

Elephant in the Room: Cicero's use of *iniquitatem temporum* in *pro Roscio Amerino*
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Pro Roscio Amerino was Cicero's first criminal defense speech, and its success launched his reputation in Rome as a gifted orator and effective advocate. The trial drew particular attention, as it was the first to be held in the courts newly reinstated under Sulla. Some modern scholarship has downplayed the possibility that either Cicero or the jury had reason to fear any repercussions for their actions in these proceedings. However, the bloodshed in Rome during the years leading up to Sulla's dictatorship had been terrible and unrelenting, and the concentrated violence of the proscriptions had been at an official end for less than a year. There must have been anxiety about whether or not peace would hold. Far from being the confirmation of a return to normalcy, this trial was itself a test of whether this stability could be lasting. My paper describes the strategy which Cicero employed in this challenging context to shape the jury members' perceptions of the crime itself and of their own role in the administration of justice: With a subtle argument based on a bold introduction, he skillfully transformed the "*iniquitatem temporum*" (S. Rosc. 1) from the reason the jury was quite likely to convict into the very reason it had to acquit.

The key element of this tactic was his famous introduction of Chrysogonus--an influential freedman of Sulla--as the driving force behind his client's prosecution. It has been suggested that this maneuver was little more than an attempt to distract from a well-prosecuted case against Roscius. The accusation of Chrysogonus has also been characterized as merely one part of the standard practice of discrediting one's opposing advocates, and it certainly suits this purpose. But the subplot of Chrysogonus' conspiracy was used specifically to convince the jury that the conviction of Roscius would actually represent a sanction of crime and profiteering. Such a threatening portrayal could have easily backfired, though, without the counterweight of Cicero's emphasis on the jury's duty and power to stop him. This he develops primarily through the explicit use of prosecutorial language, and the careful separation of the behavior of Chrysogonus from the reforms of Sulla.

The brilliance of this speech is therefore in the careful balance Cicero manages to develop between two opposing arguments that he himself presents. He first assigns one significance to a narrative which he claims the prosecution had left unspoken: the real force behind this case is Chrysogonus, and because of his influence you must find the defendant guilty—to save yourselves. Then, once he has established this premise as a source of fear and concern, Cicero offers the opposite conclusion: behind this case is Chrysogonus, and because of his influence you must find the defendant not guilty—to save Rome.

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