *Historia* 50 (2001), 53–95.

⁶⁹ See Münzer at *RE* III.1 (1897), 1235. The postulated marriage between Ap. Claudius and Caecilia is sometimes questioned: e.g. T.P. Wiseman, ‘Celer and Nepos’, *CQ* 21 (1971), 180–2; Kragelund (n. 68), 61–3. Even if they are correct, Caecilia’s eminence is still undeniable. Besides, Münzer’s *stemma* continues to wield the most support: e.g. K. Zmeskal, *Adfinitas: Die Verwandtschaften der senatorischen Führungsschicht der römischen Republik von 218 – 31 v.Chr.* (Passau, 2009), 51, 303–5; P. Tansey, ‘A selective prosopographical study of marriage in the Roman elite in the second and first centuries B.C.: revisiting the evidence’ (Diss., Macquarie University, 2016), 119–40.

⁷⁰ = Caecilia no. 134, *RE* III.1 (1897), 1234–5. Simple *stemma* at F. Münzer, *Römische Adelsparteien und Adelsfamilien* (Stuttgart, 1920), 302–5.

⁷¹ *Plut. Sull.* 35.

⁷² Afzelius (n. 63), 214–15 (my translation). Cf. Desrosiers (n. 5), 31–5; Syme (n. 6), 79–92. Attempts by e.g. Harris (n. 40), 273 and Seager (n. 20), 11 to dismiss these supporters as being ‘only’ a woman (Caecilia) and a youth (Messalla) do not convince.

⁷³ Suggested very briefly by Kinsey (n. 27), 183.

Claudius or Q. Metellus ran this strategy by Sulla before the trial. Nor should we be surprised if Sulla agreed to it. After all, he renounced all ties with M. Licinius Crassus, one of his closest lieutenants, after hearing that Crassus had exploited the proscription lists. How would he feel if his own freedman was caught doing the same?⁷⁴

This touches on wider questions about Sulla's *dominatio* and his relationship with the *nobiles*. In the past, assessments of Sulla's power have often focussed on Q. Lucretius Afella, an officer whom he executed on sight for disobeying an order not to stand for the consulship.⁷⁵ But we know of several other men who challenged Sulla without repercussions; and from these anecdotes, the notion of Sulla as an omnipotent, absolutist dictator has rightly been challenged.⁷⁶ Yet one point has not been remarked on: almost all these examples of non-compliance come from *nobiles*.⁷⁷ This is not surprising. Sulla needed powerful families as willing collaborators to his cause. More than that, he had made the *nobilitas* an integral part of his propaganda: for, as Cicero's evidence illustrates, Sulla equated his cause with the *causa nobilitatis*⁷⁸ and claimed to be 'avenging' or 'restoring' the *nobiles* after a period of (alleged) Marian persecution.⁷⁹

In short, Sulla had no interest in alienating *nobiles*. They were essential to the continued legitimization of his *uictoria nobilitatis*, the living embodiments of his claim to have 'restored' *dignitas*, *auctoritas*, *honor* and *gradus* to the *res publica* (§§136, 139). With this in mind, any notion of 'courage' or 'danger' can be dismissed. From Sulla's perspective, if Roscius' noble patrons wanted to make a scapegoat of Chrysogonus, so be it—just as long as their young orator remembered to emphasize, as often as necessary, that Sulla himself had nothing to do with it. And conversely, there is no reason to believe that the *nobiles* wanted to alienate Sulla either. Carcopino, Badian and others have argued that the *nobiles* were sponsoring Cicero to attack Sulla by proxy. But this view, which leans heavily on the now-discredited 'factional' paradigm of Roman politics, has no positive evidence to support it. Cicero's discontent is never aimed at Sulla; rather, it targets those men who were undermining his *uictoria nobilitatis* with their unscrupulous behaviour. Nor should we sensationalize the trial. Cicero portrays Roscius' case as a turning-point in the survival or failure of the *res publica*. But this was to be expected in Roman advocacy: for instance, compare how Cicero turns even the *Pro*

⁷⁴ Plut. *Crass.* 6.7. Cf. S. Treggiari, *Roman Freedmen during the Late Republic* (Oxford, 1969), 182–4, who slightly overplays Chrysogonus' *potentia* but correctly stresses that Sulla was free to disown his *libertus*.

⁷⁵ App. *B Ciu.* 1.101; Plut. *Sull.* 33.4; Livy, *Per.* 89. On this episode: A. Keaveney, 'The short career of Q. Lucretius Afella', *Eranos* 101 (2005), 84–93.

⁷⁶ e.g. A. Thein, 'Sulla the weak tyrant', in S. Lewis (ed.), *Ancient Tyranny* (Edinburgh, 2006), 238–49; A. Thein, 'Dolabella's naval command', in A. Eckert and A. Thein (edd.), *Sulla: Politics and Reception* (Berlin and Boston, 2019), 71–88.

⁷⁷ That is, understanding *nobilis* to mean 'descended from a consul' (cf. n. 1). These examples include: Cn. Pompey (Plut. *Pomp.* 13–14); M. Aemilius Lepidus (Plut. *Sull.* 34.4–5, *Pomp.* 15.1–2; cf. App. *B Ciu.* 1.105); C. Caecilius Metellus and/or Q. Lutatius Catulus (Plut. *Sull.* 31.1–2; Oros. 5.21.2); C. Julius Caesar and his noble relatives (Plut. *Caes.* 1; Suet. *Iul.* 1); P. Cornelius Lentulus 'Sura' (Plut. *Cic.* 17.2–4); and a Dolabella, probably the *praetor* of 81 (Plut. *Sull.* 2.3). The outlier is L. Licinius Murena, a man of praetorian descent, who initially continued the Second Mithridatic War against Sulla's orders (App. *Mith.* 65–6; Cic. *Mur.* 15). This boldness is explained by the physical distance between Murena and Rome.

⁷⁸ Cic. *Quinct.* 69, *Rosc. Am.* 16, 21, 135–42, *Verr.* 2.1.35, 2.1.37, *Phil.* 12.27; cf. *Har. resp.* 54; Sall. *Hist.* 3.15.3 Ramsey.

⁷⁹ Cic. *Rosc. Am.* 16, 136, 139, 141, *Cat.* 3.23, *De or.* 3.9–13, *Phil.* 8.7. Influenced by Sulla's *Memoirs*, the trope is ubiquitous in the later sources: e.g. Livy, *Per.* 80, 84–6; *BAfr.* 22; Vell. Pat. 2.22.1, 2.23.3, 2.25.2; Plut. *Sull.* 22.1, 34.1, *Pomp.* 6.1, *Crass.* 6.3, *Mar.* 46.5; App. *B Ciu.* 1.77, 1.81; Eutr. 5.7; Oros. 5.19.19, 5.20.1; Exup. 28 Z.

Quinctio, a mundane property dispute between two former business partners, into a vital battle between the forces of good and evil.⁸⁰ In the end, Roscius' case was simply business as usual for the *nobiles*. One of their clients was prosecuted, he appealed to them for help, so they enlisted a promising young orator to throw out the charge. Indeed, the youthfulness of Cicero (and Valerius Messalla) is a telling indication of how unconcerned the *nobiles* were about the whole affair. Even Chrysogonus may have been relatively unbothered by the trial and its outcome, which was, at most, a slap on the wrist for him. After all, it was Roscius who was on trial, not Chrysogonus; and the freedman could console himself with the thought that he remained in possession of Roscius' lucrative properties, purchased for the bargain price of only 2,000 sesterces.⁸¹

CONCLUSION

If Cicero was not trying to attack Sulla, then why did he focus on Chrysogonus at all? Magnus and Capito were useful punching bags, but they were also uninspiring prey. Cicero needed an engaging villain to hold the speech together—and Chrysogonus fitted the bill. First, he was relevant to the case. Everyone could see that Chrysogonus had purchased the thirteen properties at auction; therefore, Cicero could plausibly claim that the freedman was also responsible for adding the elder Roscius' name onto the proscription lists. More importantly, Chrysogonus' personal qualities made him the ideal target for polemic. He was an ex-slave, a foreigner, a social upstart, a man flaunting his wealth around Rome with distasteful arrogance (§§133–5)—in other words, the kind of individual who would provoke the contempt of a senatorial jury.⁸² Hence Cicero reminds his audience of Chrysogonus' servile origins at regular intervals (§§22, 130 and especially §140–1); he is provoking them with the thought that a mere freedman, 'this most wretched of slaves', would aspire to get the better of them.⁸³

Cicero's strategy in the *Pro Roscio* was not aimed against Sulla. Nor was it courageous. It was simply Cicero doing what Cicero did best: choosing a line of defence that best deflected from his client's potential guilt.⁸⁴ In this case, that meant fixing all his audience's emotions, all their prejudices and their *invidia*, onto one easy target: Chrysogonus. He thus distracted his audience from the real matter at hand—that it was his client, Roscius, who was actually on trial—whilst also lending a sense of urgency to the affair: only by acquitting Roscius can we preserve Sulla's great *uictoria nobilitatis*.

King's College London

GREGORY COATES
gregory.coates@kcl.ac.uk

⁸⁰ e.g. Cic. *Quinct.* 92–9.

⁸¹ On the need to avoid sensationalizing the trial, see further Kinsey (n. 20), 39–40; Kinsey (n. 27), 185–9; Gabba (n. 37), 137–40; Alexander (n. 27), 168–72.

⁸² Thus F. Hinard, 'L. Cornelius Chrysogonus et la portée politique du *Pro Roscio Amerino*', *LCM* 4.4 (1979), 75–6; also Hinard (n. 37), 105–6; Vasaly (n. 63), 19–20; Dyck (n. 4), 10–11, 104.

⁸³ Cf. Vasaly (n. 27), 78–9: 'The attack on Chrysogonus ... was made considerably easier by the fact that Chrysogonus, as a (probably Greek, certainly foreign) freedman, was manifestly *not* a *uir bonus*. Therefore, the young orator could capitalize on the resentment a powerful former slave would arouse in those who considered themselves his social superiors.'

⁸⁴ For the possibility that Roscius did murder his father, see T.E. Kinsey, 'The case against Sextus Roscius of Ameria', *AC* 54 (1985), 188–96; A. Dyck, 'Evidence and rhetoric in Cicero's *Pro Roscio Amerino*: the case against Sex. Roscius', *CQ* 53 (2003), 235–46. Roscius' innocence is upheld by R.J. Seager, 'The guilt or innocence of Sex. Roscius', *Athenaeum* 95 (2007), 895–910.