FUROREM INCREDIBILEM BIENNIO ANTE CONCEPTUM (CICERO, PRO SULLA 67)

Hic tu epistulam meam saepe recitas quam ego ad Cn. Pompeium de meis rebus gestis et de summa re publica misi, et ex ea crimen aliquod in P. Sullam quaeris et, si furorem incredibilem biennio ante conceptum erupisse in meo consulatu scripsi, me hoc demonstrasse dicis, Sullam in illa fuisse superiore coniuratione. Scilicet ego is sum qui existimem Cn. Pisonem et Catilinam et Vargunteium et Autronium nihil scelerate, nihil audacter ipsos per sese sine P. Sulla facere potuisse. (Cic. Sull. 67)

I

This is the concluding item in Cicero's refutation of the evidence adduced by the younger L. Torquatus against P. Sulla at the latter's trial for *vis* in 62 B.C. The prosecutor had charged Sulla with complicity in two conspiracies: that of Catiline in 63 and one formed in late 66 after he and P. Autronius had been convicted of *ambitus* and barred from the consulship to which they had been elected; the objective of this earlier conspiracy was to kill the new consuls (L. Cotta and the elder L. Torquatus) and seize the *fasces* (Sull. 11; 68). This latter allegation had apparently been the subject of contemporary rumours[1], though no concrete evidence to substantiate them seems to have been presented, and it was in origin distinct from stories of a plot hatched by Catiline and Cn. Piso in 65 to engage in a general slaughter of optimates or the senate before Piso's departure to Spain[2]. Cic. Sull. 67 reveals that in his attempt to demonstrate Sulla's involvement in the supposed con-

1) Cf. Cic. Sull. 11–13; 51; 81; also Sall. Cat. 18.6; Livy, Epit. 101; Cass. Dio 36.44.4; Cicero's (probably disingenuous) disclaimer that scarcely a whisper of suspicion reached his ears at the time (Sull. 12) itself implies that he heard something then and perhaps more subsequently. The allegations may have resurfaced later, particularly in the controversy surrounding Caecilius Rufus' proposal of late 64 and after the Allobroges had given their evidence to the senate on 3 December, as well as at the trial of Autronius in 62 (cf. Sull. 13).

2) Cf. R. Seager, The First Catilinarian Conspiracy, Historia 13 (1964) 339–343; E. S. Gruen, Notes on the "First Catilinarian Conspiracy", CPh 64 (1969) 21.

spiracy of 66 Torquatus adduced the extensive account of his consulship which Cicero wrote, presumably early in 62[3], ostensibly as a letter to Pompey (Cic. Planc. 85; Schol. Bob. p. 167 St.). The particular passage which Torquatus quoted evidently alluded to the outbreak in 63 of an "unimaginable lunacy contracted two years earlier", and on this basis the prosecution claimed that Cicero himself had clearly implicated Sulla in the earlier conspiracy.

Torquatus evidently laid much stress on this argument, based as it was on Cicero's own statements, since he repeatedly (*saepe*) cited the letter to Pompey in this context. Yet, on the usual interpretations of this passage, it is difficult to see the basis for his inference, let alone any justification for the weight he attached to it. The outbreak of a *furor incredibilis* in Cicero's consulship is regularly taken to refer to the onset of the conspiracy of Catiline in the second half of 63[4], perhaps to the alleged attempt on Cicero's life at the elections in the summer of 63[5] or to a formation of large-scale revolutionary plans by Catiline soon after[6]. Yet how could Torquatus use such a generalising allusion to the main Catilinarian conspiracy or its immediate antecedents to establish a specific reference to Sulla's involvement in an earlier plot, particularly when Cicero's statement to Pompey was apparently couched in such vague terms?

Moreover, if Torquatus did so understand the reference in *erupisse*, it appears palpable special pleading to interpret *biennio ante conceptum* as an allusion to a plot of late 66 B.C.[7]. Whilst Cicero's use of *biennium* in comparable contexts need not have the

3) D. H. Berry, in his excellent new commentary on the *pro Sulla* (Cicero: Pro P. Sulla Oratio, Cambridge 1996, 267 [cf. 29; 55]), assumes that its confident tone places it before the weakness of Cicero's position became apparent; but Cicero's political vulnerability was implicit in his actions of late 63 and was immediately exposed by Calpurnius Bestia and Metellus Nepos. Nepos' return to Pompey in early 62 is the most probable immediate occasion of Cicero's letter and his attacks on Cicero the justification for its self-congratulatory character and wider circulation. In any event, the letter can hardly predate the defeat and death of Catiline, also in early 62.

4) See, e.g., E. Meyer, Caesars Monarchie und das Principat des Pompejus, Stuttgart/Berlin [3]1922, 37; C. E. Stevens, The "Plotting" of B. C. 66/65, Latomus 22 (1963) 430; Seager (above, n. 2) 340; Berry (above, n. 3) 265–6.

5) Cic. Cat. 1.11; Mur. 52; 79; Sull. 51; Sall. Cat. 26.5; Plut. Cic. 14.3–8; Cass. Dio 37.29.2–5. Date of the elections: J. M. Benson, Catiline and the Date of the Consular Elections of 63 B.C., in: C. Deroux (ed.), Studies in Latin Literature and Roman History IV, Brussels 1986 (Collection Latomus 196), 234–246.

6) Cass. Dio 37.30.1–5; cf. Cic. Cat. 1.12; Sall. Cat. 26.5.

7) I assume that both Torquatus and Cicero took *biennio ante conceptum* to denote the interval from *erupisse*, rather than from the date of the letter to Pompey

precision sometimes assigned to it[8], it is not unambiguously attested for events separated by two or more entire years or otherwise for periods much exceeding two calendar years[9]. Cicero did not generally understate the formative period of the Catilinarian conspiracy and few would have expected him to do so in the letter to Pompey, where he was clearly highlighting the deep-rooted character of the dangers from which he had rescued the *res publica*. In the *in Pisonem* the phrase *triennio post* ("three years later") is apparently used to denote a comparable period (in that instance from Nov./Dec. 58 to summer 55)[10]. On that analogy *triennio ante* could have been expected here, especially as in Mur. 81 it is a *triennium* that is specified for the shorter period from the initial plot of Catiline and Piso in (early?) 65 to November 63. On any plausible reading, therefore, *biennio ante conceptum* should refer to an event firmly located in 65 B.C. if the starting point of the calculation was clearly mid-late summer 63. How Torquatus could have hoped to persuade the jury that nonetheless the phrase in fact recalled a plot hatched late in the previous year is difficult to see.

Shortage of arguments against an innocent man[11] or the folly of youth are no adequate explanation of the prosecutor's strategy. Torquatus at least must have read the offending passage in Cicero's letter differently. On his interpretation it must have referred to an event of late 64 or very early 63 in which Sulla was directly implicated, which could be represented as in some sense a resumption of the alleged activities of Autronius and Sulla in late 66, and which could reasonably be described as occurring two years later. Care-

itself (as Berry [above, n. 3] 268): the latter assumption makes Torquatus' inference even more far-fetched on the conventional view.

8) As E. A. Robinson, Biennium praeteriit (Cicero, Att. 13.12.3), TAPhA 80 (1949) 371 n. 9; cf. B. Rawson, De Lege Agraria 2.49, CPh 66 (1971) 27.

9) Something over two years seems involved in Cael. 78 (Rawson [above, n. 8] 27) and may be in Div. 2.46 (cf. 1.19–21; Cat. 3.19–21; Cass. Dio 37.9.1–2; 37.34.3–4; Obs. 61) and Quinct. 42 (but cf. T. E. Kinsey, M. Tulli Ciceronis Pro P. Quinctio Oratio, Sydney 1971, on Cic. Quinct. 42), although all these instances except Div. 2.46 (*biennio post*) refer to a period of duration rather than an interval. In a number of other instances the period concerned cannot be precisely determined.

10) Pis. 55 with R. G. M. Nisbet, M. Tulli Ciceronis in L. Calpurnium Pisonem Oratio, Oxford 1961, ad loc. (also on Pis. 31 and Appendix VIII, p. 200 f.); cf. Pis. 86. The text of Sull. 67 could readily be emended (cf. D. R. Shackleton-Bailey, Cicero: Epistulae ad Quintum fratrem et M. Brutum, Cambridge 1980, on QFr. 1.1.8; A. J. Woodman/R. H. Martin, The Annals of Tacitus Book 3, Cambridge 1996, on Ann. 3.31 [and 12.25]), but that would not resolve other difficulties.

11) As Stevens (above, n. 4) 431.

ful analysis of the wider context in the *pro Sulla* and of Cicero's rhetorical strategy confirms this and shows how Torquatus chose to take Cicero's words.

The charges levelled at Sulla by the prosecution were heterogeneous and the evidence, to varying degrees, circumstantial[12]. Cicero was alert to the consequential difficulty of giving a sense of coherent development to his detailed rebuttal of these disparate items. Although he does not advertise his principles of organisation in advance, a careful pattern has been devised for this portion of his speech[13]. The most direct "evidence" is confronted first: this comprised (at second-hand) the testimony of alleged insiders, the Allobroges and C. Cornelius (§§ 36–55). Cornelius' "information" was not provided in propria persona but claimed by the prosecution to be encapsulated in the allegations of his son (§§ 51–2). It is represented as extending, potentially, to the acquisition by Sulla of gladiators *ad caedem ac tumultum* (§ 54). That charge also enables Cicero to contest the allegations that Sulla took other similar initiatives through his association with P. Sittius and his fostering of dissension at Pompeii (§§ 56–62). These latter activities are presented as possible preliminaries to Catiline's revolt. In contrast, despite being adroitly surrounded with Catilinarian material, the acquisition of the gladiators is not directly and unambiguously connected to Catiline's conspiracy (that link is only uncertainly implied by the supposed "testimony" of the elder Cornelius [§ 54]); according to the prosecution (§ 62), the gladiators were (also) intended to ensure the passage of the bill which Sulla's half-brother, Caecilius Rufus, presented at the start of his tribunate (Dec. 64) and which proposed the alleviation of the penalties imposed on those convicted of electoral malpractice (*ambitus*) under the *lex Calpurnia*, to the particular benefit of Autronius and Sulla. After an artful interval[14], therefore, Cicero reverts to the

12) Berry (above, n. 3) 20–21; 35–6.

13) On Cicero's inversion of the *confirmatio* and *reprehensio* (Sull. 69) and his organisation of the latter cf. Berry (above, n. 3) 46–8; 210; 224; 232. See also below, n. 14.

14) Torquatus set much store by the haste with which Sulla acquired gladiators (54: *vos* at the start of 54 implies that Cicero is now not addressing the younger Cornelius alone and I therefore take the following *altercatio* to be conducted with the chief prosecutor Torquatus, rather than Cornelius: hence there is no need for Cicero to mark Torquatus explicitly as the subject of *obiecit* in 60). Faustus Sulla, on whose behalf they were purchased, was serving as a military tribune under Pompey in 63 (MRR II 170) and the games for which they were intended were not in fact to be held until 60 (Cass. Dio 37.51.4; cf. Cic. Vat. 32).

purchase of the gladiatorial *familia*, as a bridge to the charges relating to Caecilius' proposal itself (§§ 62–66).

Thus far Cicero's discussion has been skilfully articulated through a series of associative links. It has also progressively, if not entirely smoothly and consistently, moved backwards in time, from the conspiracy in late 63 to the alleged attempt on Cicero's life at the elections and now to the Caecilian proposal at the start of the year (and the departure of Sittius to Spain in 64). That too serves a clear rhetorical purpose. The prosecution case rested on a chain of allegations about Sulla's activities since 66 that would cumulatively lend substance to the central charge of involvement in the conspiracy of 63. It was the impression of this causal nexus that the defence sought to disrupt. The division of the case between Hortensius and Cicero (Sull. 11–14) materially assisted this objective, but Cicero reinforces the strategy both by his emphasis on the sudden emergence of Catiline's conspiracy in 63[15] and by arranging the material in reverse chronological order. Thus our passage (§§ 67–8) should be a natural development of what immediately precedes it and fit into this chronological pattern.

That is further established by *hic* at the start of section 67. As we have seen, on the usual interpretation of the passage Torquatus took the *incredibilis furor* to be simply the main Catilinarian conspiracy of late 63. That had no connection with the topic Cicero has just discussed and hence *hic* has to be given a sense so loose that it becomes more or less meaningless[16]. Yet if *hic* is given its proper value[17], it was at least broadly in the context of Caecilius' proposal, debated in the senate on 1 January 63, that Torquatus cited the incriminating passage from Cicero's letter and so could interpret *biennio ante* as a reference to late 66. "Contracted two

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Torquatus must have related Sulla's haste to the prospective use of these gladiators in support of Caecilius Rufus' proposal: Cicero effectively breaks this potentially telling causal link by interposing the sections on Sittius (56–9) and Pompeii (60–62) and by (eventually) foisting onto Autronius all the fear of *vis* associated with Caecilius' bill (66). The prosecution must here have organised their case differently.

15) Cf. esp. Sull. 56; 75–6 (*repente*); also Sest. 9; J. Humbert, Les plaidoyers écrits et les plaidoiries réelles de Cicéron, Paris 1925, 144–5.

16) So Berry (above, n. 3) 266 takes *hic* here to mean "in the context of Sulla's attempts to regain his forfeited consulship". However, neither Caecilius' bill nor participation in a successful Catilinarian conspiracy would guarantee that, and so far as the prosecution saw the consulship as Sulla's ultimate objective, that was presumably the rationale of (virtually) all Sulla's attempts at *vis*.

17) As in Sull. 21, where it establishes the link between Torquatus' protests at Cicero's readiness to interpose his *auctoritas* in defence of Sulla (14–20) and his ironical jibe at Cicero's *regnum* (cf. also 22; 50).

years earlier" exactly fits the interval concerned and corresponds to the usage of the same phrase in leg. agr. 2.49[18]. No doubt Torquatus emphasised in particular the preparations for armed violence in support of Caecilius' bill on the part both of Sulla and of Autronius. Indeed, Cicero's own efforts to obfuscate the overall thrust of this part of the prosecution case and the interlinked arguments which comprised it seem to imply as much; and this allowed Torquatus to take Cicero as referring directly to the defendant and his alleged earlier plot.

So interpreted, the passage gave Torquatus an opportunity to capitalise on Cicero's own apparent belief in his client's guilt, all the more welcome in that it implied collusion between Autronius and Sulla in late 64. Such collusion, running from 66 to 63, was central to the prosecution case, not least in reinforcing the links between Sulla and Catiline. The conviction of Autronius had created a potentially favourable climate for a comparable success against Sulla. Their common debacle in 66 had associated them indelibly in people's minds[19], the case that was cumulatively built up against Sulla must have borne strong similarities to that presented against Autronius, and the prosecution will have counted on a presumption that the guilt of one implied the guilt of the other[20]. If, for example, the prosecution cited the presence of Autronius, but not Sulla, on the occasion of a planned assassination of Cicero at the elections of 63 (Sull. 51–2), that can only have been on the basis that Sulla was likely to be complicit in any and every of Autronius' actions.

The prosecution must have contended that Autronius was closely and continuously associated with Catiline from soon after his conviction in 66 (cf. Sull. 15–7; 51–2), no doubt reflecting the position that had been "established" by Autronius' earlier trial and conviction. That made it plausible to see all of Autronius' subsequent alleged misconduct, if not as part of Catiline's conspiracy, at least as evidence of a readiness to resort to self-interested violence that made his complicity with Catiline still more probable. The

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18) As explained by Rawson (above, n. 8) 26–9, who also (28 n. 11) adumbrates as a possibility the interpretation of Cicero's reference attributed here to Torquatus.

19) Berry (above, n. 3) 158–9, citing Sull. 37; 71.

20) Cf. Cicero's repeated efforts to dissociate Sulla from Autronius, by emphasising the differences in their characters, their associates, their reaction to the catastrophe that befell them in 66, the cases against them and the support they enjoyed at their respective trials in 62 (Sull. 7; 13; 15–20; 36–39; 66; 71–77).

prosecution likewise asserted that Sulla had been an associate of Catiline at least since late 66, when he had been prepared to use violence in support of Catiline's candidature at the supplementary consular elections[21], and probably that he had already in 64 been laying the ground for the great conspiracy of the following year (Sull. 56). Their interpretation of Cicero's letter further reinforced their case: now it could be shown that Cicero himself believed that Autronius and Sulla had been actively cooperating, both in a plot of late 66 and in renewed threats of violence on the eve of his consulship, with perhaps the further implication that the gladiators acquired for this purpose were also to be available later to Catiline. The continuing association of Autronius and Sulla in a common cause offered powerful supporting evidence of their treasonable designs, and from Cicero's own pen.

II

Torquatus' interpretation of the letter to Pompey must have had at least an appearance of plausibility. Indeed, Cicero's own response is not to challenge the construction Torquatus placed on his words but the inference he had drawn from them. In his turn he perhaps exploits for his own purposes an attempt by Torquatus to fuse the two separate sets of allegations about plots in 66 and 65 or at least to enrol Catiline in that of late 66[22] (and such a fusion may already have featured in the earlier trials of Autronius and Vargunteius). At all events, Cicero, who himself had alleged threatening conduct by Catiline late in 66 (Cat. 1.15), now brings into the earlier plot not only Catiline and Piso but also another probable casualty of the *lex Calpurnia*, Vargunteius[23]: if Piso, Catiline, Vargunteius and Autronius were all involved, they had no need of Sulla's assistance. This is a feeble and unconvincing reply, for all Cicero's earlier emphasis on the close links between

21) Cic. Sull. 68 with J. T. Ramsay, Cicero, pro Sulla 68 and Catiline's Candidacy in 66 B.C., HSPh 86 (1982) 121–131. F. X. Ryan, The Consular Candidacy of Catiline in 66, MH 52 (1995) 45–48 does not persuade me that Asconius 88 Cl. has correctly identified the allusion in Cic. tog. cand. fr. 13 Puccioni.

22) Cf. Gruen (above, n. 2) 21. Berry (above, n. 3) 266 (cf. 271–2) supposes the initiative here to have been Cicero's. If so, his response becomes still more obviously tendentious.

23) Cf. J. Linderski, Cicero and Sallust on Vargunteius, Historia 12 (1963) 511–2 = id., Roman Questions (Stuttgart 1995) 224–5 (with 650). This is the only passage in which Vargunteius' involvement is alleged (Berry [above, n. 3] 268–9).

Autronius and Catiline (Sull. 16). It involves the damaging concession that there could well have been a conspiracy involving Catiline and Autronius in late 66, despite Cicero's own earlier protested ignorance of such a plot (Sull. 11–12), his later suggestion that the elder Torquatus had not believed the reports he had received about it[24] and his emphasis on the suddenness with which the Catilinarian conspiracy manifested itself in 63 (Sull. 75–6). Moreover, Cicero's concession invited the counter-argument that if such a plot was indeed formed, there was every reason to suppose that Sulla would have been involved, especially in view of his close association with Autronius and his alleged support for Catiline's consular candidature in 66. Not surprisingly, therefore, Cicero introduces a further diversionary tactic by spuriously alleging a self-contradiction in the prosecutor's own case[25], but the fact that he is reduced to such straits itself testifies to the potential strength of Torquatus' contention.

It would occasion no surprise if Cicero treated Caecilius Rufus' proposal in hostile terms in the letter to Pompey. Some reticence in referring to P. Sulla might have been necessary if the latter had been married to Pompey's sister[26]. However, death[27] or divorce may have severed the connection, which will have lost much of its attraction for Pompey after Sulla's disgrace in 66[28], and

24) Sull. 81 (with Berry [above, n. 3] ad loc.): Cicero's argument here does, however, implicitly rely on a fusion of the alleged conspiracies of late 66 and of 65 B.C.: the elder Torquatus' support for Catiline at his trial in 65 was in fact irrelevant to a plot formed only by Autronius and Sulla in late 66.

25) Ramsay (above, n. 21) 121–131; Berry (above, n. 3) 269–272. Berry (266) supposes that Cicero was also anxious to denigrate further the Catilinarians, but that was hardly a major priority now: it was certainly secondary to the effective defence of his client.

26) F. Münzer, Memmius (9), RE XV (1932) 616; R. Syme, Sallust, Berkeley 1964, 102 n. 88; Berry (above, n. 3) 3 n. 11.

27) Pompeia is most unlikely to be the wife of P. Vatinius (several years her junior) recorded in 45 B.C. (Cic. Fam. 5.11.2), as suggested by Fr. Miltner, Pompeius (53), RE XXI 2 (1952) 2263.

28) Cf. P. A. Brunt, The Fall of the Roman Republic and Related Essays, Oxford 1988, 474–5; also Cicero's own reference to the conviction of Autronius and Sulla as pitiable but salutary in the *pro Cornelio* (fr. 42 Puccioni = Ascon. 75 Cl.). There is no evidence that Pompey exerted himself on P. Sulla's behalf then or subsequently, or that the prosecution of Sulla in 62 was an indirect attack on Pompey (as e.g. E. S. Gruen, The Last Generation of the Roman Republic, Berkeley/Los Angeles/London 1974, 283). P. Sulla's connections with Clodius in 57 B.C. (Cic. Att. 4.3.3), attempt to prosecute Gabinius in 54 (Cic. QFr. 3.3.2; Att. 4.18.3) and support for Caesar in the civil war tell cumulatively against a continuing association later: there are no solid grounds for supposing that it still persisted in the late 60s (as E. S. Gruen, Pompey, the Roman Aristocracy, and the Conference

Cicero need not have had serious qualms about commenting disparagingly on the agitation of late 64/early 63 (or linking it to the rumours of plotting in late 66)[29]. Certainly the letter to Pompey dealt with his consulship as a whole, not merely the suppression of Catiline (Schol. Bob. p. 167 St.). As Cicero's own description of it implies (*de meis rebus gestis et de summa re publica*), it served in part as a political manifesto, not merely cataloguing Cicero's achievements but setting them in the context of the political principles and priorities to which he professed adherence himself and which (at least by implication) he expected Pompey also to endorse. In that context Cicero was hardly likely to pass over the early part of his term of office: from the outset, he claimed, he had firmly and successfully defended the *res publica* against all those who threatened sedition and disturbance[30]; he had staunchly upheld what he asserted to be Pompey's own interests; and (he was later to maintain) it was his strengthening of the senate from the very first day of his consulship that was ultimately responsible for the resolution it displayed on the Nones of December (Fam. 1.9.12).

At the start of January 63 two tribunician proposals had been under discussion, that of Caecilius Rufus and the agrarian bill of Rullus[31]. Cicero's attacks on the latter reveal his exaggerated assessment of their impact: not merely was the proposal a covert attempt at *dominatio*, threatening to subvert the commonwealth by violent force, but the fear which it engendered had assisted in reducing the community to financial and political paralysis[32]. As for Caecilius' bill, at the trial of Sulla in 62 Torquatus misrepresented this as an attack on the decisions of the courts (Sull. 63) and though Cicero now rebuts such an interpretation, it is entirely possible that he too had previously exaggerated its significance[33],

of Luca, Historia 18 [1969] 76–7; 105) or that Cicero's defence of P. Sulla was in part an attempt to win Pompey's favour (Berry [above, n. 3] 28–30). Those who assume so fail to explain why Cicero makes nothing of the connection or of Pompey's concern for Sulla's plight in the *pro Sulla* (cf. E. S. Gruen, Pompey, Metellus Pius and the Trials of 70–69 B.C., AJP 92 [1971] 12–3, on the trial of Fonteius): the possibility that the prosecutor's father had served as a legate of Pompey (Berry 152) is hardly a convincing justification for Cicero's silence.

29) The notion that Pompey was behind Caecilius Rufus' proposal (Gruen 1974 [above, n. 28] 219–220) has no serious foundation.

30) Cf. leg. agr. 2.8; 2.102–3.

31) Cf. Cic. leg. agr. 1,26; 2.8,13; Sull. 65.

32) See esp. leg. agr. 2.8; also (e.g.) 1.22–6; 2.12–3; 2.102–3.

33) Particularly if (as I hope to argue elsewhere) *iudiciorum perturbationes, rerum iudicatarum infirmationes, restitutio damnatorum* in leg. agr. 2.10 (cf. 2.8:

even linking it to attempts to overthrow the established order[34]. Moreover, as he concedes in the *pro Sulla* (§ 66), there was a real fear that violence would be used to push the measure through. In the end Caecilius was persuaded to abandon his proposal, perhaps as early as 1 January[35], but in his account to Pompey Cicero can scarcely have failed to emphasise the political uncertainty (and perhaps the sinister intentions[36]) which his prompt and decisive intervention curtailed.

Nonetheless, even by Cicero's standards the "outbreak" of an "unimaginable lunacy" is absurdly strong language for what was in fact a relatively minor episode that rapidly came to nothing and certainly seems not to have involved any public disturbance. Moreover, parallel uses of this phraseology in Catil. 1.31 and Mur. 81[37] suggest that the intended reference of *erupisse* is likely to have been the conspiracy of Catiline itself. In that case Cicero will implicitly have been looking back not to the alleged plot of Autronius and Sulla of late 66 but (as is commonly assumed) to events of 65: not to the start of Catiline's canvass for the consulship of

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perturbatione iudiciorum, infirmatione rerum iudicatarum) most probably alludes to Caecilius' *rogatio*.

34) Cf. 2 Verr. 5.12; leg. agr. 2.102; Att. 9.7.5; Brunt (above, n. 28) 60–1.

35) However, Cicero's disingenuous account of the senatorial debate of 1 Jan. 63 (Sull. 65), and especially his apparent implication that Caecilius' bill was explicitly dropped on that occasion, should be treated with caution (cf. his claim in the *pro Cornelio* [fr. 18 Puccioni = Ascon. 65 Cl.] that Manilius himself "discarded" his bill on the voting rights of freedmen: at most he acquiesced in its annulment [cf. Cass. Dio 36.42.1–3]). Nothing in the speeches on the Rullan bill indicates that Caecilius' proposal is now a dead letter (unless it be *revocavi fidem* in leg. agr. 2. 103 [cf. 2.8]) or that its author has (publicly at least) declared his readiness to veto Rullus' bill.

36) Cf. his claims about the deep-laid designs against the *res publica* of the supposed shadowy architects of the Rullan bill (e.g. leg. agr. 1.16), and his continued adherence, in the published version of his speeches, to the claim that it was directed specifically against Pompey's interests, questionable as that perhaps was (cf. G. V. Sumner, Cicero, Pompeius, and Rullus, TAPhA 97 [1966] 569–582; contra, T. N. Mitchell, Cicero: The Ascending Years, New Haven/London 1979, 192–3).

37) *Etenim iam diu, patres conscripti, in his periculis coniurationis insidiisque versamur, sed nescio quo pacto omnium scelerum ac veteris furoris et audaciae maturitas in nostri consulatus tempus erupit* (Cat. 1.31); *omnia quae per hoc triennium agitata sunt, iam ab eo tempore quo a L. Catilina et Cn. Pisone initum consilium senatus interficiendi scitis esse, in hos dies, in hos menses, in hoc tempus erumpunt* (Mur. 81; cf. 84: *hoc quod conceptum res publica periculum parturit*); cf. Sull. 75–6. For Cicero's use of *furor* of Catiline and his associates see A. Taldone, Su insania e furor in Cicerone, BStudLat 3 (1993) 3–19, esp. 8–14.

63[38] but rather (as the parallel with the *pro Murena* passage further implies) to his supposed plot (in association with Cn. Piso) of 65[39]. That allegation, which perhaps capitalised on earlier hostile propaganda surrounding Piso's conduct in *Hispania Citerior*[40], was first made in the *in toga candida* of 64 B.C., had been repeated in the *pro Murena* in 63, and was to be further elaborated in the posthumous *de consiliis suis*[41]. Asconius dates these alleged activities of Catiline and Piso to 65 and since he is clearly relying on the *de consiliis suis* for his knowledge of the episode, this was presumably Cicero's own date[42].

Equally, however, it is most unlikely that *erupisse* referred explicitly and unambiguously to events in the later part of 63 since, as we have seen, that would have deprived Torquatus' interpretation of any semblance of plausibility. It would also fail to explain why Cicero chose not to expose the manifest perversity of the construction Torquatus had imposed on his words. Rather, the terms and context of Cicero's remarks must have made Torquatus' reading of them sufficiently credible for Cicero to decide that any attempt to set the record straight by a detailed textual analysis could smack of special pleading, might well fail to carry conviction, and would give unwelcome exposure to this part of the prosecution case; an abrupt and cruder response would be the more effective tactic.

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38) As Seager (above, n. 2) 340.

39) So Berry (above, n. 3) 267.

40) Cf. Cic. tog. cand. fr. 24 Puccioni = Ascon. 93 Cl., with Stevens (above, n. 4) 428 n. 2; Curio and (presumably following him) M. Actorius Naso ap. Suet. Iul. 9. Stories of Piso's treason may have originated or been fostered as a riposte to accusations of Pompeian involvement in his murder (Sall. Cat. 19.5; whence perhaps Ascon. 92 Cl.). Cicero, who may already have known of alleged involvement in riotous conduct by Catiline and/or Piso at Rome in connection with the trial(s) of Manilius (Ascon. 66 Cl. with B. A. Marshall, A Historical Commentary on Asconius, Columbia 1985, 234–5; Cic. Cat. 1.15, with Plut. Cic. 9.4–7; Cass. Dio 36.44.1–2; L. Lange, Römische Alterthümer III, Berlin ^{2}1876, 225; contra, Mitchell [above, n. 36] 224 n. 94), is the first and (with the possible exception of Torquatus) only attested contemporary to taint Catiline with Piso's "guilt" and allege the complicity of both in conspiracy at Rome. In Sull. 67 that extends to their participation in the plot of late 66, a version taken up by Sallust (Cat. 18.1–5 [omitting Sulla]) and Dio (36.44.3 f.).

41) Cic. tog. cand. fr. 22 Puccioni = Ascon. 92 Cl.; Mur. 81; Ascon. 83 Cl.

42) Ascon. 83 Cl. (cf. also 92 Cl.) with P. A. Brunt, Three Passages from Asconius, CR n.s. 7 (1957) 193. Such allegations may be the ultimate source of Sallust's account of a renewed attempt at insurrection on 5 February 65 (Sall. Cat. 18.6–8) but there is no evidence that Cicero gave such a date, as Berry (above, n. 3) implies (266; 267; 296).

The exact context of Cicero's assertion is now beyond recall. He can hardly have linked the actions of the tribunes early in 63 explicitly with Catiline's conspiratorial designs; otherwise Torquatus would presumably have drawn attention to it. Nonetheless, it would be an easy matter to represent the involvement of Autronius (and perhaps Sulla) in suspicions of organising violence as a harbinger of what was to come. We do not know how soon Autronius was formally indicted but the evidence of the Allobroges and Volturcius had implied his complicity in the main conspiracy of 63 B.C. and at least raised the question of Sulla's (Sull. 36–9; Sall. Cat. 47.1–2), charges which their enemies will not have been slow to exploit: according to Sallust (Cat. 48.7) some contemporaries supposed that Autronius was behind the "evidence" given to the senate by L. Tarquinius on 4 December and certainly Cicero, along with other of his former connections, was to appear as a prosecution witness at his trial in 62 (Sull. 7; 10; 13; cf. 18–9). Yet Autronius' involvement both with Catiline and, supposedly, with threats of violence went back earlier into 63: in the summer he had evidently accompanied Catiline at the consular elections (Sull. 51), when Cicero claimed that Catiline had planned an attempt on his life. In the fervid atmosphere of late 63/early 62, it would be tempting for Cicero to emphasise to Pompey threats that supposedly emanated from the same quarter at or just before the start of the year. It would also be entirely in character for him to repeat here the claim advanced elsewhere, that from the outset of his consulate he was confronted with a long-established political mischief[43] that was to find its ultimate expression in the Catilinarian conspiracy proper. If in the same context he at least alluded to the incipient emergence[44] of the Catilinarian frenzy itself, that might well be sufficient to justify the inference Torquatus drew, tendentious as it may have appeared from Cicero's own perspective. As a

43) Cf. the parallel language of Cic. leg. agr. 1.26; Rab. perd. 33; Mur. 78; 84; Cat. 2.11 (additionally probative if some of these speeches underwent extensive later revision). Cicero may even intend an allusion to such as Catiline in his charge of sinister forces behind Rullus' bill (Sumner [above, n. 36] 573).

44) Cicero's *erupisse* may conceal an inceptive expression in the original oratio recta or he may have been offering an opening summary of his consulship as a whole, so that *biennio ante* in effect meant simply "two years before my consulship". Either supposition would itself remove much of the difficulty in the conventional interpretation of the passage since Torquatus could now legitimately infer an implicit allusion to events of late 66 or early 65, but it is clear that he went beyond this and exploited the apparent wider context of Cicero's remark in order to import a specific allusion to P. Sulla.

result, Cicero's own rhetoric played straight into the hands of the prosecutor, who exploited its apparently embarrassing implications to the full.

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