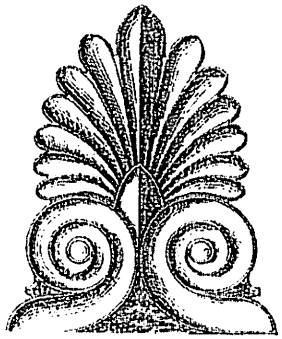
ROMAN BLOOD



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The space before the Rostra was a small, open square. On one side stood the crowd of spectators from which the statue of Sulla rose like an island; they stood and peered over one another's shoulders, confined behind the cordon maintained by officers of the court. On the other side were rows of benches for friends of the litigants and for spectators too esteemed to stand. At the corner of the square, between the spectators and the Rostra, were the respective benches of the advocates for the prosecution and defense. Directly before the Rostra, in chairs set on a series of low tiers, sat the seventy-five judges chosen from the Senate.

I scanned the faces of the judges. Some dozed, some read. Some ate. Some argued among themselves. Some fidgeted nervously in their seats, clearly unhappy with the duty that had fallen on them. Others seemed to be conducting their regular business, dictating to slaves and ordering

clerks about. All wore the senatorial toga that set them apart from the rabble that milled beyond the cordon. Once upon a time, courts were made up of senators and common citizens together. Sulla put an end to that.

I glanced at the accuser's bench where Magnus sat with his arms crossed, scowling and glaring at me with baleful eyes. Beside him, the prosecutor Gaius Erucius and his assistants were leafing through documents. Erucius was notorious for mounting vicious prosecutions, sometimes for hire and sometimes out of spite; he was equally notorious for winning. I had worked for him myself, but only when I was very hungry. He paid well. No doubt he had been promised a very handsome fee to obtain the death of Sextus Roscius.

Erucius glanced up as I passed, gave me a contemptuous snort of recognition, then turned about to wag his finger at a messenger who was awaiting instructions. Erucius had aged considerably since I had last seen him, and the changes were not for the better. The rolls of fat around his neck had become thicker and his eyebrows needed plucking. Because of the plumpness of his purple lips he seemed always to pout, and his eyes had a narrow, calculating appearance. He was the very image of the conniving advocate. Many in the courts despised him. The mob adored him. His blatant corruption, together with his suave voice and unctuous mannerisms, exerted a reptilian fascination over the mob against which homespun honesty and simple Roman virtue could not possibly compete. Given a strong case, he would skillfully whip up the mob's craving to see a guilty man punished. Given a weak case, he was a master at sowing corrosive doubts and suspicions. Given a case with political ramifications, he could be relied upon to remind the judges, subtly but surely, exactly where their own self-interest lay.

Hortensius would have been a match for him. But Cicero? Erucius was clearly not impressed with his competition. He yelled out loud for one of his slaves; he turned to exchange some joke with Magnus (they both laughed); he stretched and strolled about with his hands on his hips, not even bothering to glance at the bench of the accused. There Sextus Roscius sat hunched over with two guards at his back—the same two who had been posted at Caecilia's portal. He looked like a man already

condemned—pale, silent, as inanimate as stone. Next to him, even Cicero looked robust as he stood and clutched my arm in greeting.

"Good, good! Tiro said he had spotted you in the crowd. I was afraid you'd be late, or stay away altogether." He leaned toward me, smiling, still holding my arm, and spoke in a confidential voice as if I were his closest friend. Such intimacy after his coldness of late unnerved me. "Look at the judges up there in the tiers, Gordianus. Half of them are bored to death; the other half are scared to death. To which half should I pitch my arguments?" He laughed—not in a forced way, but with genuine good humor. The ill-tempered Cicero who had fretted and snapped ever since my return from Ameria seemed to have vanished with the Ides.

Tiro sat on Cicero's right, next to Sextus Roscius, and carefully laid his crutch out of sight. Rufus sat on Cicero's left, along with the nobles who had been helping him in the Forum. I recognized Marcus Metellus, another of Caecilia's young relations, along with the esteemed nonentity and once-magistrate Publius Scipio.

"Of course you can't be seated with us at the bench," Cicero said, "but I want you nearby. Who knows? A name or a date might slip my mind at the last moment. Tiro posted a slave to warm a place for you." He gestured to the gallery, where I recognized numerous senators and magistrates, among them the orator Hortensius and various Messallae and Metelli. I also recognized old Capito, looking wizened and small next to the giant Mallius Glaucia, who wore a bandage on his head. Chrysogonus was nowhere to be seen. Sulla was present only by virtue of his gilded statue.

At Cicero's gesture a slave rose from one of the benches. While I walked toward the gallery to take his place, Mallius Glaucia elbowed Capito and whispered in his ear. Both turned their heads and stared as I took my seat two rows behind them. Glaucia furrowed his brows and curled his upper lip in a snarl, looking remarkably like a wild beast in the midst of so many sedate and well-groomed Romans.

The Forum was bathed in long morning shadows. Just as the sun rose over the Basilica Fulvia, the praetor Marcus Fannius, chairman of the court, mounted the Rostra and cleared his throat. With due gravity he convened the court, invoked the gods, and read the charges.

I settled into that mental stupor that inevitably overtakes any reasonable man in a court of law, awash in an ocean of briny rhetoric pounding against weathered crags of metaphor. While Fannius droned on, I studied their faces—Magnus slowly burning like an ember, Erucius pompous and bored, Tiro struggling to suppress his eagerness, Rufus looking like a child amid so many gray jurists. Cicero, meanwhile, remained serenely and unaccountably calm, while Sextus Roscius himself nervously surveyed the crowd like a cornered, wounded animal too blood-spent to put up a fight.

Fannius finished at last and took his seat among the judges. Gaius Erucius rose from the accuser's bench and made a laborious show of carrying his portly fame up the steps to the Rostra. He blew through his cheeks and took a deep breath. The judges put aside their paperwork and conversations. The crowd grew quiet.

"Esteemed Judges, selected members of the Senate, I come here today with a most unpleasant task. For how can it ever be pleasant to accuse a man of murder? Yet this is one of the necessary duties that falls from time to time onto the shoulders of those who pursue the fulfillment of the law."

Erucius cast his eyes downward to assume a countenance of abject sorrow. "But, esteemed Judges, my task is not merely to bring a murderer to justice, but to see that a far older, far deeper principle than the laws of mortal men is upheld in this court today. For the crime of which Sextus Roscius is guilty is not simply murder—and that is surely horrifying enough—but parricide."

Abject sorrow became abject horror. Erucius furrowed the plump wrinkles of his face and stamped his foot. *"Parricide!"* he cried, so shrilly that even at the far edges of the crowd men gave a start. I imagined Caecilia Metella quivering in her litter and covering her ears.

"Imagine it, if you will—no, do not back away from the hideousness of this crime, but look straight into the jaws of the ravening beast. We are men, we are Romans, and we must not let our natural revulsion rob us of the strength to face even the foulest crime. We must swallow our gorge and see that justice is done.

"Look at that man who sits at the bench of the accused, with armed guards at his back. That man is a murderer. That man is a parricide! I call him 'that man' because it pains me to speak his name: Sextus Roscius. It pains me because it was the same name that his father bore before him, the father *that man* put into his grave—a once-honorable name that now drips with blood, like the bloody tunic that was found on the old man's body, shredded to rags by his assassins' blades. *That man* has turned the fine name his father gave him into a curse!

"What can I tell you about . . . Sextus Roscius?" Erucius infused the name with all the considerable loathing his voice and countenance could muster. "In Ameria, the town he comes from, they will tell you he is far from a pious man. Go to Ameria, as I have done, and ask the townsfolk when they last saw Sextus Roscius at a religious festival. They will hardly know of whom you speak. But then remind them of Sextus Roscius, the man accused of killing his own father, and they will give you a knowing look and a sigh and avert their eyes for fear of the gods' wrath.

"They will tell you that Sextus Roscius is in many ways a mystery—a solitary man, unsociable, irreligious, boorish, and curt in his few dealings with others. In the community of Ameria he is well known—or should I say notorious?—for one thing and one thing only: his lifelong feud with his father.

"A good man does not argue with his father. A good man honors and obeys his father, not only because it is the law, but because it is the will of heaven. When a bad man ignores that mandate and openly feuds with the man who gave him life, then he steps onto a path that leads to all manner of unspeakable crime—yes, even to the crime that we have assembled here to punish.

"What caused this feud between father and son? We do not really know, though the man who sits beside me at the accuser's bench, Titus Roscius Magnus, can attest to having seen many sordid examples of this feud at firsthand; as can another witness I may call, after the defense has its say, the venerable Capito. Magnus and Capito are each cousins of the victim, and of *that man* as well. They are respected citizens of Ameria. They watched for years with dread and disgust as Sextus Roscius disobeyed his father and cursed him behind his back. They watched in dismay as the old man, to protect his own dignity, turned his back on the abomination that had sprung to manhood from his own seed.

"Turned his back, I say. Yes, Sextus Roscius *pater* turned his back on Sextus Roscius *filius,* no doubt to his ultimate regret—for a prudent man does not turn his back on a viper, nor on a man with the soul of an assassin, even his own son, not unless he wishes to receive a knife in the back!"

Erucius pounded his fist against the balcony of the Rostra and stared wide-eyed above the heads of the crowd, held the pose for a moment and then drew back to catch his breath. The square was strangely hushed after the thunder of his voice. He had by this point worked himself into a fine sweat. He clutched at the hem of his toga and dabbed it against his streaming jowls. He raised his eyes and looked to heaven, as if seeking relief from the grueling ordeal of seeking justice. In a plaintive voice, pitched just loud enough for all to hear, he muttered, "Jupiter, give me strength!" I saw Cicero cross his arms and roll his eyes. Meanwhile Erucius pulled himself together, stepped forward to the Rostra with bowed head and began again.

"*That man*—why bother to say his befouled name when he dares to show his face in public, where any decent man may see it and recoil in horror?—*that man* was not the only offspring of his father. There was a second son. His name was Gaius. How his father loved him, and why not? From all accounts he was the exemplar of what every young Roman should be: pious toward the gods, obedient to his father, aspiring to every virtue, a young man in all ways agreeable, charming, and refined. How strange that a man could have two sons so different from each other! Ah, but then the sons had different mothers. Perhaps it was not the seed that was polluted, then, but the ground in which it was planted. Consider: Two seeds from the same grape are planted in different soil. One vine grows strong and lovely, bearing sweet fruit that yields a heady wine. The other is stunted and strange from the first, gnarled and pricked with thorns; its fruit is bitter and its wine is poison. I name the first vine Gaius, and the other Sextus!"

Erucius mopped his face, shuddered in revulsion, and went on. "Sextus Roscius *pater* loved one son and not the other. Gaius he kept close to him always, proudly displaying him to the finest society, showering him in public with kindness and affection. Sextus *filius,* on the other hand, he kept as far from him as he could, relegating him to the family's farms in Ameria, keeping him from view as if he were a thing of shame not to be shown among decent folk. So deep did this division of affections run that Roscius *pater* thought long and hard about disinheriting his namesake completely and naming Gaius his sole heir, even though Gaius was the younger of his sons.

"Unfair, you may say. It is better when a man treats all his sons with equal respect. When he goes about choosing favorites he asks for nothing but trouble in his own generation and the next. True, but in this case I think we must trust the judgment of the elder Sextus Roscius. Why did he despise his firstborn so much? I think it must be that he, better than any other man, could see what wickedness lurked in the breast of young Sextus Roscius, and he recoiled from it. Perhaps he even had a presentiment of the violence that his son might one day wreak on him, and that was why he kept him at such a distance. Alas, the precaution was not enough!

"The tale of the Roscii ends in manifold tragedy—a series of tragedies that cannot be set right, but only avenged, and only by you, esteemed judges. First, the untimely death of Gaius Roscius. With him vanished all his father's hopes for the future. Consider: Is it not the greatest joy of existence to give life to a son, and to see in him an image of yourself? To rear and educate him so that you are renewed as he grows? I know, I speak as a father myself. And will it not be a blessing on departing this life to leave behind, as your successor and heir, a being sprung from yourself? To leave him not only your estate, but your accumulated wisdom, and the very flame of life passed from parent to child to pass on to his sons, so that when your mortal body fades away, you will live on in your descendents?

"With the death of Gaius, this hope for a kind of immortality died in his father, Sextus Roscius. But he had another son still living, you may protest. True, but in that son he saw not his own reflection, true and straight as one sees it in a pool of clear water. Instead he saw an image of himself like that reflected from a crushed silver plate, distorted, twisted, and taunting. Even after the death of Gaius, Roscius *pater* still considered disinheriting his only surviving son. Certainly there were plenty of

other, more worthy candidates to be his heir within the family, not least his cousin Magnus—that same Magnus who sits beside me at the accuser's bench, who loved his cousin enough to see that his murder does not go unpunished.

"Young Sextus Roscius fiendishly plotted the death of his father. The exact details we do not know and cannot know. Only *that man* could tell us, if he dares to confess. What we know are the naked facts. On a night in September, leaving the home of his patroness, the much-esteemed Caecilia Metella, Sextus Roscius *pater* was accosted in the vicinity of the Baths of Pallacina and stabbed to death. By Sextus Roscius *filius* himself? Of course not! Think back to the turmoil of last year, esteemed judges of the court. I need not dwell on the causes, for this is not a political court, but I must remind you of the violence that surged through the streets of this city. How very easy it must have been for a schemer like young Sextus Roscius to find the cutthroats to do his dirty work. And how clever, to try to stage the execution at a time of turmoil, hoping that his father's murder would be overlooked in the midst of so much upheaval.

"Thank the gods for a man like Magnus, who keeps his eyes and ears open and is not afraid to step forward and accuse the guilty! That very night his trusted freedman, Mallius Glaucia, came to him here in Rome with news of his dear cousin's murder. Magnus immediately dispatched Glaucia to carry the news to his good cousin Capito back home in Ameria.

"And now irony, bitter and yet strangely just, enters the tale alongside tragedy. For by a peculiar twist of fortune *that man* was not to inherit the fortune he had committed parricide to obtain. Now as I said before, this is not a political court, nor is this a political trial. We are not concerned here with the drastic measures forced upon the state in the recent years of upheaval and uncertainty. And so I will not try to explain the curious process by which it came about that Sextus Roscius *pater*, to most appearances a good man, was nevertheless found to be among those on the lists of the proscribed when certain conscientious officers of the state looked into the matter of his death. Somehow the old man had escaped with his life for months! What a fortunate man he must have been, or else how clever!

"And yet—what irony! *Filius* kills *pater* to secure his inheritance, only to discover that the inheritance has already been claimed by the state! Imagine his chagrin! His frustration and despair! The gods played an appalling joke on *that man*, but what man can deny either their infinite wisdom or their sense of humor?

"In due course the property of the late Sextus Roscius was sold at auction. The good cousins Magnus and Capito were among the first to bid, since they were intimate with the estates and knew their value, and thus they became what they should have been all along, the heirs of the late Sextus Roscius. So it is that sometimes Fortune rewards the just and punishes the wicked.

"And now—what of *that man?* Magnus and Capito suspected his guilt, indeed they were almost certain of it. But out of pity for his family they offered him shelter on their newly acquired estates. For a time there was an unsteady peace between the cousins—that is, until Sextus Roscius gave himself away. First it was discovered that he had held back various items of property that had been duly proscribed by the state—in other words, the man was no better than a common thief, stealing from the people of Rome what was duly theirs by right of law. (Ah, Judges, you yawn at an accusation of embezzlement, and rightly so—what is that, compared to his greater crime?) When Magnus and Capito demanded that he give these things up, he threatened their lives. Now, had he been sober, he probably would have held his tongue. But ever since the death of his father he had drunk excessively—as guilty men are known to do. Indeed, to all his other vices, Sextus Roscius had added drunkenness, and was hardly ever sober. He became intolerably abusive, to the point that he dared to threaten his hosts. To kill them, in fact—and in threatening their lives he inadvertently confessed to the murder of his father.

"Fearing for his own life, and because it was his duty, Magnus decided to bring charges against *that man.* Meanwhile Roscius slipped out of his grip and escaped to Rome, back to the very scene of his crime; but the eye of the law watches even the heart of Rome, and in a city of a million souls he could not hide himself.

"Sextus Roscius was located. Normally, even when accused of the

most heinous crime, a Roman citizen is given the opportunity to renounce his citizenship and escape into exile rather than face trial, if that is his choice. But so severe was the crime committed by *that man* that he was placed under armed guard to await his trial and punishment. And why? Because the crime he has committed goes far beyond the mere offense of one mortal against the person of another. It is a blow against the very foundations of this republic and the principles that have made it great. It is an assault on the primacy of fatherhood. It is an insult to the very gods, and to Jupiter above all, father of the gods.

"No, the state cannot take even the slightest risk that such an odious criminal might escape, nor, esteemed Judges, can you take the risk of letting him go unpunished. For if you do, consider the divine punishments that are sure to be visited upon this city in retribution for its failure to wipe out such an abomination. Think of those cities whose streets have run with blood or whose people have withered from starvation and thirst when they foolishly sheltered an impious man from the gods. You cannot allow that to happen to Rome."

Erucius paused to mop his brow. Everyone in the square was watching him with an almost dreamlike concentration. Cicero and his fellow advocates were no longer rolling their eyes and mocking Erucius behind their sleeves; they looked rather worried. Sextus Roscius had turned to stone.

Erucius resumed. "I have spoken of the insult rendered to divine Jupiter by *that man* and his unspeakably vile crime. It is an insult as well, if I might digress only a little, to the Father of our restored Republic!" Here Erucius made quite a show of spreading his arms wide as if in supplication to the equestrian statue of Sulla, which seemed, from the angle at which I sat, to be granting him a condescending smile. "I need not even speak his name, for his eye is on us all at this very moment. Yes, his watchful eye is on everything we do in this place, in our dutiful roles as citizens, judges, advocates, and accusers. Lucius Cornelius Sulla, Ever Fortunate, restored the courts. Sulla reignited the fire of justice in Rome after so many years of darkness; it is up to us to see that villains such as *that man* are withered to ashes by its flame. Or else I promise you, esteemed Judges, that retribution will fall on *all* our heads from above, like hail descending from an angry black sky."

Erucius struck a pose and held it for a long moment. His finger pointed to heaven. His brows were drawn together, and he glowered like a bull at the gathered judges. He had spoken of Jupiter's retribution, but what we all had heard was that Sulla himself would be angered at a verdict of not guilty. The threat could not have been more explicit.

Erucius gathered the folds of his toga, threw back his chin, and turned his back. As he descended the Rostra, there were no cheers or applause from the crowd, only a chilling silence.

He had proved nothing. In place of evidence he had offered innuendo. He had appealed not to justice, but to fear. His speech was a dreadful patchwork of outright lies and self-righteous bullying. And yet, what man who heard him from the Rostra that morning could doubt that Gaius Erucius had won his case?