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***Greek philosophical Technicalities in
Cicero's Pro Sex. Roscio Amerino.***

This paper investigates some Greek philosophical intertextual allusions in Cicero's first criminal speech: Pro Sex. Roscio Amerino, which has been recognized by the linguists and classicists alike as being outstanding and enchanting specimen of Latin dramatic literature; this speech is an excellent exemplar of Cicero's interest in weaving Greek philosophical ideas and doctrines into the dramatic texture of his forensic speeches. Cicero's usage of Greek philosophical technicalities seems to be obvious and evident in this speech held before the elite senatorial jurors who were convoked in the criminal court⁽¹⁾ to examine the murder case of Sex. Roscius Amerinus; who were deeply concerned and enthusiastic with literature and philosophy,⁽²⁾ and most of them adapted the three various doctrines of Greek philosophy: The Epicurism, the Stoicism and the Academy.

Cicero prided himself when he was old that he as a young man had the courage to plead his first murder case of Sextus Roscius Amerinus (80 B. C.), and won it against Chrysogonus, the most powerful freedman and favourite of the dictator Sulla; in fact, Cicero's attack on Chrysogonus was a veiled attack on Sulla himself.⁽³⁾ Moreover, while Cicero was criticizing his oratorical style and its abundance during his youth, he stated that the audience had listened with so great admiration to his combined linguistic structures which he had employed to affect their feelings, especially when

(1) Riggsby, A. M., Crime and Community in Ciceronian Rome, p. 64. It is important to cite here that Cicero could expect an audience to respond to the interplay between his own philosophical ideas and those of the Greek philosophers and orators.

(2) Sen. Ep. 49. 12, 115. 14-15; Petron. Satyr. 2; Stat. Sil. 5. 3. 146 ff; Quint. Instit. Orat. 10. 1. 66-8. Greek philosophy, tragedy and literature were always an active and formative ingredient in elite Roman education and culture.

(3) Cic. De Off. 2. 14. 51; Buchheit, V., "Ciceros Kritik an Sulla in der Rede für Roscius aus Ameria". Hermes 24 (1975), pp. 570-91.

he had spoken of the punishment of a parricide in his defense speech of Sextus Roscius Amerinus, and from which he had delivered a quotation based on the Epicurean effect.⁽¹⁾

Philosophical intertextual allusions

The main target of this paper is to clarify that Cicero intentionally employed in his first forensic speech of Roscius Amerinus some various Greek philosophical views and theories to support his materials and proofs, and to dazzle the elite jurors, especially when he attempted to refute the accusation of parricide cast upon his client Sextus Roscius.⁽²⁾ Modern scholarship has tended to say that Cicero's qualities such as his artistry, rhetorical schemes,⁽³⁾ and capable delineation of his persona had enabled him to claim victory⁽⁴⁾ in the murder case of Sex. Roscius Amerinus which was weak,⁽⁵⁾ and lacking both convincing materials and plausible, strong, legal proofs because it had been argued on grounds of relative probability,⁽⁶⁾ and not on facts.⁽⁷⁾ As a matter of fact, Cicero plausibly resolved that philosophy should be combined with oratory, and that both orator and lawyer must be acquainted with philosophy because without it they can not speak fluently of the different topics, and deal with them copiously and

(1) Cic. Orat. 107; Ibid., Pro Rosc. Amer. 72.

(2) Ibid., Pro. Rosc. Amer. 35-82.

(3) Ibid., 72; Ibid., Orat. 107.

(4) Ibid., De Off. 2. 14. 15; Buchheit, V., op. cit., pp. 570- 91.

(5) Seager, R. J., "The political significance of Cicero's Pro Roscio". LCM 7.1 (1982), pp. 10- 12; Kinsey, T. E., "The political insignificance of Cicero's Pro Roscio". LCM 7.3 (1982), pp. 39-40.

(6) Riggsby, A. H., op. cit., 64, not. 26; Allam, M. Reda K., "Dramatic Structure in Cicero's Defense Speech of Sex. Roscius Amerinus". Class. Pap. VII. Cairo Univ. (2007), p. 283; Cic. Pro. Rosc. Amer. 20, 25, 96-7, 105, 110, 152.

(7) Stroh, W., Taxis und Taktik, p. 75; Riggsby, A. M., op. cit., pp. 61, 64; Kinsey, T. E., "Cicero's case against Magnus Capito and Chrysogonus in the Pro. Sex. Roscio Amerino and its use for the historian". AC 49 (1980), pp. 185-6; Dyck, A. R., "Evidence and Rhetoric in Cicero's Pro Roscio Amerino: The Case against Sex. Roscio". Class. Quart. 53.1 (2003), pp. 235-246.

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violently.⁽¹⁾ He also mentioned that his orations contain a great deal of different Greek philosophical principles and ideas, and discussed in his rhetorical work (*De Nat. Deor.*) the three philosophical Greek doctrines: The Epicurism, the Stoicism and the Academy.⁽²⁾ It is remarkable that more philosophical technicalities were adapted in Cicero's first forensic speech of *Sex. Roscius* than his other later forensic speeches such as the speech for *Milo*.⁽³⁾ The intertextual allusions can be obviously observed in Cicero's *Pro Pro Roscio Amerino* through his particular philosophical extracts drawn out of ancient Greek texts of both Homer, the tragedians, and the Attic orators.

Cicero's discreet insertion of Greek philosophical technicalities

Cicero seemed to be a philosophical orator⁽⁴⁾ and his earliest forensic approach to a philosophical theme occurs in our present speech (*Pro Roscio Amerino*) implied in the virtues of the Roman ancestors⁽⁵⁾ when he reinterpreted the prosecution's characterization of the defendant by quoting the relation of father and sons from *Caecilius' Hypobolimaeus* to reassure the jurors that the prosecution's picture of the relations among *Roscio Amerinus* and his two sons⁽⁶⁾ was dark and incorrect. Cicero hinted to this play because it referred to the nature of the people of the countryside and

(1) Cic. Orat. 14: Nam nec latius atque copiosius de magnis variis rebus sine philosophia potest quisquam dicere.

(2) Ibid., *De Nat. Deor.* I. 6.

(3) Dyck, A. R., op. cit., p. 245; Ibid., "Narrative obfuscation, philosophical topoi, and tragic patterning in Cicero's *Pro Milone*". *HSPH* 98 (1998), pp. 233-4.

(4) Cic. Orat. 12: fateor me oratorem, si modo sum aut etiam quicumque sum, non ex rhetorum officinis, sed ex Academiae spatiis exstitisse.

(5) Ibid., *Pro Rosc. Amer.* 50-3.

(6) Ibid., Vasaly, A., *Representations: Images of the World in Ciceronian Oratory*, pp. 136-136- 72; Boyle, A. J., *Roman Tragedy*, p. 71. Boyle records that "Cicero had no problem in reading second century Roman comedy (*Rosc. Amer.* 46-7), and tragedy as a mirror of his Roman world"; *Caecilius* was a celebrated Roman comic playwright. Boyle, op. cit., p. 166; Horat. Ep. 2. 1. 60-1: "ediscit et hos arto stipata theatro, spectat Roma potens". Horatius lists *Pacuvius*, *Accius*, *Afranius*, *Plautus*, *Caecilius* and *Terentius* as playwright whom mighty Rome learns by heart and watches, crowded in the narrow theatre.

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their good manners which were favourite to the Romans. He employed here both Epicurean and Stoic doctrines⁽¹⁾ represented by the vices of the inhabitants of the city of Rome such as "libido" and "audacia" (of Roscius Magnus, Roscius Capito and Chrysogonus) when contrasted with the virtues of the people of the countryside⁽²⁾ such as "diligentia" and "parsimonia" (of Sex. Roscius Amerinus, the accused son). It is noteworthy to mention here that Cicero's praise and comparison of the Roman "mores maiorum", i.e., the virtues that had made Rome great, can be considered as a helpful prologue to the most well-known passage of the whole speech implied in the discussion of the punishment of the parricide under the Roman law.⁽³⁾

Cicero, while refuting the charge of parricide cast upon his client, Sextus Roscius Amerinus in the part of his defense, recorded the Epicurean view⁽⁴⁾ which imply that the heart is the source of thought when he mentioned the following fact: "the blood of a father and mother has great power, restraining force and sanctity; a single drop of this blood produces a stain, which can not only be washed out, but penetrates even to the heart, to be succeeded by the height of frenzy and madness".⁽⁵⁾

Cic. Pro Rosc. Amer. 66.

"magnam vim, magnam necessitatem, magnam possidet religionem paternus maternusque sanguis; ex quo si qua macula concepta est, non modo elui non potest, verum usque eo permanat ad animam, ut summus furor atque amentia consequatur".

Cicero quoted from the Attic orator Aischines, the Stoic idea implied in the state of mind of the parricides,⁽⁶⁾ and described it in his fantastic style by

(1) Cic. Pro. Rosc. Amer. 51.

(2) Schofield, M., *The Basis Idea of the City*, p. 25 ff.; White, N. P., "The Basis of Stoic Ethics". HSCP 83 (1979), pp. 143-178.

(3) Cic. Pro Rosc. Amer. 71-2.

(4) *Ibid.*, 66.

(5) Freeze, J. H., *Cicero. Pro Rosc. Amer.* LCL, pp. 178-181.

(6) Weische, A., *Nachahmung der attischen Redner*, pp. 24-5, 32-3.

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by stating that those parricides can neither rest peacefully nor breathe without fear, and their evil thoughts and the stings of conscience terrify them because the mythical Erinnyes (Furiae), the representatives of divine justice⁽¹⁾ pursue them to avenge their murders by harassing and driving them to complete madness, and never leave them because they dwell in their hearts night and day, and exact expiation for the parents from the sons stained with guilt:

Aisch. Tim. 190- 191:

*"μὴ γὰρ οἶεσθε, ὦ ἄνδρες Ἀθηναῖοι, τὰς τῶν
ἀδικημάτων ἀρχὰς ἀπὸ θεῶν, ἀλλ' οὐκ ἀπ'
ἀνθρώπων ἀσελγείας γίγνεσθαι, μηδὲ τοὺς
ἠσεβηκότας, καθάπερ ἐν ταῖς
τραγωδίαις, Ποινὰς ἐλαύνειν καὶ
κολάξειν δασὶν ἡμμέναις. ἀλλ' αἱ προπετεῖς τοῦ
σώματος ἡδονὰ καὶ τὸ μηδὲν ἱκανὸν ἡγεῖσθαι, ταῦτα
πληροῖ τὰ ληστήρια, ταῦτ' εἰς τὸν ἐπακτὸν ροκέλητα
ἐμβιβάζει, ταῦτά ἐστιν ἐκάστῳ Ποινὴ, ταῦτα
παρακελεύεται σφάττειν τοὺς πολίτας, ὑπηρετεῖν
τοῖς τυράννοις, συγκαταλέγειν τὸν δῆμον."*

Cic. Pro Rosc. Amer. 67:

"Nolite enim putare, quem ad modum in fabulis saepenumero videtis, eos, qui aliquid impie scelerateque commiserunt agitari et perterrerī Furiarum taedis ardentibus. Sua quemque fraus et suos terror maxime vexat, suum quemque scelus agitat amentiaque adfcit, suae malae cogitationes conscientiaeque animi terrent; hae sunt impiis assiduae domesticaeque Furiae, quae dies noctesque parentium poenas a conscleratissimis filiis repetant".

(1) Aeschyl. Agam. 747; Ibid., Eum. 334-340; Pausanias I. 28. 6; Braun, M., Die Eumeniden des Aischylos und der Areopag., p. 15ff. It is remarkable that in the Eumenides Aeschylus definitely glorified the Areopagus at a time when Ephialtes and Pericles were removing most of its jurisdiction. Moreover, in the trilogy of Aeschylus 'Oresteia' the avenging Erinnyes were unseen in the first two dramas and visible in the third.

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The theory of the origin of the universe and all existing things attributed to both greatest Greek philosophers: Empedocles and Epicurus,⁽¹⁾ was woven into the dramatic texture of Cicero's following passage concerning the deprivation of a parricide of the four elements of life: earth, fire, air and water:

Cic. Pro Rosc. Amer. 71.

"Nonne videntur hunc hominem ex rerum natura sustulisse et eripuisse, cui repente caelum, solem, aquam terrarumque ademerint, ut, qui eum necasset, unde ipse natus esset, careret iis rebus omnibus, ex quibus omnia nata esse dicuntur?"

What needs to be noted, is the punishment of the crime of parricide, of which Sex. Roscius Amerinus was accused, was very cruel and severe. The ancient legal sources⁽²⁾ had recorded to us that the parricide should be beaten with blood rods, sewn in a sack together with a dog, a cock, a serpent and monkey,⁽³⁾ and that the sack should be thrown into the sea or the river to deprive the parricide of the four essential elements of life. The ancient Romans had believed that both the dog and cock were sacred animals and a symbol of the good in contrast with both the serpent and monkey which were bad animals and a symbol of the bad; accordingly, the union of the two pairs in the sack represented the struggle between the good and the bad.⁽⁴⁾

Though Cicero loathed the dictator Sulla,⁽⁵⁾ he sought to find out an excuse to defend him in both charges: Sex. Roscius Amerinus' murder and the proscription of his properties; therefore, he adapted the Stoic defense of divine providence as we shall see. Above all, he isolated him from Chrysogonus and others involved in those crimes when stating that "it seemed right that anything

(1) Taylor, C. C. W., *The Atomists: Leucippus and Democritus*, Fragments 15. 22.

(2) Modestinus. *Digest* 48, 9.9; Justinian. *Institutiones* 4. 18. 6; Cic. *Pro Sex. Rosc. Amer.* 71.

(3) Egmond, E., "The cock, the dog, the serpent and the monkey: reception and transmission of a Roman punishment, or historiography as history". *IJCT2* (1995), pp. 159-92.

(4) Landgraf, G., *Kommentar zu Ciceros Rede Pro Sex. Rosc. Amer.* 14; Egmond, op. cit., 159-92.

(5) Cic. *In Verr.* 3. 81, *De Agr.* 3.5, *De Leg.* 1, 42; Diehl, H., *Sulla und seine Zeit im Urteil Ciceros*, pp. 149-50.

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should be overlooked through inattention in the time of the proscription since many crimes were committed, of which Sulla partly disapproved, and partly he was ignorant⁽¹⁾ because of his undertakings".⁽²⁾ Cicero's Stoic defense of divine providence can be clarified when he compared Sulla, as a dictator ruling alone the Roman republic and swaying the world, with "Jupiter, the greatest and supreme god, who has often done grievous harm to men by his furious winds, violent storms, excessive heat or unbearable cold, and we do not attribute any of these disasters to the divine will and a desire for causing destruction, but to mere force, and the mighty agency of nature"⁽³⁾.

Cicero quoted from the Attic orator Demosthenes the usage of the terminus (architectus)⁽⁴⁾ referring to the Greek philosophy when he directly attacked Chrysogonus and charged him of being the author (architectus) and contriver of all crimes:

Dem. Πρὸς βοιωτὸν περὶ προικτὸς μητρῶας 32:

"οὗτος δὲ ἔμοι μετὰ μενελέους τοῦ πάντων τούτων ἀρχιτέκτων
ος
ἐπιβουλεύσας εἰς Ἄρειον πάγον με προσεκαλέσατο, ὡς
φυγαδεύσων ἐκ τῆς πόλεως"

Cic. Pro Rosc. Amer. 132:

"Verum ut haec missa faciam, quae iam facta sunt, ex iis quae nunc cum maxime fiunt, nonne quis potest intellegere omnium architectum et machinatorem unum esse Chrysogonum?"

(1) Cic. Pro. Rosc. Amer. 22: haec omnia.. imprudente L. Sulla facta esse certe scio; Ibid., 130-1: qui nesciat propter magnitudinem rerum multa multos partim invito, partim imprudente L. Sulla commisisse. Placet igitur in his rebus aliquid imprudentia praeteriri? Dyck, A. R., Evidence and Rhetoric in Cicero's Pro Roscio Amerino, p. 245, note 78; Berry, D. H., Cicero: Defense Speeches, p. 78, note 6. Both Dyck and Berry see that Cicero's remarks were untire concerning Sulla's engagement in many weighty matters and his ignorance of the crimes of the proscriptions

(2) Dyck, A. R., op. cit., pp. 240, 245; Hinard, F., Les proscriptions de la Rome républicaine; Keaveney, A., Sulla: The Last Republican, Chapt. 8.

(3) Cic. Pro Rosc. Amer. 130.

(4) Weische, A., op. cit., pp. 26-8.

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It is noteworthy to cite here that the Greek terminus (*architectus*) as an “inventor” or “author” conveys the idea of both doctrines of Greek philosophy: the Stoicism and the Academy which had its echo in Plautus 'Amph',⁽¹⁾ and Cicero's *De Nat. Deor.*;⁽²⁾ it also refers to the Epicurism which had its evident traces in Cicero's *De Fin.* and *Brutus*.⁽³⁾

Conclusion:

In fact, Cicero purposely used to employ Greek philosophical ideas and theories more intensively in his forensic speeches, especially his early speeches as a rhetorical weapon to support his views and proofs. He could discreetly insert in his first forensic speech (*Pro Rosc. Amer.*) some philosophical technicalities which originate to the three doctrines of Greek philosophy (The Epicurism, the Stoicism and the Academy); his main aim was to dazzle his elite senatorial jurors in the murder case of Sex. Roscius Amerinus which was rather weak and lacking strong legal proofs.

Our forensic speech (*Pro Rosc. Amer.*) reflects the intertextuality implied in Cicero's adaptation of the Greek philosophical ideas and theories existed in the ancient texts of both the most illustrious Greek orators and tragedians. The following items dealt with in this paper represent the three doctrines of Greek philosophy as follows: the vices of the inhabitants of the city, and the virtues of the dwellers in the countryside (the contrast of the Epicurism and the Stoicism); the sanctity and greatness of the blood of a father and mother (Epicurism); the evil thoughts and stings of conscience that terrify the parricides night and day (Epicurism); the deprivation of parricides of the four essential elements of life (Epicurism); Sulla's rule alone of the Roman republic and his sway of the world (Stoicism); the terminus (*architectus*) as an inventor and author conveys the view of both (the Stoicism and the Academy).

(1) Plaut. *Amph.* 41-45: Prolog. of Mercurius: *nam quid ego memorem ... quis benefactis meu' pater, deorum regnator, architectust omnibus.*

(2) Cic. *De Nat. Deor.* 1, 19: *quem ad modum autem oboedire et parere voluntati architecti aer ignis aqua terra potuerunt; Ibid., 2. 90.*

(3) *Ibid.*, *De Fin.* 1, 32: *quasi architecto beatae vitae; Ibid., Brut.* 118: *architecti paene verborum.*

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