n the *Brutus* Cicero describes the scene attendant upon the speech of a great orator in the following way (290):

Volo hoc oratori contingat, ut cum auditum sit eum esse dicturum, locus in subselliiis occupetur, compleatur tribunal, gratiosi scribae sint in dando et cedendo loco, corona multiplex, iudex erectus; cum surgat is qui dicturus sit, significetur a corona silentium, deinde crebrae assensiones, multae admirationes; risus cum velit, cum velit fletus: ut qui haec procul videat, etiam si quid agatur nesciat, at placere tamen et in scaena esse Rosciun intellegat.1

("I mean that the following should take place in respect to this orator: when it is learned that he is going to speak, all the places among the benches should be taken, the tribunal full, the clerks agreeable in granting or giving up places, the crowd extensive, the judge intent. His rising to speak would be signalled by a silence from the crowd, followed by repeated applause and much admiration. He should have laughter when he wishes, tears when he wishes; so that if someone

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1 I wish to express my thanks to Professor Lawrence Richardson of Duke University for his helpful critique of an earlier version of this paper. I am also indebted to Professor Katherine Geffcken of Wellesley College for her discussion of the paper in general and for her perceptive comments on theatrical personae in the speech in particular.

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were to see him from a distance, even if he did not know what case were at issue, he would still realize that the orator was finding favor and that a Roscius held the stage.”)

No theoretical exposition on the nature of ancient rhetoric could illustrate the connection between judicial oratory and theater better than does this vivid description. The scene makes us think of the opening-night performance of a great actor in a long-awaited play. The attendants go about busily assigning places, the audience pours in, sitting on wooden benches or standing about the periphery. The performer appears and a hush falls over the crowd, soon followed by cheers and applause. He begins to speak, and even one who cannot hear his words can see from the response of the crowd that he has captivated them. The equation of Cicero’s perfect orator to the great Roman actor Roscius makes explicit the sense that pervades the passage: the tribunal is a stage and the orator an actor.

The analogy between the two kinds of performance can also be seen in the fact that both the actor and the judicial orator play a role. The Latin phrase referring to the assumption of a mask or character by an actor is *personam imitari,* and this diction appears in a description of the task of the advocate as well. In *De Oratore* Cicero portrays Marcus Antonius as arguing the necessity for the orator himself to be emotionally moved by what he is saying (2.194):

Qua re nolite existimare me ipsum, qui non herum veteres casus fictosque luctus velim imitari atque adumbrae dicendo neque actum alienae personae, sed auctor meae, cum mihi. M. Aquiliius in civitate

(“Do not suppose, then, that when I was attempting to represent and portray in speech neither ancient misfortunes nor fictitious sorrows suffered by heroes, when I was portraying not the character of another but rather my own character—at the time when the case was heard concerning the retention by M. Aquilius of his rights as a citizen—do not suppose that when I delivered the peroration of that famous case that I did so without myself feeling great emotion.”)

Putting aside the question of whether the performer who is himself moved by his performance is more effective than one possessed of merely technical excellence, we may note the use in the passage of references to rhetorical characterization. The orator calls himself both *actor* and *auctor* of a *persona.* His task, like that of the player, is “to portray” (*imitari*) the actions of characters. The player, however, acts out the events of the drama while the orator represents such events “by speaking” (*dicendo*). The actor assumes the mask of a fictitious character or one long dead; Antonius, who portrays immediate and real human tragedy, does not assume the mask of another. He plays himself.

The passage quoted above speaks of the role that the orator himself assumes, and it is clear from ancient treatises on rhetoric in both Greek and Latin that the orator must also assign characters to those he describes and refers to within his speech—his client, his opponents, witnesses on either side. In this paper I wish to dem-

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3Cf. Cic. Brut. 200. All quotations in Latin are from Oxford Classical Text editions unless otherwise noted. Translations in English are my own.


3Quintus Roscius the actor is mentioned often in Cicero’s works; see, for example, De Or. 1.129, 1.258, 2.242, 3.102; Quinct. 77–78; Rosc. Con. 20–21, 29–30, passim; and Wright (above, note 2) 16–20.

4Examples of shared vocabulary in the two realms include: *auctor, actor, actio, agere, personam expressere, tractare, imitari, inducere.*

5The necessity for the orator to project an image of himself that lends credibility to his arguments is recognized by Aristotle in his discussion of *ethos* (*Rhet. A* 1356.a1–14 (1.2.4), B1377 b16–1378a.19 (2.1.1–7)). Cf. Ad Her. 1.5.8, 3.11.20–15.27; Cic. Inv. 1.22; De Or. 2.182–184; Quint. 4.1.6–15, 6.2.18, 11.1.31–38.

6See Aristotel’s discussion of propriety of characterization based on age, sex, and status of individuals (*Rhet. 1408a.25–36 (3.7.6–7), 1417a.16–36 (3.16.8–10)). Cf. *Ad Her. 4.49.63–52.66 (efficio, notio, sermocinatio);* Cic. Inv. 1.29, 2.29; Quint. 11.1.39–42. The difference between the ethical appeal and characterization of others is theoretically clear in Aristotle, where *ethos* is derived exclusively from the character of the speaker as revealed in the speech, but in Greek practice the author of a forensic speech usually did not deliver the oration himself. In such a situation the appeal from *ethos* (from the viewpoint of the author) involved characterization of another while maintaining the illusion of self-expression. (Cf. comment of Quintilian in his discussion of characterization (11.1.38): *Maior in personis observatio est apud tragicos comicosque: multa enim utuntur et varia. Eadem et eorum qui orationes alius scribent.* Neither Cicero nor Quintilian recognizes Aristotle’s limitation of *ethos* to the speaker; they include by the term any characterization that evokes the less violent emotional states
onstrate how, in a particular speech, such “masks” are created and how they contribute to the persuasive power of the speech. The focus of my analysis is the Pro Roscio Amerino, an oration in which Cicero draws a picture of his client as a naïve and virtuous rusticus incapable of committing the crime of parricide with which he is charged. Conversely, Cicero uses certain assertions about the lives of his opponents to create an image of them as villainous urban types who have plotted to ruin the innocent Roscius.

**The Honest Farmer**

The Pro Roscio was delivered in 80 B.C. at the first murder trial to take place after the Sullan proscriptions. Sulla, at this time holding the offices of dictator and consul, was still politically dominant; and since the defendant, Sextus Roscius, was being prosecuted at the wish of one of Sulla’s lieutenants, a freedman named Chrysogonus, the trial involved some risk for Cicero. His task was to convince the jury that they might oppose the desires of Chrysogonus without offending Sulla. It is Cicero’s contention that Sextus Roscius’ father was murdered by a certain Mallius Glauce, at the instance of his patron, Titus Roscius Magnus of Ameria, and in collusion with another Amerian, Titus Roscius Capito (hereafter, Magnus and Capito). After the murder, these two conspired with Chrysogonus to obtain the extensive property of the murdered man by entering his name on the list of those who had been proscribed. Chrysogonus purchased Roscius’ property at a fraction of its true worth, and Capito later came into possession of three of Roscius’ estates. In order to avoid the revelation of this plot, the conspirators determined to eliminate Roscius’ son as well by accusing him of murdering his father, and they procured a certain Erucius to prosecute the charge.7

In this speech Cicero makes Roscius’ position as a landowner

in the Roman municipium of Ameria a focal point of his defense. He states that the rural background of the defendant renders it impossible for him to be guilty of the crime with which he is charged. The occasion for this line of argument seems to have been furnished by the prosecutor, for, in an effort to show the enmity between father and son that had led Roscius’ father to disinherit him and Roscius subsequently to murder his father, Erucius had said that the younger Roscius was a boorish fellow (74: hominem ferum atque agrestem) who never talked to anyone (74), almost never went to dinner parties (39, 52), stayed on his farms rather than in the town of Ameria (74), and whose father had preferred to leave him in the country rather than keep him in Rome with himself and his other son (42). These remarks on Roscius’ rusticity probably went no further, since such criticism, even if it might show the reasons for the elder Roscius’ dislike of his son, would do little to prove that Roscius was the sort of man to commit parricide. But in these relatively unimportant parts of the prosecutor’s attack, Cicero seizes on two notions: the implied criticism of rural life and the idea that Roscius is a rusticus. By mentioning these topics, Erucius had given Cicero the opportunity to expiate on the value of life in the country and on the character of one who lives such a life.

Cicero prepares his audience for the picture he will create of Roscius by first creating the image of a character completely antithetical to that he will assign to his client. At several points Cicero calls on Erucius to demonstrate in Roscius the traits of a man who could murder his father.8 Extraordinary boldness (audaciam . . . singularem), a savage character marked by a fierce disposition (mores feros immanentem naturam), and a life completely given over to vice and crime (vitam vitii flagitiissque omnibus dediatam) are, according to Cicero, the traits of a parricide (38). The charge, he says, would be more believable if it were lodged against some depraved youth who had been led astray by worthless men or against a bold cutthroat, experienced in murder (vetus . . . sicarius, homo audax et saeppe in caede versatus), or against a man whom extravagance, debts, and uncontrolled desires (luxuries . . . et aeris alieno magnitudo et indomita animi cupiditates) had driven to crime (39). As if proof by the prosecutor of such depravity would still be insufficient to make

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7For rhetorical and structural analyses of the Pro Roscio, see F. Solmsen, “Cicero’s First Speeches, a Rhetorical Analysis,” TAPA 69 (1938) 542–46; P. M. della Morte, Studi su Cicerone Oratione (Naples, 1977). For the role of the speech in Cicero’s political career, see Thomas Mitchell, Cicero: The Ascending Years (New Haven, 1979), 52–92.

8The rhetorical technique of demonstrating the psychological background that makes claims of guilt or innocence credible is termed probable ex vita. See Cic. Inv. 2.32–36; Ad Her. 2.2.3–2.5.
such a crime believable, Cicero later states that, in addition to demonstrating that the parricide is a hardened criminal, that his life is completely abandoned and his character one of extraordinary boldness (singularis audacia), the prosecutor must show that the parricide is beyond the control of reason. Only when he has demonstrated all this does Cicero grant that Erculis may bring forward detailed and irrefutable proof of the crime itself (62).9

One of Cicero’s aims in creating this picture of the parricide is to develop an antithesis to the persona he will create for Roscius. The virtues of his client will stand in direct opposition to the vices of the hypothetical parricide. The fact that the sections in which these vices are described (38, 62) occur at the beginning and end of that part of the defense that centers around Roscius’ rural background serves to mark clearly these oppositions. It will also be later shown that the vices attributed to the parricide reappear in the speech as integral components in the characterization of Roscius’ opponents: Capito, Magnus, and Chrysogonus.

In sections 39–62 Cicero turns Erculis’ condemnation of Roscius’ character into an argument for his innocence. He argues that Erculis had absolved his client of any suspicion that he might be the sort of man who could kill his father when he stated that Roscius was always in the country, occupied with the cultivation of his land (39: ruris semper habitavit et in agro colendo vixerit). How, asks Cicero, could the unbridled desires (cupiditates) that lead to crime exist in such a man? They could not, for the rustic life “is especially separated from greed and joined to duty” (39: quae vita maxime distincta a cupiditate et cum officio connecta est).

Erculis had also cited the fact that the elder Roscius had wished his son to remain in the country as proof of the man’s antipathy for his son (42). Cicero declares that this view of country life as a kind of punishment contradicts “the natural order of things, the normal habits of individuals, and the commonly held beliefs of men” (45). The orator’s own view is that agriculture is an especially salutary occupation, a view he supports through illustrations drawn from everyday life, from literature, and from history.

In his first example of the value of rustic life Cicero reminds his

listeners that Roman patres familias, especially from the Equestrian class of the old municipia, see life in the country and farm management as particularly worthwhile. They would consider such a life as something ‘most hoped for’ with regard to their sons (43). Although there is a note of condescension in the phrase Cicero uses to refer to these men (homines illius ordinis ex municipis rusticanis), the ties between the senators on the jury and such Equestrian landowners were strong.10 Traditionally, the senatorial class was closely connected to the land, and many could trace their ancestry back to the municipal nobility. The fact that they were enrolled in rural rather than urban tribes was not simply an example of ancient gerrymandering; it expressed the fact that the roots of the aristocracy were planted in the country, not the city. Further, the close connections between the two groups can be illustrated by Cicero’s own family, for the orator’s father had been a country gentleman with strong ties to some of the noblest families in Rome.11 Cicero next cites a play of Caecilius to support his view. In the play a father keeps one son in the country and the other with him in the city.12 Cicero asks whether the old man considered the son in

9Control of the courts had been, for at least a century prior to this time, subject to political pressures, and Sulla’s reorganization of them and return to exclusively senatorial jurors was a major element in his political program. See E. S. Gruen, Roman Politics and the Criminal Courts, 149–78 B.C. (Cambridge, Mass., 1968), 257–58.


12The play here referred to is the Hypobolimaios of Caecilius Stilicus. E. H. Warmington, in the Loeb Classical Library edition of the Remains of Old Latin (Cambridge, Mass., 1935), vol. 1, 494–501, believes that Cicero has interchanged the names of the two characters, but there is no strong evidence for this and, although Cicero sometimes feigns doubt or ignorance in literary matters, he does not give misinformation. Caecilius’ model seems to have been the Hypobolimaios et Agrokos of Menander (John M. Edmonds, The Fragments of Attic Comedy (Leiden, 1957–61), vol. 3B, 740–47, fr. 481–496). The extant fragments are insufficient to reconstruct the plot of Caecilius’ play, but the following is a probable hypothesis: A father raises one son, Eutichus, in the country while the other, Chaerestratus, is placed with an old man to be raised in the city. The father fears that Chaerestratus is living a dissipated life and demands his return, whereupon the boy conspires with his step-father to dis-
the country as less worthy than the one in the city. In response to the anticipated objection of Erucius, the orator asserts that there is no real difference between speaking of the characters in a drama and speaking of someone he actually might know from a place such as Veii, since literature is an accurate reflection of reality. In the fictions of the poets, he continues, we are able to see the image of our own manners and everyday lives portrayed by imaginary characters (47: *in alienis personis*).

In his final illustration, Cicero demonstrates the value of rural life by the esteem in which it was held by the heroes of the Roman past. Cicero points to the example of *maiores nostri* such as Atilius who left the plow to lead the Roman legions to victory. Erucius, who had belittled the value of rustic life, would have been an absurd prosecutor if he had lived in those times when men went from the fields to the consulship. It was such men as these, says Cicero, who had transformed the small and struggling Roman state into a great world power (50). The orator goes on to note that since at one time the greatest men in the state dedicated themselves to cultivating the fields (51: *in agris quoque calendis*) surely Roscius might be forgiven for admitting that he is a rusticus (51).

It is instructive to consider these last two illustrations of the value of rural life in more detail. In the first Cicero had referred to a character in a play of Caecilius. By comparing his client with Eutychus, the young farmer of the play, he encourages his audience to think of Roscius as possessing the same traits as the typical rusticus of drama, and, lest anyone think such a mode of argumentation invalid, he claims that the personae of drama are accurate reflections of the real world. This claim is strengthened by the attempt to suad his father from taking him to the country. The step-father demands to be paid for the large sum he has spent on his adoptive son's expensive education. At this Chaerestras' father gives in to his son's desire to stay in the city. Later, the boy is led to believe that he has fathered a child and asks his father for help. The latter refuses, reminding him that he has chosen another man as a father. The child turns out to be the offspring of Eutychus, who is allowed to marry the mother once it is discovered that she is actually free-born. (For another view, see T. B. L. Webster, *Studies in Menander* (Manchester, 1960), 100–101.)


The observation is drawn from the texts of the plays. It would be interesting if we could distinguish a special mask for the young and for the old rustic, but evidence for Roman stage masks is limited and generally late. Pollux lists forty-four masks, including old men, young men, and an agroko (Oen. 4:13–15); Varro says that in the Hypobolimac of Caecilius a young man wears a leather-skin coat, while in another play an old man wears this rustic garb (R.R. 2:11.11). Since the hair color of the masked figure indicated whether he was young or old, we may conclude that the Roman audience of Cicero's time could immediately identify the senex rusticus and the adolescent rusticus from the visual clues provided by a combination of mask and costume. On masks, see G. Duckworth, *The Nature of Roman Comedy* (Princeton, 1952), 88–19; W. Beare, *The Roman Stage* (London, 1953), 174–85, Appendix I, 293–99; T. B. L. Webster, *Studies in Menander* (Manchester, 1960), 191–92, 223–24.

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the antisocial old grouch of the Dyskolos, provides a good example. The best illustration of the old rustic from Latin comedy is found in Terence’s Adelphoi. Here, the playwright draws an effective contrast between the hard-bitten old farmer Demea and his easy-going and urbane brother. The former boasts to his brother that he is “rustic, harsh, gloomy, stingy, stern, and tenacious” (Ad. 866: agrestis, saevus, tristi, parcu, truculentus, tenax) as a result of his hard life in the country. The old rustic, then, appears to possess few positive traits (although Terence does his best to give Demea his due). He functions in comedy as a blocking figure whose antisocial and unreasonable behavior stands in the way of the happiness of various individuals in the play. His punishment excites laughter rather than pity, and his forced conversion to less extreme modes of behavior is an appropriate resolution to a number of the comedies. Clearly, it is this stereotype that Erucius drew on in his attack upon Roscius. The prosecutor had encouraged his audience to think of the defendant as a gloomy, antisocial boor for whom one should feel contempt rather than compassion.

Cicerò’s reference to Euctychus, on the other hand, encourages the audience to think of Roscius as similar to the young rustic of comedy. He is aided in this attempt by the fact that the case deals, above all, with Roscius’ relationship to his father. The audience is thereby led to see the defendant in his role as son, the role in which the young rustics of comedy frequently appear. Gorgias, in Menander’s Dyskolos, provides a good example of the type in its

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20 There is evidence for plays entitled Agroklos (or Georgos) from Old, Middle, and New Comedy; e.g., Aristophanes (Georgos), Anaxandridas, Antiphanes, Augeas (Agroklos), Anaxandrides (Agroklos), Timocles (Georgos), Menander (Georgos), Philemon (Agroklos). See Edmonds (above, note 13) indices. A good analysis of Knemon’s character is found in E. S. Ramage, “City and Country in Menander’s Dyskolos,” Philologus 110 (1966), 194–211.


etag 6 etygonos, etygon, etygonos, etygon, etygonos, etygonos, etygonos, etygonos.

(“I am rustic, hard-working, gloomy, harsh, and thifty.”)

22 See discussion of re-integration of characters in comedy in Northrop Frye, Anatomy of Criticism (Princeton, 1957), 43–48, 163; Katherine Gelfken (above, note 2) 2–7. The old rustic shares the characteristics of other comic series, as the young rustic is often an adulescens amans.


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most attractive guise. The young man is hard-working and honest, and he possesses a kind of natural grace in his own rural milieu. Terence uses the stereotype in a different way. In the Adelphoi both Micio and Demea assume that Ctesiphon, the young man who has been raised in the country, is a typically virtuous young farmer. The element of surprise in the play revolves about the fact that the boy turns out to be guilty of behavior that contradicts the stereotype. It is to be assumed that the country son in the play of Cæcilius to which Cicero refers would conform to type and that the reference would summon to the minds of the audience a persona with which Cicero would willingly identify his client.

Important in distinguishing Roscius from the unattractive type of the old rustic is the description of his reaction to the injustices committed against him by his enemies. According to Cicero, Roscius shows no indignation at the outrageous treatment he has received and accepts the loss of his patrimony without rancor. All he asks is to be acquitted of the charge of parricide (128, 143–44). This humility may be seen as a commonplace trait of a positive characterization of the rustic, reflected in such phrases as pudor subrusticus and modestia rustica. It is, however, distinctly atypical of the old rustic, who complains constantly and is quick to demand revenge for any injury, imagined or real.

In his final illustration of the value of agricultural pursuits Cicero had pointed to the example of the heroes of Rome’s past who had worked their own farms. He claimed that the facts of Roscius’ life were not to be compared with the deeds of such men (51); but, as regards their common background, this is exactly what is being done. Since the early Roman state was an agricultural community, an analogy could be drawn between a man of Cicero’s day who lived in the country and devoted himself to farming and the early Romans whose lives, at least in legend, were also devoted to such activities. Cicero wished his audience to see in Roscius not a man like the actual heroes of the past (such men had become more than rustici by their extraordinary deeds); rather, Cicero wants Roscius to be viewed as a man like the simple and loyal citizen.
farmers out of whose class these heroes arose. This, then, furnishes the orator with another positive stereotype of the rusticus: the simple, hard-working, patriotic Roman of days gone by.

Perhaps more than any other figure from the early Republic it was Cato Maior who personified the "old Roman" and his virtues. The correspondence between ideas and diction found in Cato's works and those used by Cicero in the Pro Roscio suggests the intent of the orator to draw upon such images of old-fashioned probity. Cicero, for instance, alludes to the hardship of rustic life (75: victu arido, in hac horrida incultaque vita) and to the thrift and conscientiousness (75: parsimoniae, diligentiae) that it teaches. In the Apology Cato speaks in much the same way: he says that he passed his youth in thrift (parsimonia), hardihood (duritiam), and application (industria) while cultivating the rocky Sabine fields. Although Cicero and Cato do not use the same word for attention to work (diligentia/industria), the meanings of the two terms are very close. Cicero also asserts that the rustic life is a teacher of duty and virtue (39: officio, 48: honestissimam, 75: iustissiam). In the preface of De agricultura Cato claims that the bravest soldiers come from the ranks of farmers and that this manner of livelihood is especially upright (maximae iussae) and those who are thus occupied are least disposed to evil (minime male cogitantes sunt).

From the preceding it can be seen that Cicero hoped to create in the minds of his listeners a clear picture of the rusticus persona of Sextus Roscius. His creation is a subtle combination of the real and the fictional. Factual details from Roscius' situation are interwoven at various points into the topical material so that the artificiality of

the portrait does not become easily apparent. Once the orator has led his audience to see the defendant as a typical rusticus bonus he need only place him, the chief character in his drama, in the pathetic circumstances to which he has fallen victim in order to wring the hearts of the jury. The dramatic possibilities of the strategy are nowhere better exploited than in the picture of the confused and helpless countryman who, beset by his enemies, arrives at the door of the gracious Caecilia (27). He is a rusticus subjected to the worst of fates: now destitute, he is attacked by men of wealth; innocent of the city, he must face the complexities of the Forum; schooled in rustic virtue, he is now the victim of an urban villainy against which he has no defense.

Urban Scoundrels

After the defense of Roscius on the basis of his rustic way of life Cicero proceeds to attack his antagonists. This attack makes further use of the probabilis e vita argument: just as Roscius' lifestyle and character make it impossible for him to be guilty of parricide, the sordid manner in which Capito, Magnus, and Chrysogonus live makes their participation in wrongdoing not only unbelievable but inevitable. The picture drawn of Chrysogonus, the powerful freedman behind the plot to convict Roscius, focuses primarily on his luxuries. In the orator's first mention of him he states that Chrysogonus hoped to squander per luxuriam that which he had obtained through crime (6). According to the scholiast, in the lacuna in this speech Cicero also made much of Chrysogonus' extravagance, describing his many amusements and possessions (singula deliciarum genera . . . plures possessiones). This section is followed by an extended description of the excess that marks every aspect of Chrysogonus' life (133–35): his houses are numerous and opulently furnished; in addition to Delian and Corinthian vases he has quan-
tities of silver, tapestries, paintings, and statues (133); he is accustomed to holding lavish banquets (convivium) served by troops of effete slaves (134); he is often seen "flitting about" (volitatio) the Forum with a crowd of retainers (135).

The persona of Chrysogonus forms an antithesis to that of Roscius, for the freedman's vices are the mirror image of Roscius' virtues: Roscius never goes to dinner parties (39, 52) while Chrysogonus is known for his lavish feasts; Roscius has not even one servant left to him (77, 145) while Chrysogonus has slaves to satisfy his every conceivable desire (134). Because of his lack of experience with the Forum and the courts, Roscius shrinks from the benches of the tribunal and from the city itself (88). The Greek freedman, on the other hand, is completely at home in Rome: he descends from his fine house on the Palatine (133) into the Forum where, surrounded by an entourage of Roman citizens, he scurries about showing contempt for all (133–35). Roscius is a man devoted to thrift and hard work; Chrysogonus has succumbed to luxuria.

It is to be remembered that luxuria was a vice attributed by Cicero to the hypothetical parricide (39). It is also, according to the orator, a vice characteristic of the city. Cicero had introduced this idea earlier in the speech, in a passage reiterating the view that Roscius' background precluded the possibility of his guilt. Here he had argued that, just as one cannot find every sort of fruit and every sort of tree in every type of soil, so certain crimes cannot arise from certain types of life. The city is characterized by its extravagance (luxuries), a vice which leads inevitably to greed (avaritia); from greed, boldness (audacia) breaks out, and from boldness come all types of crime and wrongdoing (75). The orator had termed life in the country, in contrast, a guide to thrift (parsimoniae), conscientiousness (diligentiae), and justice (iusittiae). Chrysogonus' extravagance (luxuria), then, is made to appear as a specifically urban trait, just as Roscius' thrift (parsimonia) is presented as stereotypically rustic.

Cicero attempts to depict Capito and Magnus as villains of a similar sort. He uses the words avaritia and audacia constantly in describing them and, as has been noted above, it is luxuries, avaritia, and audacia that are the three vices characteristic of the city (75). Having branded Chrysogonus with the vice of luxuries, he applies to Capito and Magnus the other two vices possessed by urban scoundrels. While the terms avaritia and audacia recur in

Cicero's attacks on his opponents in other speeches, the frequency of their use in the *Pro Roscio* is striking. In the *partitio* (29–36) he speaks of the obstacles he must overcome, each of which arises from one of his opponents: Eruclus fabricates the charge, Chrysogonus opposes him with his power, while Capito and Magnus have claimed for themselves the role of "boldness" (audacia). This trait, then, characterizes them both. In the *confirmatio* (37–142) Cicero claims that both men are audacious and greedy. He asks the jury who is a more likely perpetrator of murder than Magnus, a man both greedy and bold (86: avarus, audax). He has proved his greed (87: avaritiam) by making a plot with a stranger against a fellow townsman and kinsman; his boldness (87: audax) is shown by the fact that he alone of the conspirators was unashamed to appear in court to support the false charge against Roscius. Cicero goes on to call Magnus a man "burning with greed" (88: ardens avaritia) and the "boldest of brokers" (88: omnium sectorum audacissimus). Capito shares these traits. According to Cicero, the reason that the crimes of the two are so easily discovered is that they have both been rendered blind to the transparency of their misdeeds by "desire, greed, and boldness" (101: cupiditas et avaritia et audacia). A little later Cicero tells the jury that, in order to find the murderer of Roscius' father, they must simply look for examples of greed, boldness, depravity, and treachery (118: multa avariae, multa audacitiae, multa improbitate, multa perfidiae facit). This will lead them inevitably to Magnus and Capito, who are equal in greed, dishonesty, shamelessness, and boldness (118: par est avaritia, similis imprudencia, cadem impudentia, gemina audacia).

As was the case with Chrysogonus, the traits of Capito and Magnus recall the earlier description by Cicero of the potential parricide for he, like them, is said to be a man of unbridled desires (39) and extraordinary audacity (38, 62); and these traits also stand in opposition to those of Roscius. For instance, in the section mentioned above (88) each of the characteristics attributed to Magnus is set against one of those attributed to Roscius in order to show which of the two would be a more likely suspect in the murder.

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Footnotes:

30 Forms of the word avaritia occur in *Rosc. Am.* 75, 86, 87, 88, 101, 118; forms of the word audacia in 2, 12, 14, 17, 28, 33, 35, 36, 38, 39, 62, 75, 78, 85, 86, 87, 88, 101, 118, 125. (Italicized numbers indicate references directed explicitly against Capito and Magnus.)
Magnus' present wealth is contrasted to Roscius' poverty; his greed (avaritia), which had led him to attack a kinsman, is set against the description of Roscius as a man who knows only that profit which is the result of hard work (88: semper ita vixerit ut quaecumque nosset nullum, fructum autem eum solum quem laborre peperisset). The industriousness (75: diligentia) earlier ascribed to Roscius (which was seen to be the result of his association with the country) is here presented, then, as an antithesis to the avaritia of his opponent.

Similarly, the audacia of Magnus and Capito is set against the humility of Sextus Roscius. It has been noted that Roscius desires neither revenge nor the return of his property, but only wishes to be acquitted of the charge against him. He thinks nothing that has happened to him is cause for indignation (143: nihil indignum); he accuses no one and does not seek his patrimony (123, 144); as a man of little experience, "a farmer and a rustic" (143: agricola et rusticus), he accepts without question all that has been done under the laws and edicts of Sulla. Roscius' humility, therefore, appears to be a specifically rustic trait—a natural concomitant of the fact that he is agricola et rusticus, just as the audacia of Magnus and Capito has been defined as an urban vice.

Cicero characterizes Magnus and Capito in yet another way as urban scoundrels whose traits are the opposite of those of his client. Both Magnus and Capito are called "brokers" (sectores). Magnus is sectorum audacissimus (88), Capito is . . . et sector . . . et sicarius (103). Whether the term sector is taken in its technical sense to signify a broker of publicly seized property, or in a more general sense, to mean a confrater, it is an occupation that is specifically contrasted to Roscius' lack of urban experience:32 Cicero asks the jury who would be a more likely murderer, "a man who is the boldest of brokers or one who, because of his lack of acquaintance with the Forum and the law courts, shrinks not only from these benches of the court but from the city itself" (88)? By implication, then, a sector is a man of experience in the city, a frequenter of the

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32The public auctioning of the goods of the proscribed was held in the auction rooms near the Forum, and in the Forum itself the lists of the proscribed were posted on the Rostra, where Sulla himself had once presided over the sale of confiscated estates (Plut. Sulla 6).

33In the Pro Quinctio Cicero had also attempted to associate his opponent, Naevius, with urban vice. In two passages he calls him a scurrus, a term always associated with a city dweller (11, 55); his later description of Naevius as a man dedicated to extravagance and greed (92-94) foreshadows the strategy of attack in the Pro Roscio. (See above, note 27, for similar treatment of Qunctius and Roscius.)

34See A. Alzelius, "Zwei Epistol Von dem Leben Ciceros," Classica et Mediaevalia 5 (1945), 241; Gruen (above, note 10) 266–67, lists the following as supporters of Roscius: Caecilia, daughter of Q. Caecilius Metellus Balearicus (cos. 123); Q. Metellus Celer (cos. 60) or Q. Metellus Nepos (cos. 57); Q. Caecilius Metellus Scipio Nasica (cos. 52); M. Valerius Messala Ratus (cos. 53) or M. Valerius Messala Niger (cos. 61).
speaking for the accused in spite of the fact that his client is supported by "so many illustrious orators and aristocratic individuals" (1: tot summni oratores hominesque nobilissimi). Later he states that Sextus Roscius the Elder enjoyed not just hospitium but even domesticus usus et consuetudo with the Metelli, Serruillii, and Scipiones (15). This is hardly surprising since the elder Roscius was extremely rich, an enthusiastic supporter of the optimate cause, and an active participant in urban social life (52). One scholar has called the men who supported Roscius at his trial die Regierung Sullas selbst, the inner circle of optimate power. Such connections call into question the picture of Roscius as a simple rustic completely devoted to agricultural pursuits.

The defendant was a landholder of America, but in spite of the suggestions of the speech this in itself does not show that the man was a rustic. Cicero claims that Maltius Glauca had, on the night of the murder, been able to traverse the fifty-six Roman miles from Rome to America in ten hours (19), a feat made possible by the strategic position of the town on the Via Flaminia, near the Via Flaminia. Although his principal holdings were at America, the elder Roscius was constantly at Rome with his second son, and he probably made the short trip between the two cities often. America itself was an extremely old foundation. Pliny states that Cato dated its founding 963 years before the war with Perseus, or approximately 1134 B.C. At the time of the speech America was a municipium enrolled in the Clustumina tribe, which was also the tribe of Pompey. Near a town which was itself strategically located on a high plain overlooking the Tiber, the estates of Roscius constituted the most important holdings in the district. The elder Roscius, according to Cicero, owned "thirteen estates, almost all of which touched the Tiber" (20). The orator also states that the younger Roscius did not simply live on this property, but was the manager of this large group of holdings (44). It is hardly credible that the man who controlled the most important property of a strategic Roman municipium only one day's journey from the city and who enjoyed close ties to some of the most powerful families in Rome could possibly be the rustic Cicero describes.

There are also indications of a gap between the impression given by the speech and reality in the case of Cicero's opponents. Chrysogonus may have been the depraved volupata Cicero describes, but at least the extent of his power can be called into question. Cicero calls him adulescentis vel potentissimus hoc tempore nostrae civitatis (6); yet only Cicero mentions him as such. No ancient historian attributes any significant undertaking to him." His potentia has probably been as much exaggerated as Roscius' has been underestimated. With regard to Magnus and Capito, one fact alone stands out: they, like Sextus Roscius, were landowners of America. It is impossible to believe in both the rustic virtue of the defendant on the basis of his position as landholder in America and the urban depravity of his opponents, who seem likewise to have been municipal landholders.

Cicero wrote many years later that this, his first oration delivered in a criminal case, had been a resounding success. Roscius was acquitted of the charge of parricide, and the young orator was the recipient of much favorable comment and many requests for his services (Brut. 312). That the personae created by Cicero seem to us fairly transparent after a careful reading of the oration should not cause us to be surprised at this success. Reading a speech is an experience quite different from listening to the performance of an orator, and techniques that would fail to convince a thoughtful reader become persuasive at the dramatic moment of delivery. The emotional impact of the Pro Roscio must have owed much to the voice and gestures of the orator and to the sight during the trial of the defendant dressed in mourning and accompanied by his weeping wife and children. The chief source of the persuasive power of the speech, however, rested on Cicero's success in manipulating the emotions of the crowd. By leading his audience to see the participants in the trial both as believable individuals and as representative types, Cicero was able to draw on the resentments and bitterness, the sympathy and hopes, of an audience who had recently

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39 Afzelius (above, note 34) 214.
lived through civil war, proscriptions, and the Sullan dictatorship. Whatever Chrysogonus may have been in reality, in the trial Cicero successfully cast him as typical of all the foreign freedmen whose cleverness and unscrupulousness had allowed them to prosper while free-born Romans lost home and property. Capito and Magnus became representatives of the urban cutthroats, war profiteers, and entrepreneurs who had recently plagued the state. And finally Roscius, through Cicero’s characterization of him, must have become in the minds of the audience a simple rusticus whose sufferings were symbolic of all those wrongs visited upon the innocent during the cruel years of anarchy and violence.  

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*Contributing to the success of this strategy was the fact that Cicero, in this trial, was able to create for himself a persona consonant with that which he had created for his client. He claims that he is a man of little natural talent (1, 5, 9, 59): his youth and lack of authority (1, 3, 9, 31, 59) allow him to speak while men of importance remain silent; and he is forced to face adversaries made confident by the present demand for a conviction (11, 28), the odiousness of the charge of patricide (28), and the power and influence of Chrysogonus (6, 28, 35, 58, 60, 122, 135, 138, 141). Both he and his client, then, are men of few resources struggling against the overwhelming power and influence of their opponents. It should be noted that, although the circumstances have been manipulated for dramatic effect, a real truth underlies the rhetorical strategy: Roscius is a victim of injustice and the misuse of power; Cicero is a young man who has put himself at risk in undertaking this case.