

A HOUSE OF NOTORIETY: AN EPISODE IN THE CAMPAIGN FOR THE CONSULATE IN 64 B.C.¹

Near the beginning of *In Toga Candida*, Cicero informed his audience of a private meeting between his two most serious competitors for the consulate and the managers of their campaigning funds. This meeting took place at the house of a nobleman whom Cicero did not name but to whom he attributed a signal notoriety in the practice of electoral corruption.² Asconius offers a solution without hesitation: it was at the house of *either* Caesar *or* Crassus. He explains his choice: these two men were Cicero's most committed and influential opponents in his campaign for the consulate, and he has excellent evidence for their opposition: Cicero's own *Expositio consiliorum suorum*,³ no longer extant. The credibility or otherwise of this controversial work must be dismissed from any enquiry into the identity of the mysterious figure, however. Asconius, in naming the two alternative possibilities, discloses himself to be without authoritative evidence on the point. Nothing can have been said in *De consiliis suis* to identify the house, the meeting, or the notorious nobleman. Asconius' words reveal that his attempt at an identification is based on Cicero's assertion therein of an *overt* hostility to him on the part of both Crassus and Caesar during the campaign. His attribution of a covert 'dirty tricks' operation to *one* of them is no more than speculation.

There is general agreement on one feature at least of *De consiliis suis*: it was an attack on Crassus and Caesar.⁴ This being so, we may be surprised that nothing more was said there against their activities during Cicero's campaign than that they strongly opposed it. For if details had been given in that work of nefarious activities on their part, these would have served Asconius better than any general hostility, which, we have seen, is all he offers as explanation. That neither was named in a work inspired by resentment of their long-term unrepugnant activities and aspirations gives good cause to conclude that *neither* of them was the mysterious nobleman. Recent work has indeed tended to discount their activities, but at the expense of the evidential standing

¹ The author wishes to thank Kevin Lee for reading and commenting on a draft of this article. All dates are B.C.

² Asconius, p. 83 Clark: 'Dico, p.c., superiore nocte cuiusdam hominis nobilis et ualde in hoc largitionis quaestu noti et cogniti domum Catilinam et Antonium cum sequestribus suis conuenisse.' It is the first passage in the speech quoted for comment by Asconius. The use of 'hoc' shows that the practice of electoral bribery is already under discussion: Cicero may have opened with a denunciation of this proliferating evil. 'Quaestu' is, of course, in the case of a nobleman not strictly a profession, but signifies a regular activity. This may be no more than a generalization from the case at n. 10 below.

³ Ibid.: 'Aut C. Caesaris aut M. Crassi domum significat. Ei enim acerrimi ac potentissimi fuerunt Ciceronis refragatores cum petiit consulatum, quod eius in dies ciuilem crescere dignitatem animaduertebant: et hoc ipse Cicero in expositione consiliorum suorum significat.'

⁴ Plutarch, *Crassus* 13.3: Cicero attributed blame for the Catilinarian conspiracy to Crassus and Caesar; Dio 39.10.1–3: Cicero launched many charges against Caesar, Crassus, and others out of resentment for his banishment; Asconius 83C: Cicero held Crassus—Caesar is not mentioned—responsible for the conspiracy of Catiline and Cn. Piso in 65. Cicero is, therefore, not likely to have held back if either Crassus or Caesar had lent his house for the purpose of systematic corruption.

of *De consiliis suis*.⁵ It is not necessary to impugn *De consiliis suis* in this connection; it is Asconius' reasoning that must be questioned.

Since *De consiliis suis*, which was designed to reveal all, did not reveal the identity of the notorious nobleman, it is *prima facie* conceivable that he did not exist and that the meeting itself was a figment designed *ad hoc* in 64 to substantiate an envisaged charge of *ambitus* against Catiline and Antonius and their backers, and later discreetly forgotten when it was decided not to proceed with such a charge. Further consideration rules this out, however. To launch a charge at random was risky, and to make the culprit a nobleman even more so. It would have been felt and said that the ambitious new man was stirring up *invidia* against the nobility as a class—at a time when he was actually seeking their support and getting it.⁶ It was vital for Cicero to unite his audience in sympathy with him. This could only be done if hearers (and soon readers) understood whom he meant.

The rhetorical technique of identifying by allusion is rife in *In Toga Candida*. A large part of Asconius' commentary is devoted to naming those left tantalizingly nameless but recognizable without too much difficulty to politically aware contemporaries.⁷ The less obvious allusions would have been clarified by conversation with those more 'in the know'; but at a later time even learned scholars may have been hard put to apply the right name to each case, for example the present one, where Asconius did not know which of his two chosen identifications to plump for. Evident already in this speech is Cicero's characteristic claim to omniscience.⁸ We need not doubt that he is typically revelling in his knowledge of a genuine meeting at a real house.

Can its owner still be detected? On our argument, Cicero's words would have been sufficient for his original audience, and we must bear in mind that the speech as

⁵ P. A. Brunt, 'Three passages from Asconius' *CR* 7 (1957), 193–5; E. S. Gruen, *The Last Generation of the Roman Republic* (Berkeley, 1974), p. 138; T. N. Mitchell, *Cicero—The Ascending Years* (New Haven, 1979), p. 167, are all strongly dismissive. A. M. Ward in *Marcus Crassus and the Late Roman Republic* (Columbia, 1977), pp. 146–7, defends the credibility of *De consiliis suis*, as 'a work in which Cicero thought it safe to be more specific with his charge than he was in his speech'. Ward assumes there was more detail pointing to Crassus and Caesar, against which I have argued above. Ward's own disbelief in the 'first Catilinarian conspiracy' (p. 145) is at odds with his confidence in *De consiliis suis*, which is Asconius' warrant for mentioning Crassus in connection with that affair (83C). Excellent and, one would hope, final in claiming *De consiliis suis* for historiography, not invective, is E. Rawson, 'History, historiography, and Cicero's *expositio consiliorum suorum*', *LCM* 7.8 (1982), 121–4.

⁶ The support is attested by Sallust (*Cat.* 23.5–6) and is to be believed whatever may be thought of the reason he gives for it. Both Gruen (*Last Generation*, pp. 138–40) and Mitchell (*Cicero*, pp. 170–5) show that Cicero's aristocratic support had been built up over a period of time and was an accumulation of individual relationships, not merely a last minute manoeuvre by a group.

⁷ Asconius 83–4C: 'is qui tot ciuis trucidauit' is identified by Asconius as Catiline; 'qui in sua ciuitate cum peregrino negauit se iudicio aequo certare posse' is C. Antonius; 87C: 'hominis maxime popularis' is M. Marius Gratidianus; 'in suo familiarissimo' refers to C. Verres; 'alter pecore omni uendito' is C. Antonius; 88C: 'eum quem potuit' is identified tentatively as Q. Gallius (cf. n. 13 below); 'duos consules designatos' refers to P. Autronius Paetus and P. Cornelius Sulla; 'istum . . . in exercitu Sullano praedonem' is C. Antonius again; 91C: 'non esset locus tam sanctus' alludes delicately to the Vestal Virgin Fabia; 93C: 'Hispaniensi pugniunculo' is Cn. Piso; 'duas.. sicas' are Catiline and Antonius once more. The method is patent.

⁸ The phenomenon has its sign in Cicero's notorious weakness for the verb *comperio*: e.g. *Cat.* 1.10, 3.3; *Pro Sulla* 86; *Fam.* 5.2.6; it was taken up by opponents and mercilessly exploited by P. Clodius (*Att.* 1.14.5), by C. Antonius, who was reproached for it by Cicero at *Fam.* 5.5.2, and in Pseudo-Sallust, *Invect. in Cic.* 2, 4. That the term cannot yet have been a byword at the time of the publication of *Pro Sulla*, however, is acutely noted by D. H. Berry (*Cicero Pro P. Sulla Oratio* [Cambridge, 1996], p. 156).

published was intended for the reading public, not just for senators. But the clues did not work even for so well-informed a scholar as Asconius. That he did not recognize this allusion would still be demonstrated by his suspension between two possibilities, even if one of them were to be right. But we have seen that Asconius was distracted into guesswork by the tempting lead in *De consiliis suis*, a work not yet thought of in 64. Contemporaries had nothing but the words of the speech itself, and it is to these that we should direct our closer attention: 'cuiusdam hominis nobilis et ualde in hoc largitionis quaestu noti et cogniti' (Asc. 83C). The words 'noti' and 'cogniti' are usually taken to be virtually synonymous, producing the effect of 'emphatically well known'. 'Cogniti' has a sharper point, however: it signifies not merely 'well known' but 'known from one's own experience'. There is a distinction to be drawn between knowing because one has been reliably informed and knowing because one has enjoyed, suffered, witnessed, etc. Thus one may know that X is a thief because impeccable sources have affirmed it, or one may know because one has been robbed by him or has detected him in the fact.⁹ The present case is of a man whose involvement in electoral corruption was not only common knowledge—for there were many such—but a matter of experience. As we argued above, Cicero's hearers—and readers—must recall without excessive debate or exploration the man who uniquely fits the bill. Scatter-fire would not work politically or rhetorically. The recent past afforded to contemporary recollection the vivid spectacle of the trial and condemnation for electoral bribery of the consuls designate for 65, P. Autronius Paetus and P. Cornelius Sulla.¹⁰ This was less than two years before the date of the speech. There were two men, therefore, whose guilt was particularly ('ualde') notorious and also *witnessed*. But only Sulla was noble.¹¹

As it happens, his house is not unknown. Cicero, parading Sulla's virtues at his trial *de ui* in 62, exclaims: 'Quae domus, quae celebratio cotidiana, quae familiarium dignitas, quae studia amicorum, quae ex quoque ordine multitudo!' (*Pro Sulla* 73). Clearly it had been a hive of activity, with the comings and goings of this throng of visitors and friends of every rank and degree. After the 'mortal wound' dealt him in

⁹ The distinction between *cognitus* and *notus* is not always demonstrable (though doubtless felt by native speakers), but there are many passages in which substitution of one for the other is manifestly impossible: e.g. *Fam.* 5.12.7 (to Lucceius): 'sed etiam auctoritas clarissimi et spectatissimi uiri et in rei publicae maximis grauissimisque causis cogniti atque in primis probati', i.e. 'known, not by information given, but by experience and testing'; *Verr. Act. Prim.* 29: 'M. Caesonius... homo in rebus iudicandis spectatus et cognitus' (proven and approved because he exposed the corruption of the *iudicium Iunianum*); Sallust *Cat.* 35.1: 'L. Catilina Q. Catulo. egregia tua fides, re cognita, grata mihi magnis in meis periculis'; Livy 5.26.10 (of Camillus): 'cognitae rebus bellicis uirtutis specimen'; Livy 7.40.19 (of *fides* again); Livy 21.53.8: 'ingenium, fama prius deinde re cognitum', a usage which makes the conceptual distinction in verbally breaching it, and more boldly to the same effect, Sallust, *Jug.* 84.2: 'plerosque militiae, paucos fama cognitos'. Note also Pollio ap. *Fam.* 10.31.3: 'Caesarem uero, quod me in tanta fortuna modo cognitum uetustissimorum familiarium loco habuit, dilexi summa cum pietate et fide'. Here Pollio means 'non re cognitum'.

¹⁰ Cic. ap. Asc. 88C: 'duos consules designatos uno tempore damnari uidimus'. This was a matter of observation; in the case of men like Crassus or Caesar, it was merely rumour, however circumstantial. Cf. Cic. ap. Asc. 75C: 'Ut *spectaculum illud* re <et> tempore salubre ac necessarium, genere et exemplo miserum ac funestum uideremus.' Thus in the *Pro Cornelio* of 65 the notion of *witnessing* the guilt of the consuls designate is even more obvious; there is, further, a sense of tragedy in which the audience can be said to be involved; indeed there is even a whiff of catharsis in the healthgiving necessity of it.

¹¹ The fragment *CIL* XIV 4192 (cf. Berry, p. 213) cannot outweigh Cicero's clear distinction of Sulla from Autronius in terms of *nobilitas* (*Pro Sulla* 37) and the absence of Autronii from the consular *fasti* down to 65.

the *ambitus*-trial, we are told, Sulla, broken in spirit, virtually exiled himself from that centre of social and political life (*Pro Sulla* 73–4). Elsewhere in the *Pro Sulla*, however, it is acknowledged that he had not entirely lost interest in politics. At the beginning of 63 his half-brother, the tribune L. Caecilius Rufus, proposed to modify the penalties imposed under the *Lex Calpurnia* upon persons condemned for *ambitus* (*Pro Sulla* 62–6). Dio lists this among the items in a radical programme put up by the tribunes of the plebs for 63 in alliance with the consul Antonius.¹² Gladiators had been raised and organized violence prepared, it was said.¹³ Cicero admits that violence was in preparation but transfers all responsibility for it to Sulla's associate Autronius (*Pro Sulla* 66).

What would be P. Sulla's motivation for paying down good money to elect Catiline and Antonius? He had a clear interest in the election of his half-brother Caecilius as the tribune who would propose the law. However, Caecilius is best regarded as being at the outset only one of a college of tribunes committed to a programme. That is how Dio regards it. Sulla must have been interested in the election of the other tribunes too: a veto would spoil everything. But, says Dio, C. Antonius also was backing the programme that included the restoration of Sulla's political rights. Favourable consuls could stop senatorial obstruction of the tribunes' legislation. Clearly, the election of Antonius—and his team-mate Catiline as well—was of the essence. Sulla needed all of them: near enough was not good enough, as the sequel showed. He would have to back the campaign strongly with what he had—abundant funds. He had done well out of the proscriptions held by his uncle the dictator,¹⁴ and was later able to loan Cicero, his defence-counsel, two million sesterces at the time of his trial *de ui* in 62.¹⁵ The plan for 63 fell through when Cicero was elected instead of Catiline, and Antonius showed early signs of being amenable to Cicero's approaches.¹⁶ Caecilius promptly and gracefully withdrew his bill for the restoration of Sulla and Autronius, and the issue disappeared from the surface of political life after January 63 (*Pro Sulla* 65).

Sulla had motive and resources. He also had less to lose than most by making his house a centre of operations. He was already excluded from public life under the terms of his condemnation, while for men like the ex-censor Crassus or an aspirant to the higher offices like Caesar overt respectability was a valuable commodity. Sulla may have continued to be generous in providing friends with the use of his house in later years. Certainly it served as a fortress for Clodian activity in 57 (*Cic. Att.* 4.3.3).

If P. Sulla has been correctly identified here, why did Cicero forbear to name him in *De consiliis suis*? Sulla was dead by January 45 and was therefore not an obstacle to either Cicero or a posthumous publisher.¹⁷ And there was no sentimental bond between Cicero and the deceased (*Att.* 4.3.3). Moreover, Cicero wished *De consiliis suis* to be a savage indictment of undetected crime in the manner of the great moralist and

¹² 37.25.3–4; *Cic. Leg. agr.* 2.11 (without Antonius; cf. *Leg. agr.* 2.103).

¹³ *Pro Sulla* 62. J. T. Ramsey (*Historia* 29 [1980], 420) tentatively replaces Asconius' tentative identification of Q. Gallius as Catiline's unnamed confederate in the procurement of gladiators (88C) with the name of P. Sulla. This identification is pregnant in the light of the present discussion.

¹⁴ *Cic. Off.* 2.29; Dio 36.44.3.

¹⁵ Aulus Gellius, *N.A.* 12.12.2; cf. Pseudo-Sallust, *Inv. in Cic.* 3–4.

¹⁶ *Cic. Leg. agr.* 2.103; Plutarch, *Cicero* 12.3–4.

¹⁷ Cicero, *Fam.* 9.10.3; 15.17.2; 15.19.3. The last of these letters refers to Sulla's surviving son, an assiduous buyer at the sales of proscribed estates. But whatever the date of publication of *De consiliis suis*, either Cicero or another was prepared to brave the wrath of more powerful Caesarians than P. Sulla junior.

historian (Hades' judicial investigator) Theopompus.¹⁸ Sulla should have been grist to the mill of Cicero in this vein. But we saw that Asconius found and deduced nothing about him. Why did Cicero keep quiet?

The answer to this silence lies in Cicero's commitment to Sulla at a certain time for temporary reasons but with permanent consequences. After December 63 any past connection with Catiline became dangerous and would remain so for many years. Powerful men were challenged, and some fell. Crassus was immediately named by an informer;¹⁹ Caesar was for some time at risk and faced prosecution in 62;²⁰ C. Antonius was accused of complicity at the trial in which he was condemned in 59;²¹ and it was raised against M. Caelius Rufus as a subsidiary count in his trial *de ui* as late as 56.²² Cicero intervened at one time or another to protect all of these men—and Sulla too.

P. Sulla's trial was one of the series of prosecutions against known associates of Catiline under the *Lex Plautia de ui* in 62.²³ Cicero in defending him went on record with an unqualified denial of any evidence or any report during his consulate connecting Sulla with the conspirators.²⁴ This would effectively inhibit Theopompan revelations about him in and after 59. To draw attention to Sulla's part in the *coitio* of 64 (or indeed in any other matters he may have been interested in down to 62) would be to qualify his innocence of Catilinarian associations. This would be more embarrassing to Cicero himself than to the late P. Sulla: it would reawaken the cruel charges of inconsistency²⁵ and venality²⁶ that had been current against Cicero ('Saviour of the Republic' or 'foreign tyrant?') in and after 62 with special reference to Sulla's case (*Pro Sulla* 21–2). Little would be gained, anyway, by producing old material against P. Sulla as the years went by: he was no longer, if he had ever been, a threat to the Republic in his own right. And so Sulla passed into an oblivion too deep for Asconius' research to dispel a century later.

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¹⁸ Att. 2.6.2; On Theopompus' severity, Nepos *Alcibiades* 11.1; Dionysius of Halicarnassus, *Epistle to Pompeius Geminus* 6.7–8.

¹⁹ Sallust, *Cat.* 48.3–9; Plutarch, *Crassus* 13.2; Dio 37.35.1.

²⁰ Sallust, *Cat.* 49; Plut. *Cic.* 21.3; *Caesar* 8; *Cato Minor* 23.1–2; Appian, *B.C.* 2.6; Suetonius, *Julius* 14 and (for the abortive prosecution) 17.

²¹ That participation in the conspiracy was raised and was the real ground of condemnation appears from Cic. *Cael.* 74; *Schol. Bob. Pro Flacco* 5 (p. 94 St.); and (in garbled form) Dio 38.10.3.

²² Cic. *Cael.* 10–14; R.G. Austin, *Pro Caelio* (Oxford, 3, 1960), pp. 152–4.

²³ On the context, *Pro Sulla* 6; on the charge, *Schol. Bob. Pro P. Sylla* 92 (p. 84 St.).

²⁴ *Pro Sulla* 14; expanded with weighty solemnity at 85–6.

²⁵ *Pro Sulla* 10: This was done in blunt terms by the younger Torquatus prosecuting Sulla: 'In Autronium testimonium dixisti', inquit 'Sullam defendis'. His purpose was to reveal Cicero as 'inconstans ac levis'.

²⁶ Aulus Gellius, *N.A.* 12.12.2: 'Nam cum emere uellet in Palatio domum et pecuniam in praesens non haberet, a P. Sulla, qui tum reus erat, mutua sestertium uiciens tacita accepit.' This was not the only case in which Cicero's enemies alleged that, abetted by Terentia, he sold his goodwill to Catilinarian suspects. Pseudo-Sallust (*Inv. in Cic.* 3–4) reckons his rate at an estate apiece. It is interesting to note for its implications Sallust's assurance that Cicero was not to be moved by bribes and favours to denounce Caesar (*Cat.* 49.1). Cicero's actual conduct is, of course, not to be deduced from the odium attested in the hostile tradition. His integrity as advocate is affirmed by Plutarch (*Cic.* 7.3) and defended by Berry in the present case (pp. 30–2, 39–42). But the reputations of even honest politicians are vulnerable and are vindicated by media skills. Cicero's silence about Sulla is almost as deafening as his denunciations of Catiline.