PRO ROSCIO. PART I. - INTRODUCTION AND TEXT; PART II. - NOTES

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CICERO & ST. GEORGE STOCK

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CICERO

PRO ROSCIO

WITH INTRODUCTION AND NOTES

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PART I.—INTRODUCTION AND TEXT

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PREFACE.

In preparing this edition of the Pro Roscio two objects have been before me—to provide everything that seemed necessary for the full understanding of this particular speech, and also to make the work serve as a fitting introduction to the study of Cicero's speeches generally.

As regards the text, I have been content to accept the one recognised by the University, which is that of Baiter and Kayser.

In acknowledging my obligations to former editors I must begin with Mr. J. R. King, whose notes in Parker's Series were for a long time the only ones known to me. Long's Commentary has also been consulted with advantage, and Mr. Donkin's labours have proved helpful. Among the Germans I have borrowed a little from Richter, a great deal from Halm, and most of all from Landgraf—no doubt because there was most to borrow from.

In a work like this originality is out of the question: but, in order to secure a certain amount of independence, I took the precaution of writing my own notes before consulting my predecessors, Mr. King alone excepted. I

have to thank Mr. J. B. Bury, the talented author of the *History of the Later Roman Empire*, for the pains which he bestowed upon the revision of my manuscript in this initial stage of its existence. I am sensible also of how much benefit my notes have derived from being submitted to the criticism of Mr. Evelyn Abbott.

But while thankful for the help that I have received, I cannot close this preface without expressing a regret, however vain, for the help that has been denied me. My old friend and schoolfellow, Robert Lowes Clarke, late Fellow and Librarian of Queen's College, had promised to perform for my work on Cicero, as he did for my work on Plato, the same kindly office that Socrates performed for Theaetetus. Those who knew him will be well aware how much this meant. It meant not only knowledge practically inexhaustible, but an unstinted generosity in laying that knowledge at the service of others. For great as were his intellectual attainments, it is not by these that he will be most vividly remembered. The truest tribute that can be paid him is to say that he was kind and helpful to every creature that ever sought his aid. To record that he was unselfish would be too little; rather be it said that he knew not self.

8 Museum Villas, Oxford,
January 26, 1890.

INTRODUCTION.

I. HISTORICAL.

§ 1. *Historical importance of Cicero's speeches.*

THE speeches of Cicero are like a gallery of historical paintings, portrayed indeed in the vivid colours of rhetoric, lurid or gorgeous as the case may be, but, for all that, preserving in outline a faithful image of the features of the times. We have now a great provincial governor brought before the bar of public justice or a revelation of a deep-laid conspiracy against the state; anon we have an appalling glimpse into the depravity of social life in Italy; or perhaps some weighty measure of public policy is debated before us; or the personal grievances of the orator are dwelt on, whose life was inseparable from the public life of Rome. Most of the speeches breathe the full confidence of popular favour; a few have the guarded discretion required under a dictatorship; while at the close we have a trumpet-call to liberty, until the lips of the orator are sealed in dust.

§ 2. *The Pro Roscio the first that deals directly with politics.*

Of this series the Pro Sexto Roscio Amerino may be considered the first. For the Pro Quinctio, which precedes it, though it throws an interesting side-light on the state of political feeling at Rome, is occupied with the private affairs of a pair of partners, who quarrelled over a sheep-farming business in Gaul.

§ 3. *Horrors of the Civil War.*

It is not Cicero's object in the speech before us to exaggerate the horrors of the reign of terror, through which Rome had just passed: but it is impossible for him to avoid recalling them incidentally. For indeed Rome saw no days more dark than these in her hundred years of strife, from the moment when the blood of Tiberius Gracchus, the protomartyr of the civil wars, stained the slope of the Capitol (B.C. 133) till the time when the furious factions of the world-ruling republic were crushed under the heel of despotism (B.C. 30). Nothing could have been more cruel, says a Roman historian[1], than the victory of Marius, had it not been for the victory of Sulla. Let us set ourselves in imagination at the point of time at which that victory is complete.

§ 4. *Merciless tyranny of Sulla.*

The senate are met in the temple of Bellona, outside the gates of the city, to inaugurate the return of order, when they are scared in the midst of their deliberations by the piercing shrieks of 6000 of the Italians, who had borne arms against Sulla, and who are now being butchered in cold blood in the neighbouring Campus Martius[2]: but Sulla, without moving a muscle of his face, bids the senators attend to business, and not mind what was going on outside—it was only some rascals who were being 'admonished' by his orders. Then even the dullest-witted of the Romans understood that what had been accomplished by the victory was only a change of tyrants.

[1] Velleius Paterculus, ii. 22, § 1.

[2] In the 'villa publica,' Livy, Epit. 87 (cp. iv. 22). Livy states the number to have been 8000. The story in the text is from Plutarch, Sulla, 30. Appian, De Bell. Civ. i. 93, says 'more than 8000.'

§ 5. *He is appointed dictator.*

But Sulla, like Augustus, had the art to veil to some extent his despotism under forms recognised by the Roman constitution. An interrex, L. Valerius Flaccus, was appointed, who created Sulla dictator[1], after that office had fallen into disuse for 120 years; and the Romans now beheld the unprecedented sight of four and twenty lictors within the city walls[2]. A measure was also passed known as the Lex Valeria, which provided that all Sulla's enactments, past, present, and to come, should have the force of law.

§ 6. *His revenge upon his adversaries.*

Then the vials of wrath were poured out over the doomed city; and a carnival of blood reigned unchecked from one end of Italy to the other; the very temples were polluted with murder; no ties of kindred or of blood were sacred enough to excite compassion; husbands were slaughtered in their wives' embraces and sons in their mothers' arms.

§ 7. *The Proscriptions.*

Amid the consternation caused by this indiscriminate carnage, one young nobleman, Caius Metellus, had the hardihood to ask the dictator in the senate, to what length he meant to go. 'We do not pray for pardon,' he said, 'for those whom you have resolved to slay; all we ask is to have rescued from anxiety those whom you intend to spare.' Sulla replied that he did not yet know who were to be acquitted. 'Then tell us,' was the answer, 'whom you mean to punish.' This Sulla undertook to do. Then, without consulting any of the magistrates, he published a list of 80 names, which was followed after a day's interval by another

[1] Vell. Pat. ii. 28; Plut. Sull. 33; Appian, De Bell. Civ. i. 98.

[2] Liv. Epit. 89—'Sulla, dictator factus, quod nemo unquam fecerat, cum fascibus viginti quatuor processit.'

of 220, and that in its turn by a third of at least equal length. Nor was his thirst for vengeance sated even then. For in addressing the people he told them that he had proscribed all who occurred to him at the moment; but that any names which had slipped his memory should be entered on the list another time[1].

§ 8. *Fate of the proscribed.*

The property of anyone whose name was thus entered was confiscated to the last farthing; and his sons were forbidden to seek office in the state, though, if they were of senatorial rank, they were still burdened with the duties of their position[2]. As for the proscribed person himself, a price of two talents was set upon his head, to be paid even if a slave killed his master or a son his father; should his nearest or dearest harbour the outlaw, death was the penalty[3].

§ 9. *Anecdote of Mutilus and Bastia.*

Even this last unnatural mandate remained no dead letter of the law. One of the victims, named Mutilus, fleeing for his life, came with veiled head to his own back door: but his wife Bastia refused him entrance, because he was proscribed. Then the miserable man stabbed himself, and sprinkled his own doorstep with his blood[4].

§ 10. *The proscriptions not always political.*

The atrocity of these outrages was heightened by the fact that it was not political animosity but private hatred or greed

[1] Plut. Sull. 31.

[2] Vell. Pat. ii. 28.

[3] Plut. Sull. 31. Richter has noticed the inconsistency of the accusers of Sextus Roscius, who in the same breath indicted him for parricide, and maintained that his father had been proscribed. Had the latter statement been true, the son would have been entitled to claim the reward. It is strange that Cicero, with his fondness for a dilemma, should have let this point escape him.

[4] Liv. Epit. 89.