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# 1 Sulla the Orator

Sulla is not normally considered to be a Roman orator. He is not included in Malcovati's edition of the fragments of the Roman orators; nor does Cicero include him in *Brutus*. His role in Roman history in the Late Republic is generally seen as a military commander, as an initiator of and participant in civil conflict and, above all, as a reshaper of the *res publica* as dictator. Insofar as the topic of oratory might arise in relation to Sulla, it would be through his assault on the role of oratory through his curtailing of the office of tribune of the plebs. Yet Sulla was a speaker, and not simply at the routine occasions, particularly in senatorial contexts, which no senior magistrate could avoid. Moreover, the way he used oratory was highly significant as evidence for his conception of the *res publica*. His absence from our conventional histories of oratory in Republican Rome is a reflection less of his abilities and activities than a politically slanted representation shaped by the priorities of the generation which came after him. Replacing him into the history of oratory not only gives a more accurate picture of Sulla; it also helps us to understand the transformations he imposed on Roman political life.

## Sulla's Career Before his Consulship

L. Cornelius Sulla was born in 138 B.C. He was a member of the patrician Cornelii gens, but from a branch not recently prominent; he was not closely related to the Scipiones or the Nasicae.<sup>1</sup> He held the quaestorship in 107 and was assigned to the consul Marius; that position was prorogued into 106 and 105, during which time Sulla served with Marius in Numidia and led the negotiations with Bocchus which ended with the capture of Jugurtha.<sup>2</sup> His relationship with Marius continued in Gaul in 104 and 103, but in 102 and 101 he shifted to the forces of Catulus, perhaps indicating a breakdown of relationship with Marius.<sup>3</sup>

Up until this point Sulla's career had proceeded according to the expectations for those in public life in terms of tenure of offices. He held the quaestorship at the age of thirty. He had concentrated thereafter on military activity, rather than activity at Rome, and had not sought the aedileship with its opportunities to engage with the *populus* in Rome. This kind of specialisation is increasingly evident at this

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1 He may have been the grandson of the praetor of 186.

2 Sall. *Iug.* 105–113.

3 Plut. *Sull.* 4.1–2; cf. *Mar.* 25.4–5. Differently: Badian (1970).

period in career-building among members of the elite.<sup>4</sup> The next stage was election to the praetorship and it was at this point Sulla's career ran into difficulty, with his failure to be elected on his first attempt at the office. Plutarch records Sulla's own explanation: that he was foiled by an electorate which wanted him first to hold the aedileship so that his African contacts could ensure spectacular shows; but he is rightly sceptical.<sup>5</sup> Given the limited evidence for internal politics at 90s it is not possible to explain Sulla's initial failure definitively, but a possible answer would be that he lacked a sufficiently high and favourable profile among voters in Rome because his overwhelmingly military trajectory up until that point had kept him away from Rome and from the kinds of activities which made a politician visible, known and therefore an attractive candidate to vote for. A complicating factor in the analysis is that neither the date of his unsuccessful attempt nor that of his successful campaign the following year is secure.<sup>6</sup> He could have stood for the office in 93, which would place the unsuccessful campaign towards the end of 95 for tenure in 94; but a case has been made that he stood for the praetorship as early as 99, to hold it in 98 at the minimum age of 40.<sup>7</sup> If that argument is held, his praetorship is to be dated to 97. Sulla held the urban praetorship, and then was sent as propraetor to Cilicia; he restored the exiled Ariobarzanes and engaged in the first diplomatic activity between Rome and Parthia.<sup>8</sup> He had returned to Rome by the outbreak of the Social War, and his military experience ensured that he played a significant role in that conflict: initially as a legate attached to one of the consuls of 90, L. Julius Caesar, and then in what appears to have been a more independent role in the fighting in Campania and Samnium.<sup>9</sup> He was then elected to the consulship of 88 on his first attempt.

At forty-nine, he held this office at a relatively late age, after a career progression which is likely to have reached the consulship only because the Social War intervened and suddenly created an urgent demand for Sulla's particular set of skills.<sup>10</sup> The focus of his public activities up until this point was outside Rome. This is reflected in his oratory. There is no evidence that he spoke as an advocate in the courts; and on this point, silence bears interpretation, since it seems unlikely that

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<sup>4</sup> Van der Blom (2016) 46–66; on forensic activity and careers, Steel (2016).

<sup>5</sup> Plut. *Sull.* 5.1–2.

<sup>6</sup> Plut. *Sull.* 5.2 confirms that the two campaigns were in consecutive years, and suggests, plausibly, that bribery explains the different outcomes.

<sup>7</sup> *MRR* 3.14–16 opts for 93; Brennan (1992) sets out the argument for 97, which is accepted by Kallet-Marx (1995).

<sup>8</sup> Kallet-Marx (1995).

<sup>9</sup> He is only referred to as a *legatus* throughout the Social War, but his command may have been authorised by the Senate; *MRR* 3.38.

<sup>10</sup> At the very least, the Social War gave Sulla an opportunity to show his abilities at a crisis of the *res publica*; it is perhaps possible, too, that his election reflected a fear that military activity in Italy would continue at a more demanding level of intensity than turned out to be the case.

any forensic activity would not have made some impact on the sources given his subsequent reputation.<sup>11</sup> He is not known to have addressed a *contio* (public meeting) up until this point, nor is that silence particularly surprising among men who did not hold the tribunate.<sup>12</sup> As urban praetor Sulla would have had to speak in the course of administering justice and may have on occasion presided over the Senate, but neither of these duties will have required lengthy speech or imposed any persuasive demands.<sup>13</sup>

Nonetheless, there is evidence for Sulla as an orator in a military context. In Sallust's *Jugurtha*, indeed, Sallust ascribes to him *facundia* (eloquence), in the context of the negotiations towards the end of that work between the Romans and Bocchus.<sup>14</sup> When Bocchus makes contact with Marius asking him to send envoys to negotiate, Marius chooses A. Manlius and Sulla; and it is Sulla who addresses Bocchus. Sallust gives him a speech as an envoy both at this point in his narrative (in direct statement) and a little later in indirect statement, the result of which is to secure Bocchus' cooperation in the capture of Jugurtha.<sup>15</sup> Sulla also appears in the *Jugurtha* as an orator at a military *contio*, addressing his men prior to what they expect will be a fight with Jugurtha's forces (though in fact no battle follows).<sup>16</sup> Sallust has his own purposes in giving Sulla a prominent position in the closing chapters of *Jugurtha*.<sup>17</sup> But these episodes may also derive from Sulla's own memoirs, and the possibility, or even the probability, that among the autobiographical material Sulla recorded were accounts of his own speeches.<sup>18</sup> If that were the case, then Sulla should be considered within the subset of Roman orators as one of those who recorded their own speeches; there is of course a generic difference between disseminating a speech as an independent text and including one in a work of historiography, but the crossover between the genres goes back to the beginning of the written record of Roman oratory with the elder Cato.

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**11** He was threatened with prosecution after his return from Cilicia by C. Marcius Censorinus (Plut. *Sull.* 5.6) but the case did not come to trial, and even if it had Sulla need not have spoken in his own defence.

**12** The dispute between him and Marius in 91 over the display of Bocchus' gift of a statue group showing the moment of Jugurtha's surrender (Plut. *Mar.* 32.2–3; *Sull.* 6.1–2) is the kind of issue that could have been aired in a *contio*, but there is no evidence that it was, and even if it had been Marius is the more likely to have attempted to use his relationship with the people to put pressure on the Senate.

**13** On the role of the urban praetor in this period, Brennan (2000) 441–453. If praetor in 98, Sulla was presumably enrolled in the Senate by the censors of 97, but will not have had the opportunity to speak as a senator until his return from Cilicia; it is possible that he then spoke in the context of **debate** on Bocchus' gift (see above, n. 12).

**14** Sall. *Iug.* 102.2–4.

**15** Sall. *Iug.* 102.5–11; 111.1.

**16** Sall. *Iug.* 107.1.

**17** Levene (1992) 59–64.

**18** See Smith (2009); Cornell (2013) 1.282–286.

## Sulla and Public Speech During his Consulship

As consul in 88, Sulla and his colleague Q. Pompeius Rufus faced a domestic political crisis which blew up, apparently unexpectedly, as the Social War was coming to an end. It was triggered by the proposal from the tribune of the plebs P. Sulpicius to transfer to Marius the *provincia* of Asia, and with it the war against Mithridates which had begun the previous year and which had been allotted by the Senate to Sulla. The consuls attempted to block the passage of Sulpicius' law by declaring the suspension of public business, but were forced by violent rioting to allow the vote to proceed. The measure passed; once stripped of his command, Sulla joined his army near Nola and persuaded it, though not its officers, to follow him to Rome. He seized the city by force, and initiated a purge aimed at Marius, Sulpicius and their closest followers, during which Sulpicius was killed and Marius escaped from Italy and took refuge in Africa.<sup>19</sup>

P. Sulpicius was an exceptional speaker, the greatest orator, with Cotta, in the generation immediately prior to Hortensius: that, at least, is Cicero's view (and Cicero had heard him speak).<sup>20</sup> He was notable for the quality of his voice, energetic delivery, and for his impressiveness as a speaker.<sup>21</sup> Cicero seems also to have been struck by Sulpicius' persuasive talents. In his speech *De Haruspicum Responsis*, he constructs a canon of radical tribunes to sustain the rather implausible argument that, whatever their nuisance value to the *res publica*, there was nonetheless 'a certain dignity' to the struggle with them – in contrast to that currently underway with Clodius. 'For what should I say about Sulpicius? His eloquence was characterised by such weight, charm and brevity that through his speech he could make the prudent go down the wrong path and good men hold less good views'.<sup>22</sup> Sulpicius could change minds.

The events of 88 not only pitched a brilliant speaker against a consul who was untested in the contional arena of Roman politics.<sup>23</sup> It was played out in that arena. Sulpicius presented his tribunician programme of activity, including the proposal on the Asian command, in frequent *contiones*.<sup>24</sup> The relationship that he built with the

<sup>19</sup> On these events, App. *B Civ.* 1.56; Steel (2013) 87–97.

<sup>20</sup> Cic. *Brut.* 203; 306.

<sup>21</sup> Cicero's fullest descriptions are at *De or.* 3.31 and *Brut.* 202–204.

<sup>22</sup> Cic. *Har. resp.* 41: *nam quid ego de Sulpicio loquar? cuius tanta in dicendo gravitas, tanta iucunditas, tanta breuitas fuit, ut posset uel ut prudentes errarent, uel ut boni minus bene sentirent perficere dicendo.*

<sup>23</sup> Sulla's colleague Q. Pompeius was an orator of some ability, according to Cicero (*Brut.* 304). But Pompeius was not disadvantaged by Sulpicius' proposal to transfer the Mithridatic command to Marius.

<sup>24</sup> Cic. *Brut.* 306 (of the year 88 B.C.): *tum P. Sulpici in tribunatu cottidie contionantis totum genus dicendi penitus cognouimus . . .* ('At that time, I got to know the tribune Publius Sulpicius' oratorical style very well through his daily *contio* speeches'.)

people was the basis of the support it offered for his programme; indeed, the law on Asia may well have been a device to intensify that relationship with a view to furthering other elements in his programme, particularly that on the enrolment of new citizens, rather than an end in itself. His opponent Sulla did not have that relationship with the people or experience in dealing with it, and when the conflict between the two reached a *contio*, at the point at which Sulla and Pompeius announced the suspension of public business, Sulpicius prevailed. That *contio* collapsed into lethal violence: Pompeius' son was killed in the fracas, and Sulla was forced to run away to save his life. The consuls had failed to control events through the medium of public deliberation. A second *contio* followed, at which Sulla was forced to announce that the vote would go ahead. That particular day in the early summer of 88 encapsulated the tensions which existed between the framework of procedure according to which the *res publica* was expected to operate, the concept of popular sovereignty, and the reality of popular power when expressed through violence. Under normal circumstances, a consular declaration of a *iustitium* should have halted proceedings. But 'normal circumstances' prevailed only when the people, in the guise of those who were present, allowed them to do so. Sulpicius' relationship with the people, consolidated through his oratory, underpinned its refusal to accept the consuls' declaration; and Sulla had no corresponding claim on its adherence.<sup>25</sup>

Sulla was, however, an orator who could persuade an audience to undertake a controversial course of action. He persuaded his troops to follow him to Rome and, in effect, to capture it as though it were a hostile city. This was a far more radical act than the use of violence at a *contio*. The use of an army by a Roman commander to attack Rome was unprecedented. Both Plutarch's and Appian's accounts indicate that he secured his troops' loyalty at a military *contio*.<sup>26</sup> Neither includes a version of the speech itself, and Plutarch only records the outcome. But Appian notes that Sulla said that he was going to Rome in order to free it from those who were behaving tyrannically.<sup>27</sup> Appian's reference to tyrannical behaviour suggests that Sulla presented the situation which he, and his soldiers, were in as an attack on their *libertas*. An argument along the following lines can be hypothesised: Sulla's own position as consul had been the object of an illegal attack by those in Rome, who had sought to undermine the power of the people as those who elected consuls by bestowing *imperium* on a private individual. This attack was therefore not only an injury to Sulla himself; it was a direct affront to the rights of his audience as citizens whose vote bestowed the position of consul. In support of this suggestion is some evidence that Sulla's action in marching on Rome could be considered legitimate.

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<sup>25</sup> Whether or not what happened at the first *contio* was illegal was at the heart of the struggle between people and Senate, and the question never reached a decisive conclusion. See further Straumann (2016) 119–129.

<sup>26</sup> Plut. *Mar.* 35.4; App. *B Civ.* 1.57. Plutarch's *Sulla* does not, however, include this episode.

<sup>27</sup> App. *B Civ.* 1.57: ἐλευθερώσωσιν αὐτήν ἀπὸ τῶν τυραννούντων.

In a letter from Cicero to Atticus in March 49, when he was reflecting on his own decision not to follow Pompeius and leave Italy, he sketches a history of civil war at Rome to explain his reluctance to participate in the current conflict. He notes that it could be said that Sulla – as well as Marius and Cinna – acted rightly, and perhaps even legally; yet their victories were disastrous.<sup>28</sup> Cicero’s description is very brief, but his argument indicates that there was a possible interpretation of Sulla’s actions which accepted that his resort to military action could be justified, despite his behaviour after his victory.<sup>29</sup> It seems reasonable to conclude that Sulla’s success as an orator when speaking to his troops depended not only on his talent as a speaker – though it can certainly be used as evidence for that – but also his popularity with them on the basis of his and their campaigning during the Social War. The existing relationship worked to support the persuasive capacity of speech, in which legitimate deliberation (involving Roman citizens who happen to be serving in the army) was set against illegitimate deliberation (orchestrated by Sulla’s personal enemies and unrepresentative of the citizen body).<sup>30</sup>

Sulla’s successful oratory as consul thus appears to involve a move that can be paralleled in other conservative politicians, of identifying their own careers and interests with those of the Roman people.<sup>31</sup> A fragment of Sulla’s memoirs which Gellius quotes is worth notice in this context:

If it can be that even now you have some concern for me, and you believe me worth treating like a citizen rather than an enemy, and someone worth fighting for you rather than against you, that does not happen to me without reference to my services and those of my ancestors.<sup>32</sup>

Gellius provides no contextual information beyond identifying the book from which it comes as the second (he quotes the passage because it illustrates the use of *nostris* instead of *nostrum*). The book number, if correct, is a major obstacle to placing this fragment in the context of the Social War or of Sulla’s consulship: the only other fragment placed in Book 2 concerns his ancestor who held the position of *flamen Dialis* in the mid-third century. Nor is it certain that the speaker of this fragment, or author of the letter from which it came, was Sulla himself. Yet it is

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**28** Cic. *Att.* 9.10.3: *at Sulla, at Marius, at Cinna recte. immo iure fortasse; sed quid eorum uictoria crudelius, quid funestius?* The use of *at* indicates that Cicero is presenting an argument that an opponent could put forward.

**29** See further Morstein-Marx (2004).

**30** What is less clear is how far an understanding among his troops that a change of commander in the fight against Mithridates was likely to involve a change of army affected their decision-making. Many modern interpretations include that as a factor, but it is worth noting that Appian does not.

**31** Cicero offers frequent examples, particularly from the period after his return from exile.

**32** Gell. 20.6.3: *quod si fieri potest, ut etiam nunc nostri uobis in mentem ueniat, nosque magis dignos credatis, quibus ciuibus quam hostibus utamini quique pro uobis potius quam contra uos pugnemus, neque nostro neque maiorum nostrorum immerito nobis id continget.* The final clause very strongly suggests that the first plural is being used for first singular.

AU: The reference “Morstein-Marx (2004).” is cited in the text but is not listed in the references list. Please either delete in-text citation or provide full reference details.

certainly intriguing in this context to have an apparent fragment of Sulla's own memoirs in which the distinction between *ciuis* and *hostis* is potentially permeable and can be affected by someone's own identity and services to the state as well as that of his *maiores*.<sup>33</sup>

Once Sulla had taken control of Rome, he enacted a number of measures: some of these were directed at his opponents and at securing his own position, others appear to have addressed the running of the *res publica*. The precise sequence of events and details of his activity are not recoverable, but he appears to have worked through the Senate where possible; thus the decree through which twelve of his opponents were declared *hostes* was apparently ratified by the Senate.<sup>34</sup> It was presumably also the Senate which declared invalid legislation passed after the consuls' declaration of a *iustitium*. Sulla also seems to have strengthened the role of the Senate in relation to the people by insisting on senatorial discussion of legislative proposals before their presentation to the people and by restricting legislative voting to the centuriate assembly (which tribunes of the plebs could not summon).<sup>35</sup> Nonetheless, in the course of this programme both consuls addressed a *contio* at which they justified their activity on the grounds of saving the state from demagogues.<sup>36</sup> The parallel with the arguments that Sulla used to persuade his troops is clear. The move also demonstrates Sulla's recognition of the role of the people in the *res publica*, including the need for them to be informed of events by magistrates. The *contio* had its place in the Sullan *res publica*, a point to which I return below.

## Sulla's Proconsulship Until his Return to Italy

The narratives of Sulla's campaigning during the Mithridatic war include a number of speeches, diplomatic negotiations as well as military *contiones* and battle exhortations. His attested speeches in this period are (i) during negotiations with Athenian envoys during the siege of Athens and in the aftermath of its capture<sup>37</sup>; (ii) an exhortation to his troops during the subsequent campaign in Greece<sup>38</sup>; (iii) an exhortation to his troops during the battle of Orchomenus<sup>39</sup>; (iv) a speech to his

<sup>33</sup> For discussion, see Keaveney (1981); Lewis (1991); Cornell (2013) 3.290. These initiatives are ascribed to the consuls, but Sulla was the driving force.

<sup>34</sup> Val. Max. 3.8.5, noting the opposition to the measure of Q. Mucius Scaevola *augur*.

<sup>35</sup> Sandberg (2004). A methodological difficulty is that the evidence for these two innovations comes from the same passage of Appian (*B Civ.* 1.59) which also includes the much less plausible suggestion that Sulla enrolled new members of the Senate at this point.

<sup>36</sup> App. *B Civ.* 1.59.

<sup>37</sup> Plut. *Sull.* 13.4; 14.5.

<sup>38</sup> Plut. *Sull.* 16.6.

<sup>39</sup> Plut. *Sull.* 21.2; App. *Mith.* 49.

troops after Orchomenus<sup>40</sup>; (v) negotiations with Archelaus after Orchomenus<sup>41</sup>; (vi) talks about talks with envoys from Mithridates<sup>42</sup>; (vii) negotiations with Mithridates leading to the treaty of Dardanus<sup>43</sup>; (viii) a justification to his troops for negotiating peace with Mithridates<sup>44</sup>; (ix) a meeting with C. Flavius Fimbria<sup>45</sup>; and (x) an address delivered at Ephesus to delegates from the cities of Asia Minor threatening them with penalties for supporting Mithridates.<sup>46</sup>

These are the kinds of speeches which *imperium*-holders regularly gave in the course of campaigning. Their number may reflect Sulla's own record of his achievements.<sup>47</sup> Nonetheless, there are notable differences of **emphases** between the two major accounts, those of Plutarch and of Appian, which suggest that his oratory has been shaped by the logic of each narrative. Plutarch uses speech to justify Sulla's actions<sup>48</sup>; it also illustrates Sulla's cultural self-presentation.<sup>49</sup> Appian gives Sulla two long speeches in direct statement, which can be interpreted as illustrations of the brutality of Roman imperialism and its capacity for self-delusion.<sup>50</sup> Sulla may have delivered speeches on the occasions which are recorded during his campaigns against Mithridates, but the fact that their existence was recorded seems to owe more to his subsequent notoriety within Roman political life and his own self-memorialisation than their inherent significance or quality.

## Civil War and Dictatorship

Some negotiations took place between Sulla and his opponents before his final civil war victory in November 82.<sup>51</sup> Appian records that in Greece in 84, before crossing back to Italy, Sulla met envoys from the Senate and observed that his possession of a

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40 App. *Mith.* 50.

41 Gran. Lic. 35.71 (Criniti); App. *Mith.* 54.

42 Plut. *Sull.* 23.3–4; App. *Mith.* 56.

43 App. *Mith.* 57–58.

44 Plut. *Sull.* 24.4.

45 App. *Mith.* 59.

46 App. *Mith.* 61–62.

47 Sulla's exhortation during the battle of Orchomenus (iii in the list above) is repeated in both Plutarch and Appian's accounts, suggesting a common source which may have been Sulla's own; and clearly it draws on tropes of how generals should behave at turning points during battles.

48 Plut. *Sull.* 24.4 (viii above).

49 Thus Sulla rejects overtures from the Athenians as being too reminiscent of great oratory from the past (13.4) and justifies his behaviour after the capture of the city by reference to Athens' history (14.5).

50 The speeches are at App. *Mith.* 57–58 and 61–62. On Appian's interpretative stance, and in particular the role of clemency, see Thein (2014).

51 In Greece in 84: App. *B Civ.* 1.79; with the consul Scipio near Teanum in 83: Cic. *Phil.* 12.27.

στρατόν . . . εὐνοῦν (an obedient army) meant he was well placed to protect the *res publica*. Appian observes that the remark indicated ‘by this one sentence that he did not intend to disband his army but was already aiming at tyranny’.<sup>52</sup> Setting aside hindsight, however, the remark nonetheless fits its context as a reference to Cinna, who had been killed by his own troops earlier that year. Negotiations took place in 83 between Sulla and Scipio Asiagenes near Teanum in Campania; Cicero records that they talked ‘about the authority of the Senate, the votes of the people, and the rights of citizenship’ (*de auctoritate senatus, de suffragiis populi, de iure ciuitatis*) but does not record any details of what either man said. This evidence does not suggest extensive use of oratory by Sulla in the civil war’s negotiating phase.

As Sulla took control of Italy, however, oratory started to play a more significant part. In Appian’s account in the *Bellum Civile*, the most detailed narrative of Sulla’s capture of Rome and activity in Rome as dictator (and only non-fragmentary historiography source), speeches to the people and to the Senate are both prominent. He describes a series of *contiones* at which Sulla articulated his record and vision for the future, which started even before he assumed the office of dictator.<sup>53</sup> There were four: (i) before the Colline Gate battle (but after the executions ordered by the praetor Damasippus and the departure of Carbo and others from Rome)<sup>54</sup>; (ii) shortly after the Colline Gate battle, in which he announced the proscriptions<sup>55</sup>; (iii) during the consular campaign in 81, after the death of Ofella<sup>56</sup>; and (iv) on demitting his dictatorship.<sup>57</sup>

The first is striking in part because it involved Sulla’s entering Rome whilst the civil war was still ongoing (though after his opponents had departed the city). Appian does not give a precise location for the *contio*: Sulla may have spoken outside the *pomerium* rather than in the Forum, thus preserving his *imperium*.<sup>58</sup> It is also unclear who summoned the *contio* for Sulla, since on no understanding of Rome’s *res publica* did a proconsul have such capacity. Nonetheless, Sulla’s use of a *contio* at this point in events shows not only a confidence in his reception by an audience in Rome but also a commitment to the civil state. On Appian’s telling, Sulla’s message was ostensibly one of reassurance: current disturbances would soon come to an end and ‘the country would return to its proper state’.<sup>59</sup> This first

52 App. *B Civ.* 1.79: ἐνὶ ῥήματι τῷδε, οὐ διαλύσων τὸν στρατόν, ἀλλὰ τὴν τυραννίδα ἤδη διανοούμενος.

53 On the chronological issues of this period, see Heftner (2006a); Eckert (2016a) 140–146.

54 App. *B Civ.* 1.89.

55 App. *B Civ.* 1.95.

56 App. *B Civ.* 1.101.

57 App. *B Civ.* 1.104.

58 See, e.g., Fimbria’s remark at App. *Mith.* 59. Appian’s description of Sulla’s going εἴσω need not undermine this interpretation, since Rome’s urban area was not coterminous with that bounded by the *pomerium* (whose line had changed between the Republic and Appian’s time).

59 App. *B Civ.* 1.89: τῆς πολιτείας ἐς τὸ δέον ἐλευσομένης.

*contio* should be seen as the result of a choice by Sulla to seek to demonstrate that his conduct was justified and to raise the prospect of a restoration of proper civilian government. It is also significant that this was a *contio* to share information: there was no measure under discussion and it was not linked to a voting assembly.

In describing the content of the second contional speech Appian says that Sulla

boasted a great deal about his achievements and made alarming statements to frighten them and added that he would lead the people to beneficial change, if they would follow him, but spare his opponents no penalty at all, but pursue in full force praetors, quaestors, military tribunes and anyone else who had collaborated with the enemy since the day when the consul Scipio had abandoned the agreement he had made with him.<sup>60</sup>

Here too is the idea of change at the level of the political community as a whole, but now combined with vengeance on his enemies (in Appian's narrative, the publication of the proscriptions list follows in the next sentence). The precise identification by office of those whom he intends to pursue (along with the potentially arbitrary 'others') suggests a distinction between a corrupt elite, who will suffer for their actions, and an innocent populace who will now benefit from the restoration of good government. There is nothing in the words which Appian reports which contradicts a Sullan stance of benevolence towards the people.

The third *contio* in Appian's narrative took place after Sulla had Lucretius Ofella, who was attempting to stand for the consulship, executed.<sup>61</sup> His speech, the only one in this series to be given in direct statement, justifies his action, with a parable about a farmer being driven finally to burn a lousy tunic to demonstrate that there were limits on his patience.<sup>62</sup> The existence of the *contio* confirms the idea that part of the point of the manner of Ofella's death was its publicity: and in this sequel to the death itself, Sulla not only seizes responsibility for it but also offers a blunt justification for it: Ofella was disobedient, and a similar punishment could be extended to others who are disobedient. Unlike the two earlier *contiones*, explicit menace is not limited to magistrates but potentially encompasses those who supported Ofella.<sup>63</sup>

The final *contio* occurred when Sulla demitted the dictatorship, and in Appian's narrative the *contio* itself is secondary to the encounter which follows it, in which a boy abuses Sulla once he has returned to private status, leading him to observe that, as a result, he will be the last man to give up power at Rome voluntarily. That

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<sup>60</sup> App. *B Civ.* 1.95: πόλλα ἐμεγαληγόρησεν ἐφ' ἑαυτῶ καὶ φοβερά ἐς κατάπληξιν εἶπεν ἕτερα καὶ ἐπήνεγκεν, ὅτι τὸν μὲν δῆμον ἐς χρηστήν ἄξει μεταβολήν, εἰ πείθονται οἱ, τῶν δ' ἐχθρῶν οὐδενὸς ἐς ἔσχατον κακοῦ φείσεται, ἀλλὰ καὶ τοὺς στρατηγούς ἢ ταμίαις ἢ χιλιάρχους ἢ ὅσοι τι συνέπραξαν ἄλλοι τοῖς πολεμίοις, μεθ' ἧν ἡμέραν Σκιπίων ὁ ὑπατος οὐκ ἐνέμεινε τοῖς πρὸς αὐτὸν ὠμολογημένοις, μετελεύσεσθαι κατὰ κράτος.

<sup>61</sup> This *contio* also occurs in Plutarch's narrative (*Sull.* 33.4).

<sup>62</sup> App. *B Civ.* 1.101.

<sup>63</sup> On Ofella's campaign, see Keaveney (2003).

apophthegm could well be anecdotal, but there is no need to doubt the existence of a *contio* at which Sulla gave up his office and offered to give an account of his actions.

There are two other *contiones* not in Appian's narrative but recorded elsewhere. One is a speech in which Sulla announced that he was taking the cognomen 'Felix'.<sup>64</sup> The other is recorded by Cicero, and included by Plutarch in his comparison of the lives of Sulla and Lysander.<sup>65</sup> It took place in the context of property sales during the proscriptions, so chronologically it falls between Appian's third and fourth *contiones*. Sulla observed there that selling the property of the proscribed was *praedam suam uendere*, to sell his own booty. For Cicero, the point of the anecdote is to show the extent to which Sulla's position went beyond anything that could be conceptualised by the *res publica* at that point, by conflating the state with the individual and by turning citizens into *hostes*.<sup>66</sup>

Speeches to the *populus* can be set alongside Sulla's engagement with the Senate. The best documented occurrence is a meeting in the temple of Bellona at which Sulla addressed the Senate for the first time following the Colline Gate.<sup>67</sup> The meeting was within earshot of where prisoners of war were being kept; as Sulla began to address the Senate, they began to be executed, so that his speech took place to the accompaniment of the cries of dying men. Seneca and Plutarch do not include the substantive content of Sulla's address, though both record the substance of a comment Sulla apparently made, that what his audience was hearing was his punishment of some rebels (Seneca: *seditioni*) or criminals (Plutarch: οἱ πονηροί). This was a carefully orchestrated demonstration of power to intimidate the Senate and ensure their absolute compliance with whatever he might then do.

Another significant senatorial meeting is one at which a senator asked Sulla how long the slaughter of his enemies was to continue and asking for clarity on those who were to be included as victims.<sup>68</sup> Plutarch identifies the questioner as a

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64 Plut. *Sull.* 34.2. On Sulla's assumption of the name 'Felix', Eckert (2016a) 46–48. There is thematic overlap between this speech, linked by Plutarch with Sulla's triumph, and the one in Appian when he demitted the dictatorship: Thein (2009) 99–102.

65 Cic. *Verr.* 2.3.81–2; *Leg. agr.* 2.56; *Off.* 2.27; Plut. *Comp. Lys. Sull.* 3.3; see further the discussion in Eckert (2016b) 139; van der Blom (2017). Cicero uses the word *contio* in his account; it is an interesting question (though beyond the scope of this chapter) whether that should be taken as definitive evidence for a formally-summoned *contio* or whether Cicero's focus on communication between Sulla and his audience might explain his use of this term for words that were actually uttered in the context of an auction.

66 There may have been other *contiones*. Plutarch (*Sull.* 31.4) records a chilling anecdote in which Sulla tells the people he is proscribing those he can remember, and will add people as they come to him; but this could come from the same *contio* as the second in Appian's narrative.

67 Sen. *Clem.* 1.12.2; Plut. *Sull.* 30.2–3. Appian does not include the episode.

68 Plut. *Sull.* 31.1–3.

Gaius Metellus.<sup>69</sup> But he does note that some people ascribe the remark to a known associate of Sulla, Fufidius, raising the possibility that this question, so far from being oppositional, was arranged by Sulla to allow him to show a commitment to constitutional propriety through establishing a framework for violent reprisals.<sup>70</sup>

Alongside dramatic meetings of the Senate which were included in historiographical accounts of his dictatorship, the business of the Senate appears to have continued, with Sulla potentially in attendance. So, for example, on the 16th March 81 the Senate met, with Sulla as presiding magistrate, in the temple of Concord to listen to envoys from Stratoniceia ask for permission to dedicate a gold crown and sacrifice on the Capitol and for the Senate to confirm the political and legal status of their community and its privileges.<sup>71</sup>

As dictator Sulla communicated with both Senate and people, and in his speeches he did not privilege the Senate. It was the object of threats, whereas the message to the people, at least initially, was one of reassurance, albeit reassurance depending on an acceptance of Sulla's power. Sulla was deeply hostile to *popularis* behaviour, but it is important to acknowledge that that attitude did not imply that he saw no role of the people within the *res publica*. Sulla's speeches to the people demonstrate what that role should be: communication from magistrate to people is essential, but such communication does not seek, or require direct popular confirmation or approval for the acts which it describes. The use which Sulla himself made of oratory, both contional and senatorial, can be aligned with his view of the proper use of public speech as it emerges from his redesigned *res publica*. His changes to the role of the tribunes of the plebs and to the framework of legislative activity changed the place of the *contio*. If it was summoned in order to consider legislation, it was summoned by a consul or a praetor, and the legislation itself would have been considered by the Senate and thus, in theory, only proceed to a vote if it represented a consensus decision by the elite. Replays of, for example, Sulpicius' challenge to the authority of the people as embodied in their choice of consuls was impossible. The implication of such changes is that there was no need in the *res publica* for oratory which could change minds and thus lead to unpredictable outcomes; but oratory remained necessary to inform the people and to justify the decisions of magistrates and senators. Sulla's contional practice conforms to this pattern; he is the ideal orator of the Sullan *res publica*.

Another aspect to his new *res publica* is the role of forensic rhetoric. Sulla's system of *quaestiones* standardised and organised forensic oratory in cases of public

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<sup>69</sup> Metellus is described as a young man, so he is probably not the consul of 80 (identification with whom would require Plutarch to be wrong about the praenomen, as the consul of 80 was Quintus); this Metellus has an *RE* number (71) but no other attestation.

<sup>70</sup> On the organisation of the proscriptions, see further Hinard (1985b). Fufidius is mentioned at Flor. 2.9.26 as a Sullan adviser; the remark recorded there may come from this debate.

<sup>71</sup> *OGIS* 441. In 80 Sulla addressed envoys from Thasos in the Senate (*RDGE* 20).

significance. No longer was the politically motivated free-for-all of the *iudicia publica*, with their citizen audiences, to be the mechanism for judging members of the Roman elite. Instead, they would defend their actions in courts in front of their senatorial peers, presided over by praetors empowered to ensure proper and transparent procedure. Forensic rhetoric was now very clearly demarcated as different from deliberative rhetoric.

Flower has characterised Sulla's republic as 'a political constitution based on laws and their regular enforcement by a system of courts'.<sup>72</sup> As she argues, this kind of state was radically different from what had gone before at Rome in which deliberation and debate took centre stage. A direct reflection of this change can be seen in the changing role of oratory and the functions to which it could be put. But the nature of the change can be framed in a slightly different way. What Sulla was attempting to eliminate from the *res publica* was unpredictability and, above all, the unpredictability that took place when a particular group of people made a particular decision at a particular time and place, exposed to partial and uncontrolled public speech. Whilst oratory remained a key element in the management of his *res publica*, it did so now in a tightly controlled fashion that meant that the decisions it was implicated in were consonant with the organisation of the state as a whole. Hence, apparently paradoxically, there are examples of very free speech even before Sulla's death; it was acceptable provided that it took place in the right environment. Hence, too, the possibility of arguing that Sulla was – perhaps despite himself – a protector of the rights of the new citizens, insofar as he restricted the capacity of citizens who happened to be in Rome to reroute policy onto unexpected paths.

## Conclusion

Sulla was an orator, by any reasonable definition of that term at Rome. His absence from the *Brutus* was a decision driven by the concept of oratory that Cicero wanted to put forward in the context of Caesar's dictatorship: it involved the editing out of both Sulla and Marius.<sup>73</sup> He spoke extensively in a variety of deliberative contexts whenever his career created the opportunities for him to do so; but he did not seek to make oratory an element in his appeal to the people for electoral support. He never spoke forensically, and for patricians – at least prior to Clodius – forensic oratory was the only significant opportunity for speech at Rome prior to the praetorship, given that the tribunate of the *plebs* was not open to them. But although forensic and tribunician oratory provided the majority of high profile and dramatic

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<sup>72</sup> Flower (2010) 129.

<sup>73</sup> Steel (2003).

speeches at Rome which contributed to the reputation of those considered to be great speakers, they were not the only occasions on which speech was required by those in public life. Prior to his dictatorship, Sulla demonstrates how even those in public life who made no claims to great skill, expertise or talent as orators would nonetheless be speakers once they reached a certain seniority; that was the nature of the *res publica*. In his dictatorship, speech assumed a greater importance for Sulla and for new ends. He used speech to exemplify key aspects of the *res publica* as he reshaped it during his dictatorship and to model the appropriate use of oratory. The *contio* provided a venue for him to reconfigure the Roman people into an obedient audience of instruction from magistrates, and his senatorial oratory revealed his autocracy whilst also shaping the role of the Senate in his *res publica*. Oratory was a key medium through which Sulla demonstrated how the *res publica* could and should work, and in order to give it this value Sulla himself took on the role of orator.