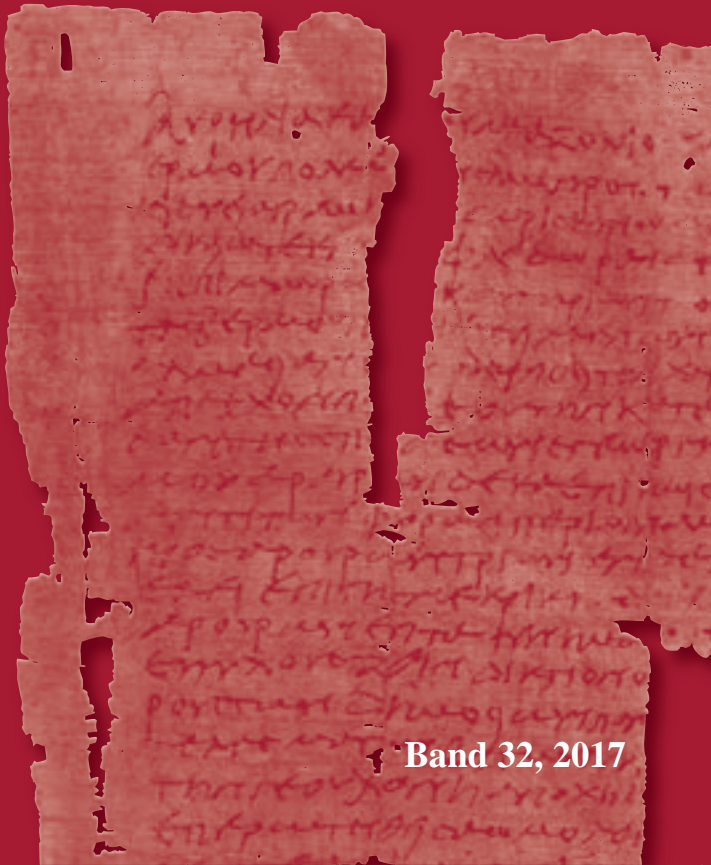


Herausgegeben von:

Thomas Corsten
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Hans Taeuber

TYCHE

Beiträge zur Alten Geschichte
Papyrologie und Epigraphik



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ALEXANDER THEIN

Percussores: a study in Sullan violence

In his monograph on the proscriptions, Hinard makes the claim that *percussores* was the official term for the ‘chasseurs de têtes’ or ‘bounty hunters’ of the Sullan proscriptions of 82 B.C.¹ It is an important definition because it is a core premise in his argument that the genesis of the Sullan proscriptions was not preceded by a wave of indiscriminate violence in the city of Rome. This wave of violence, in which men are said to have been killed not just for political reasons, but also to satisfy private enmities and greed, is attested by Plutarch, Cassius Dio, Florus, Augustine, and Orosius.² Hinard is convinced that the violence of Sulla’s civil war victory was limited to the selective, state violence of the proscriptions, and this leads him to question the reliability of the sources that describe indiscriminate violence ‘from below’. One source, Orosius, is dismissed because he uses the term *percussores* to refer to the men who exploited the chaos of Sulla’s victory to murder with impunity in the period before the genesis of the proscriptions. Hinard insists that this is a confused reference to the period *after* the genesis of the proscriptions: citing his own definition of *percussores*, he argues that Orosius must be referring to the ‘chasseurs de têtes’ or ‘bounty hunters’ who responded to Sulla’s proclamation of an official reward of two talents or 12,000 drachmae on the heads of the proscribed.³ My aim in this article is to show that Hinard’s definition of *percussores* is without basis. It is also my intention to challenge his denial of the well-attested wave of indiscriminate violence which is reported to have engulfed the city of Rome in the

¹ *Percussores* is used eleven times as a synonym for the bounty hunters of the Sullan proscriptions; see F. Hinard, *Les proscriptions de la Rome républicaine* (CEFR 83), Rome 1985, 37, 40, 41, 67, 72, 83, 84, 106, 142, 206, 236. It is called ‘du terme officiel’ on p. 106, and on p. 83 it is claimed that the term appeared in the Sullan proscription law. Hinard offers only half a sentence to prove the validity of his definition: ‘sur la valeur technique de *percussor*, Cic., *Rosc. Amer.* 93’ (p. 83, n. 57). *Percussores* is used five times (Hinard, op. cit., 231, 234, 239, 241, 308) without supporting evidence or argument to refer to the bounty hunters of the triumviral proscriptions. It is also used to refer to triumviral assassins who were *not* bounty hunters (Hinard, op. cit., 229, with App. civ. 4.6). Bounty hunters were freelance killers who acted in response to the proclamation of a price on the heads of the proscribed; they are not to be conflated with assassins who followed direct orders from above.

² Plut. Sull. 31.1; Cass. Dio 30–35.109.9–11; Flor. epit. 2.9.25; Aug. civ. 3.28; Oros. 5.21.1.

³ Hinard, *Proscriptions* (above, n. 1) 107, with Oros. 5.21.1. The other texts which attest the wave of violence are dismissed with even less argument (Hinard, op. cit., 104–105; further discussion below). Plutarch attests that the bounty was two talents (Sull. 31.7) or 12,000 denarii (Cat. min. 17.5).

brief interval between the battle of the Colline Gate, on the 1st November 82, and the genesis of the proscriptions.⁴

There are only three passages which use the word *percussores* in connection with the violence of Sulla's civil war victory. Cicero uses the term in his *Pro Roscio* as a euphemism for the 'gangsters' or *sicarii* 'who for nights and days were running about armed, never left Rome, and were always engaged in plundering and murdering'.⁵ Hinard assumes that Cicero is referring to the bounty hunting of the proscriptions. It can be shown, however, that he is instead describing unofficial violence, in particular the criminal profiteering of men from the highest ranks of the Sullan elite who were not satisfied with the huge fortunes to be made in the public auctions of legally-confiscated estates, and whose greed led them to arrange the murder and fraudulent proscription of wealthy men who had not opposed Sulla in the civil war.⁶ Cicero's description of armed men killing for booty and running through the streets of Rome day and night finds an echo in Orosius' account of a wave of violence prior to the genesis of the proscriptions: 'unrestrained killing engulfed the city, and *percussores* were roaming everywhere, each of them seduced by anger or booty'.⁷ Orosius refers specifically to the period before the proscriptions, so clearly the *percussores* in this passage cannot be bounty hunters. Hinard's response to this problem is to assume that his own definition of the word is correct and that Orosius is confused.⁸ At no point, however, does he argue for his definition: he simply asserts, with no explanatory comment, that Cicero indicates the 'technical valence' of the word when he alludes in his *Pro Roscio* to 'those who are called by the milder name of *percussores*'.⁹ Hinard's definition is arbitrary, and there are good reasons not to identify the *percussores* of Cicero and Orosius as bounty hunters. In one passage, however, the word does appear to carry this meaning. Seneca offers a catalogue of Sullan atrocities which includes 'bands of *percussores* roaming all through the city'. The focus of the passage is on official, state-sponsored violence, thus it makes sense to identify these roaming killers as bounty hunters. This text is ignored by Hinard.¹⁰

⁴ The best discussion of the genesis of the Sullan proscriptions is H. Heftner, *Der Beginn von Sullas Proskriptionen*, Tyche 21 (2006) 33–52. Analysis of the wave of violence: Heftner, op. cit., 48.

⁵ Cic. S. Rosc. 81 (*qui tum armati dies noctesque concursabant, qui Romae erant assidui, qui omni tempore in praeda et in sanguine versabantur*). At S. Rosc. 93 Cicero refers to *sicarii* 'whom people euphemistically describe as hit-men' (*eos quos, qui leviori nomine appellant, percussores vocant*).

⁶ Cic. S. Rosc. 79–94, discussed below.

⁷ Oros. 5.21.1 (*liberae per urbem caedes, percussoribus passim vagantibus ut quemque vel ira vel praeda sollicitabat*). Cf. Cicero's reference to 'booty and blood' (*in praeda et in sanguine*) at S. Rosc. 81 (above, n. 5). Greed is a standard civil war motif. See P. Jal, *La guerre civile à Rome : étude littéraire et morale de Cicéron à Tacite*, Paris 1963, 384–389.

⁸ Hinard, *Proscriptions* (above, n. 1) 106–107.

⁹ Hinard, *Proscriptions* (above, n. 1) 83 n. 57: 'sur la valeur technique de *percussor*, Cic., *Rosc. Amer.* 93'.

¹⁰ Sen. dial. 1.3.7 (*passim vagantis per urbem percussorum greges*). There are close verbal links with Oros. 5.21.1 (above, n. 7).

Hinard's attempt to identify a technical definition of the word *percussor* indicates a concern for linguistic and conceptual precision, so it is problematic that his definition rests not on the results of a word study but on an arbitrary reading of only two of the three texts in which the term appears in a Sullan context. There is also a problem with the premise that there must have been a technical term for bounty hunters, and that this was an official term which appeared in the Sullan proscription law.¹¹ There is no evidence that Latin had a specific word for bounty hunters, and it is wrong to think there was any technical term for these men in the proscription edict or law: it should be assumed instead that there was a clause promising payment of the bounty to 'anyone who kills' or 'anyone who brings a head'.¹²

Percussor: a word study

Percussor derives from *percutere*, 'to strike'. It is a term for 'killers' or 'men of violence', and in the Sullan period it was a euphemism for *sicarius*, a word for 'gangster' which derives from *sica*, a type of curved knife.¹³ *Sicarii* were urban criminals who operated in gangs, carried weapons in the streets, and posed a serious threat to public order.¹⁴ There are only a few texts, however, in which *percussores* appear in the context of street violence and gangsterism.¹⁵ In most cases the word refers instead to murderers or assassins.

¹¹ Hinard asserts that *percussores* was an official, technical term (*Proscriptions* [above, n. 1] 83 n. 57, 106–107) and he refers on one occasion to 'ceux que la loi appelait les *percussores*' (op. cit., 83).

¹² One may note the definition of a bounty hunter in the *Tabula Heracleensis*: *queiue ob caput c(iuis) r(omanei) referundum pecuniam praemium aliudue quid cepit ceperit*, 'or anyone who has or shall have received money or reward or anything else for bringing in the head of a Roman citizen' (CIL I² 593.122). Suetonius refers to Sulla's bounty hunters as those who received public money 'for bringing in the heads of Roman citizens' (Suet. Iul. 11: *ob relata civium Romanorum*). The connection between the two texts is noted by Hinard, *Proscriptions* (above, n. 1) 206.

¹³ *Percussores* and *sicarii* literally mean 'hit-men' and 'knife-men'. The word *percussor* is first attested in Cicero's testimony that it was a euphemism for *sicarius* (S. Rosc. 93: *leviore nomine*). One view is that *percussor* was originally a word for an attacker who inflicted grievous but non-lethal violence. See J. N. Adams, *Two Latin Words for 'Kill'*, *Glotta* 51 (1973) 280–292, at 290 n. 69; A. R. Dyck, *Cicero Pro Sexto Roscio*, Cambridge 2010, 158. In the surviving testimonia, however, *percussores* are killers. The OLD¹ (s.v.) defines *percussor* as 'a person employed to carry out a killing, assassin' and *sicarius* as 'an assassin, murderer'.

¹⁴ J. D. Cloud, *The primary purpose of the lex Cornelia de sicariis*, *ZRG* 86 (1969) 258–286, at 270–280. Cf. O. F. Robinson, *The Criminal Law of Ancient Rome*, Baltimore 1995, 42; R. A. Bauman, *Human Rights in Ancient Rome*, London 2000, 114. The word *sicarius* did not assume the meaning of 'murderer' until the early 1st century A.D. See Cloud, op. cit., 282–283, cf. 268–270.

¹⁵ Juvenal (8.173–176) imagines a tavern in which a *percussor* can be found in the company of thieves, runaway slaves, and other reprobates, while Cicero (dom. 13) lambasts the Catilinarian L. Sergius as a *percussor* and instigator of political violence. For *percussores* as an urban phenomenon, cf. Sen. benef. 4.28.5; Quint. decl. 321.18.

In the law courts a *percussor* is often a hired assassin. In a declamation ascribed to Quintilian, for example, a man accused of attempted parricide turns to his father and asks the rhetorical question: ‘shall I hire a *percussor*, will I ambush you on a journey?’¹⁶ If a murder was committed by proxy it was possible to draw a distinction between the person who ordered the deed and the *percussor* who struck the fatal blow.¹⁷ But any murderer was a *percussor* if he struck the fatal blow himself, and it was also the norm to use *percussor* to refer to the perpetrator of a murder committed by persons unknown.¹⁸ A *percussor* can be an assassin hired to kill a political opponent. It was claimed that a *percussor* hired by Antony was caught dagger in hand at Octavian’s house, while Octavian was rumoured to have hired *percussores* to kill Antony.¹⁹ Jugurtha is said to have dispatched a *percussor* to kill Massiva, a rival for the throne of Numidia.²⁰ In these cases the word means ‘assassin’ in the literal sense of ‘contract killer’ or ‘hit-man’. It is often used in the singular, indicating a lone assassin. But not all *percussores* acted alone. Livy describes an incident, from the end of the Second Macedonian War, in which Brachylles, a pro-Macedonian Boeotian, was ambushed and killed by six armed men as he made his way home from a public banquet, drunk, without a bodyguard.²¹ On occasion, it is stated or implied that *percussores* were soldiers acting under orders. Galba is said to have been warned on the morning of his death that the *percussores* sent after him were not far away, but he was persuaded to make a public appearance in the Forum, and he was killed by cavalry troopers with orders to kill him.²² There are also instances in which *percussores* are freelance killers who act in response to the public proclamation of a bounty. Florus and Augustine use the word in their accounts of how the consul Opimius honoured his promise to reward the person who brought him the severed head of the tribune C. Gracchus with its weight in gold.²³ Curtius Rufus claims that Darius fostered treachery in the Macedonian ranks and promised the phenomenal sum of 1,000 talents to any would-be *percussor* for Alexander’s assassination.²⁴ At times, *percussores* are ‘assassins’ only in a metaphorical sense. The word can refer to conspirators, above all the members of the plot which led to Caesar’s assassination.²⁵ It is also used in invective, both political and moral. Cicero, for example, calls Antony ‘a *percussor*, a bandit, a Spartacus’, while Seneca laments that greed

¹⁶ Quint. decl. 377.7, cf. 260.19, 379.3.

¹⁷ Quint. decl. 281.2.

¹⁸ Plin. nat. 8.142; Sen. contr. 7.5.pr., 7.5.4, 7.5.6, 10.1.2, 10.1.3, 10.1.4, 10.1.12; Tac. ann. 13.44.

¹⁹ Cic. Phil. 2.74 (*cum sica*); Suet. Aug. 10.3 (44 B.C.).

²⁰ Flor. epit. 1.36.8 (111 B.C.).

²¹ Liv. 33.28.3; cf. Pol. 18.43.12 (196 B.C.).

²² Suet. Galb. 19.1–2; Tac. hist. 1.41.

²³ Flor. epit. 2.3.6; Aug. civ. 3.24.

²⁴ Curt. 4.1.12, 4.11.18; cf. 3.5.16: public announcement of 1,000 talent reward.

²⁵ Liv. per. 117; Suet. Iul. 83.2, 89.1; Ner. 37.1; Flor. epit. 2.16b.6, 2.18.1; Oros. 6.18.7.

The word is applied to L. Cinna, who conspired against Augustus (Sen. clem. 1.9.4). The officers of the Praetorian Guard who killed Caligula are also called *percussores* (Suet. Cal. 51.3, 58.3).

‘wearies the courts, pits father against son, brews poisons, and gives swords to *percussores* and the legions.’²⁶ On occasion a *percussor* is a public executioner or the person who strikes the fatal blow in an assisted suicide.²⁷

Percussor is a word defined by its context: it can usually be translated ‘murderer’ or ‘assassin’, but it can also mean ‘killer’ or ‘executioner’, and it is only rarely that it is used with reference to bounty hunting. It is a generic, non-technical term, and its various meanings can be expressed by other words in the Latin vocabulary of violence. There is *interfector*, a word for ‘killer’ which frequently appears in the context of political assassinations.²⁸ Cicero’s assassin, the tribune C. Popillius Laenas, is labelled a *percussor* and an *interfector*.²⁹ Both words are also used to describe Caesar’s assassins.³⁰ In addition, there is the word *inquisitor*, ‘tracker’, which is attested in a narrative of a Sullan manhunt (the pursuit and capture of the young Caesar by a unit of soldiers which was searching for fugitives in the Sabine hills).³¹ *Percussor* was not the only word for the men who tracked and killed the proscribed, and as the following sections will show there is only one passage in which it *might* describe the bounty hunters of the Sullan period.

Cicero: criminal profiteering

In his *Pro Roscio*, Cicero offers a description of the indiscriminate violence of Sulla’s civil war victory in which he attacks the prosecution case and notes in passing that the term *percussores* can be used as a euphemism for *sicarii*:

‘There were at that time a large number of assassins (*multitudo sicariorum*), as Erucius has pointed out, and people were being killed with impunity. So who did that large number of assassins consist of? They were, I think, either those who were involved in purchasing confiscated property, or those who were paid by them to kill people. If you think that they were those who went after other people’s property, then you yourself are one of them, since you have made yourself a rich man by taking what belongs to us. If, on the other hand, you think they were those whom people euphemistically describe as ‘hit-men’ (*percussores*), then ask yourself to whom they are bound, and whose dependants they are: I tell you that you will find among them someone from your own circle.’ (Cic. S. Rosc. 93; Oxford World’s Classics translation: D. H. Berry).

²⁶ Cic. Phil. 4.15 (*cum percussore, cum latrone, cum Spartaco*); Sen. dial. 5.33.1 (*haec fora defatigat, patres liberosque committit, venena miscet, gladios tam percussoribus quam legionibus tradit*).

²⁷ Public executions: Oros. 5.19.7, 7.33.7. Assisted suicides: Tac. ann. 2.31; Suet. Ner. 47.3; Oros. 6.16.4, 6.18.16.

²⁸ The following offer the clearest examples: Cic. fam. 12.23.2; Liv. 24.7.7, 24.22.16, 24.23.2, 24.24.7, 25.25.3, 42.40.5, 42.41.5; Curt. 4.7.27, 6.11.26, 6.11.29, 7.5.20, 7.5.37; Tac. hist. 1.47, 2.16, 2.23; ann. 12.48, 12.65.

²⁹ *Percussor*: Sen. contr. 7.2.5; Vir. ill. 81.6. *Interfector*: Sen. contr. 7.2.8; suas. 6.19. Laenas received a reward of 250,000 Attic drachmas in addition to the standard bounty of 25,000 Attic drachmas on the heads of the proscribed (App. civ. 4.20, cf. 4.11).

³⁰ *Percussores*: above, n. 25. *Interfectores*: Cic. ad Brut. 1.17.5; Nep. Att. 8.3; Liv. per. 116; Vell. 2.58.3, 2.64.2, 2.87.3; Sen. benef. 5.16.6; Tac. ann. 1.9.

³¹ Suet. Iul. 1.2; cf. Sen. dial. 4.9.3.

Hinard cites this passage as the proof text for his claim that *percussores* was the technical term for the bounty hunters of the Sullan proscriptions. In doing so, he simply assumes that the violence described in this passage is official, state-sponsored violence.³² It is a tenuous assumption, and it is also wrong. Cicero's testimony is not ambiguous, and it can be shown that when he condemns the violence of the *multitudo sicariorum* he focuses exclusively on criminal profiteering and fraudulent proscription, not bounty hunting.

Sextus Roscius the Elder was killed, according to Cicero, on his return from a dinner party in Rome in a period of peace, several months after the formal end of the proscriptions on the 1st June 81 B.C.³³ The prosecution claimed that the murder took place in a period of indiscriminate violence, and that the victim died at the hands of a killer hired by his son.³⁴ Cicero attributes the following words to his opposing counsel, C. Erucius:

'It was a time', he says, 'when people were constantly being killed with impunity. Because there were so many murderers (*propter multitudinem sicariorum*), you were able to commit the crime without any difficulty' (Cic. S. Rosc. 80; Oxford World's Classics translation: D. H. Berry).

The term *sicarii* means 'gangsters' or 'urban criminals'.³⁵ In this passage it evokes the period of violent chaos, in the aftermath of Sulla's victory, during which men were killed for political reasons but also for material gain and to settle private scores.³⁶ Erucius argues that men of violence were so ubiquitous that even Roscius the Younger, a small-town rustic with no experience of the metropolis, could have found an assassin for hire.³⁷

Cicero does not deny that the Elder Roscius was killed in a wave of uncontrolled violence (and thus he implicitly accepts that the murder did not take place in a time of peaceful dinner parties nearly a year after Sulla's victory). His response is to pose a series of rhetorical questions which suggest that the primary agents of the wave of violence described by Erucius were the *sectores*, a term that refers to the powerful, and

³² Hinard, *Proscriptions* (above, n. 1) 83 n. 57. The proof text of Cic. S. Rosc. 93 is noted as an example of unofficial violence by A. Lintott, *Cicero as Evidence: A Historian's Companion*, Oxford 2008, 426. Cf. J. Fündling, *Sulla*, Darmstadt 2010, 116 (referring to soldiers, Sulla's adherents, and opportunists settling scores).

³³ Cic. S. Rosc. 18, 97, 98, 126, 128.

³⁴ Erucius did not claim that Roscius killed his father 'with his own hand' (*sua manu*). See Cic. S. Rosc. 79.

³⁵ Berry translates *sicarius* as 'murderer' (Cic. S. Rosc. 80, 81, 103), 'assassin' (Cic. S. Rosc. 76, 93, 94) and 'cut-throat' (Cic. S. Rosc. 8, 39, 74, 87, 151, 152). Cf. Lintott, *Cicero as Evidence* (above, n. 32) 426, for the notion of 'professional *sicarii*'. The meaning of *sicarius* in the *Pro Roscio* is examined in detail by Cloud, *Purpose of the lex Cornelia* (above, n. 14) 271–276.

³⁶ Cf. M. C. Alexander, *The Case for the Prosecution in the Ciceronian Era*, Ann Arbor 2002, 158–159, 171; Lintott, *Cicero as Evidence* (above, n. 32) 426.

³⁷ Erucius' argument is not original. It was standard for defence advocates to ask if there was evidence that their client had bought poison or hired a *percussor*. See Quint. decl. 260.19, 379.3, cf. 377.7.

mostly nameless, profiteers who made their fortunes buying up confiscated estates in the proscription auctions.³⁸ Cicero then offers his own description of the violence of Sulla's civil war victory:

'Are we unaware that, during these times you mention, the breakers of necks and the brokers of property were by and large the same people (*fere sectores fuisse collorum et bonorum*)?³⁹ They used to rush about day and night brandishing weapons, they were always in Rome, they spent all their time in plunder and bloodshed (*in praeda et in sanguine*) — shall men such as these hold Sextus Roscius responsible for the cruelty and wickedness of that time, and treat the prevalence of murderers (*illam sicariorum multitudinem*), whose chiefs and leaders they were themselves, as grounds for an accusation against him? Yet Roscius not only was never at Rome, he did not even know what was going on in Rome, because, as you yourself concede, he was a man who spent all his time in the country' (Cic. S. Rosc. 80–81: Oxford World's Classics translation: D. H. Berry).

Erucius had spoken of a wave of violence defined by endemic criminality, but Cicero raises the stakes and implicates nameless individuals from the highest ranks of the Sullan elite who had 'made a killing' in the profiteering of the proscription auctions; in addition, he levels the charge that they had engaged in the dirty business of actual killing, giving their men free rein to plunder and murder at will (in effect to treat Rome as if it was a captured enemy city subjected to a formal sack).⁴⁰ It is impossible to judge the truth of Cicero's claim that there were powerful men who controlled the actions of armed gangs (or perhaps marauding soldiers). That said, there can be no doubt that in this section of the *Pro Roscio* he provides us with reliable contemporary testimony for a wave of uncontrolled violence in the aftermath of Sulla's victory. It is described only in very general terms, but the emphasis is clearly on criminality and profiteering rather than on political or even personal vengeance. Hinard assumes that the passage describes the official, state violence of bounty hunting. In doing so, he both misreads and sanitises the evidence.⁴¹

³⁸ *Sector* derives from *secare*, 'to cut', and refers to buyers at auction who break up estates and sell them off piecemeal (OLD¹ s.v. 2). Berry's translation is 'purchaser of confiscated property' (Cic. S. Rosc. 80, 88, 94, 103, 124, 149, 151–152).

³⁹ Berry's 'breakers of necks and brokers of property' is preferable to the translation of 'cut-throats and cut-purses' adopted by J. H. Freese in the Loeb translation (followed, e.g., by Alexander, *Case for the Prosecution* [above, n. 36] 171; Dyck, *Pro Sexto Roscio* [above, n. 13] 145). A cut-purse is a pickpocket, not a profiteer.

⁴⁰ Ancient narratives of the sack of cities are defined by the twin motifs of anger and greed: e.g., Liv. 37.32.13 (*ira et avaritia*; on the Roman sack of Phocaea in 190 B.C.), with J. Levithan, *Roman Siege Warfare*, Ann Arbor 2013, 222–223. Cf. Oros. 5.21.1 (*vel ira vel praeda*), with reference to the Sullan *percussores*.

⁴¹ Cicero's armed men running through the streets engaged in killing and looting (Cic. S. Rosc. 81) are assumed to be 'chasseurs de têtes' by Hinard, *Proscriptions* (above, n. 1) 142, 150–151; cf. 83 n. 57 for the assumption that the *percussores* of Cic. S. Rosc. 93 are likewise bounty hunters.

Cicero turns to the question of motive and argues that Roscius the Elder was killed by one of the chief beneficiaries of his death, his kinsman T. Roscius Magnus.⁴² In doing so, he lists the reasons why it makes sense to think that the murder was committed not by the victim's son but by Magnus: he was a personal enemy of the Elder Roscius, he was a violent man who was living in poverty before he acquired a part of his kinsman's confiscated estates, and he was also a man who, because he had the experience of politics and the law which Cicero's client lacked, was able to become 'the most audacious of all the profiteers' (*omnium sectorum audacissimus*).⁴³ Cicero is also keen to stress that Magnus was in Rome at the time of the murder, whereas Roscius the Younger had not been in the city for several years.⁴⁴ It is at this point that Cicero returns to Erucius' description of a wave of violence in which men were killed with impunity by a *multitudo sicariorum*. The *sicarii*, according to Cicero, were divided into two groups: profiteers who bought the estates of the proscribed (*qui in bonis erant occupati*), and hired killers enlisted by the profiteers to carry out private acts of murder (*qui ab iis conducebantur, ut aliquem occiderent*). Cicero then uses his two definitions to level a double accusation against Magnus: he was one of the profiteers, and he also employed the services of 'those who are called by the milder name of *percussores*'.⁴⁵ The latter are clearly identical with the hired assassins who constitute Cicero's second category of *sicarii*.

Cicero ends his attack on Magnus with a disclaimer: he could say more, but he finds the role of accuser distasteful, and it is not his intention to implicate powerful men who also engaged in acts of lawless violence: 'if I were to relate all the murders like that of Sextus Roscius which were committed at that time, I am afraid that my speech might appear to be directed not only against you but against others as well'.⁴⁶ It is disingenuous of Cicero to claim that he had no wish to politicise the trial, for this was a key pillar in his defence strategy. The prosecution had described a period of lawless criminality in which men were killed with impunity, and it was not implausible to imagine that men were killed by their sons or their sons' hired assassins.⁴⁷ Violent crime was a fact, and Cicero was forced to concede, in one of the opening sections of his speech, that recent years had been defined by a murder epidemic (*caedes indignissimae maximaeque*) which had not yet come to an end: at the time of the trial, violent crime was still a daily

⁴² Emphasis is placed on the *cui bono* principle: Cic. S. Rosc. 84–86. The estates of the Elder Roscius were bought by Chrysogonus (Cic. S. Rosc. 6 and 21) and managed on his behalf by Magnus (Cic. S. Rosc. 21, 23, 108).

⁴³ Cic. S. Rosc. 87–88. Enmity with the Elder Roscius: Cic. S. Rosc. 17. Magnus as a profiteer and social upstart: Cic. S. Rosc. 23.

⁴⁴ Cic. S. Rosc. 92. The Younger Roscius' absence from Rome is given emphasis at Cic. S. Rosc. 18, 74, 76, 79, 81, 88.

⁴⁵ Cic. S. Rosc. 93, quoted in full above (n. 5).

⁴⁶ Cic. S. Rosc. 94.

⁴⁷ Plutarch states that the bounty on the heads of the proscribed was paid to anyone, 'even if a slave should kill his master or a son his father' (Sull. 31.7), while Lucan states that 'sons were sprinkled with their father's blood and strove with each other for privilege of beheading a parent' (Lucan. 2.149–151).

occurrence (*manifestis maleficiis cotidianoque sanguine*).⁴⁸ Cicero also admits that the public was in favour of a capital conviction: the trial attracted large crowds because it was the first murder prosecution in a long time, and there was an expectation and a desire for strict and severe sentences.⁴⁹ Roscius was charged with parricide, and it did not matter if his guilt could not be proven: the public wanted a scapegoat, and a conviction seemed inevitable. Cicero therefore had no option but to play the politics card and to offer an alternative narrative of the violence of the recent past in which the worst villains were not criminal gangs, or even parricides, but profiteers whose greed led them to arrange the murder and fraudulent proscription of wealthy men who had not been proscribed.⁵⁰ It was a risk to attack nameless profiteers from the heart of the Sullan elite.⁵¹ But it was also a populist move to formulate a critique of the despised *sectores*, and to suggest that some of them differed little from *sicarii*.⁵²

Sicarii is a term which refers to armed criminals, and it was used by Erucius to describe gangs of men, either marauding soldiers or criminal opportunists, who brought chaos to the streets of Rome in the aftermath of Sulla's victory. Cicero adopts a more restricted definition of the term, using it to refer only to criminal *sectores* and their agents. He does not refer to bounty hunting in the *Pro Roscio*, and when he offers *percussores* as a euphemism for *sicarii* it is with reference to assassins working for the Sullan profiteers.⁵³

Orosius: *liberae caedes*

Orosius refers to *percussores* in his description of a wave of violence which engulfed the city of Rome in the aftermath of Sulla's civil war victory at the Colline Gate:

'Soon after he had entered the city in triumph, Sulla, contrary to what was right and what he had promised, executed 3,000 men who had surrendered themselves via envoys and were unarmed as they felt themselves secure. Then many more, they say more than 9,000, were also cut down: men whom I would not say were merely innocent, but in fact belonged to Sulla's own faction. In this way, unrestrained slaughter was unleashed on the city (*liberae per urbem caedes*). Murderers wandered wherever greed or anger took them

⁴⁸ Cic. S. Rosc. 11.

⁴⁹ Cic. S. Rosc. 11, cf. 28. It has been argued that Erucius exploited the hostile public mood to call for exemplary severity towards Roscius. See D. M. Ayers, *The Speeches of Cicero's Opponents: Studies in Pro Roscio Amerino, In Verrem, and Pro Murena* (PhD thesis, Princeton University), Princeton 1950, 16.

⁵⁰ Cic. S. Rosc. 93, cf. 80–81, where he refers to these men as 'profiteers and head-hunters' (*sectores collorum et bonorum*).

⁵¹ Cf. Cic. S. Rosc. 94, 124–125.

⁵² I would take the view that the Elder Roscius was the victim of an opportunistic robbery and killed by persons unknown. Likewise: R. Seager, *The Guilt or Innocence of Sex. Roscius*, *Athenaeum* 95 (2007) 895–910, at 908; Lintott, *Cicero as Evidence* (above, n. 32) 426.

⁵³ It is the norm to translate *sicarius* as 'assassin' and *percussor* as either 'murderer', 'bandit', or 'hit-man'. My view is that *sicarius* and *percussor* should be translated as 'gangster' and 'assassin'. If this is correct, it would indicate that gangsterism was felt to be a more serious crime than either murder or assassination.

(*percussoribus passim vagantibus ut quemque vel ira vel praeda sollicitabat*). While all were already openly complaining about what each one of them feared would happen to himself Quintus Catulus said to Sulla's face, 'In the end, if we slay the armed in battle, and the unarmed in peacetime, with whom will we live?' It was then that Sulla, at the suggestion of a chief centurion, Lucius Fursidius, first published his infamous list of proscriptions.' (Oros. 5.21.1–3; Liverpool translation, Translated Texts for Historians series: A. T. Fear).

The testimony of Orosius is straightforward. First he mentions the Villa Publica massacre, and then he describes a wave of violence in which men were killed to satisfy private enmities or greed. The victims were allegedly innocent of complicity with the defeated Marian cause, and some were even members of the victorious Sullan faction. The killings generated unease in the Sullan ranks, and eventually there was an intervention by an influential member of Sulla's inner circle which led to the publication of the first proscription lists.⁵⁴ Orosius is explicit on two key points which demonstrate that he is referring not to bounty hunters but to opportunists acting in their own interests and on their own initiative: the proscriptions had not yet begun, and the victims were killed for their wealth or to settle private scores, not for political reasons. Emphasis is placed on the assertion that the victims were politically neutral or even pro-Sullan, and the probability that many of the victims were actually Marians is suppressed.⁵⁵ Orosius' chronology is clear, and it offers no scope to read his *liberae caedes* as a reference to bounty hunting.

Orosius uses *percussores*, in the passage under discussion, in the general sense of 'killers' or 'men of violence'. Elsewhere, he uses the word in different contexts but with the same basic meaning. It is twice used to describe a public executioner: a *percussor* was sent to kill Marius, in prison, after he was taken into custody by the city of Minturnae during his flight from Sulla in 88, while Theodosius, a general of Valentinian, took the sacrament of baptism before his execution and then offered his throat to the *percussor* ordered to kill him.⁵⁶ Orosius twice uses the term to describe the person who strikes the fatal blow in an assisted suicide. Juba paid a *percussor* to cut his throat (and Petreius is then said to have used the same sword to run himself through).⁵⁷ Cassius

⁵⁴ Cf. Plut. Sull. 31.2–4 (C. Metellus); Flor. epit. 2.9.25 (Fufidius); Aug. civ. 3.28 (anonymous).

⁵⁵ This is misread by Hinard, *Proscriptions* (above, n. 1) 105 n. 6: he associates the killing of neutrals and Sullans with the Villa Publica massacre instead of the *liberae caedes*.

⁵⁶ Oros. 5.19.7 (Marius); 7.33.7 (Theodosius). Hinard cites but misreads both passages. He claims that 'Le terme est employé par Orose pour désigner le personnage envoyé par Sylla pour tuer Marius en 88' (*Proscriptions* [above, n. 1] 107 n. 12, wrongly citing 5.19.4). The would-be killer of Marius was not an assassin sent by Sulla; he was a public slave of Gallic or German origin acting on the orders of the town council of Minturnae. See Vell. 2.19.2–3; Val. Max. 2.10.6; cf. Liv. per. 77; Plut. Mar. 39.1–2. The execution of Theodosius is identified, impossibly, as an example of an assisted suicide: see Hinard op. cit., 107 n. 12. Orosius often uses the phrase *securi percussit* to refer to the implementation of a death sentence (2.5.1, 3.14.1, 4.3.5, 5.18.26, 6.6.4).

⁵⁷ Oros. 6.16.4; noted by Hinard, *Proscriptions* (above, n. 1) 107 n. 12, but wrongly cited as 6.16.14. Other sources state that Juba and Petreius killed each other in a mutual suicide pact: App. civ. 2.100; Cass. Dio 43.8.4; cf. Liv. per. 114. In the account of Bell. Afr. 94 Juba fought

offered his head, and Brutus offered his flank, to their *percussores*.⁵⁸ The word is once applied to a member of the plot to kill Caesar.⁵⁹ It is also used, twice, in connection with a bounty. The Romans, it is said, behaved honourably towards the celebrated Lusitanian resistance leader Viriathus only after his death, ‘for they judged his *percussores* unworthy of a reward’.⁶⁰ Orosius emphasises the moral isolation of the assassins, even from those who benefited from their treachery, and in a pendant anecdote he claims that the *percussores* who killed Sertorius did not even ask for a bounty because they knew that the killers of Viriathus had been denied any reward.⁶¹ Sertorius had a price on his head as one of the proscribed, and in Spain a second bounty was offered by Metellus Pius, but he was eventually killed by conspirators from his own inner circle, not bounty hunters.⁶² The conspirators who betrayed Viriathus received promises of immunity, and it is also known that they were promised a monetary reward, but there was no open proclamation of a bounty.⁶³ Orosius uses *percussores* to mean ‘killers’ or ‘executioners’. He does not use the word in any technical sense.

Hinard concedes that Orosius uses *percussores* in contexts unrelated to the proscriptions. But he insists that *percussores* is used to mean bounty hunters in the passage which describes the violence of Sulla’s civil war victory.⁶⁴ He then asserts that Orosius’ description of a wave of violence driven by private enmities and greed in the period *before* the genesis of the proscriptions derived from a source which described the state-sanctioned violence of bounty hunting in the period *after* the genesis of the proscriptions. The implicit conclusion is that there was no indiscriminate violence before the genesis of the proscriptions:

and killed Petreius then persuaded a slave to strike the fatal blow after he was unable to drive his sword into his own chest.

⁵⁸ Oros. 6.18.16; noted by Hinard, *Proscriptions* (above, n. 1) 107 n. 12, but wrongly cited as 5.18.16.

⁵⁹ Oros. 6.18.7 (L. Minucius Basilus), not cited by Hinard.

⁶⁰ Oros. 5.4.14 (*quod percussores eius indignos praemio iudicarunt*); noted by Hinard, *Proscriptions* (above, n. 1) 107 n. 12: ‘des conjurés en droit de réclamer un *praemium*’. Florus (epit. 1.33.17) refers to the killers of Viriathus as ‘household assassins’ (*domesticos percussores*).

⁶¹ Oros. 5.23.15 (*percussores Sertorii praemium ne petendum quidem a Romanis esse duxerunt, quippe qui meminissent antea Viriati percussoribus denegatum*), not cited by Hinard.

⁶² Death of Sertorius: e.g. Plut. Sert. 26. Bounty of Metellus: Plut. Sert. 22.1. Any Roman who killed Sertorius was promised 100 talents and 20,000 *iugera* of land (in Spain) along with an official pardon if he was an exile. The proclamation probably dates to 75 B.C. Note that the bounty on the heads of the proscribed was only two talents. Discussion: C. F. Konrad, *Metellus and the Head of Sertorius*, *Gerión* 6 (1988) 253–261.

⁶³ Promise of personal safety: Diod. 33.21. Promise of money: Vir. ill. 71.3. Reward not paid by ‘the Romans’: Oros. 5.4.14, 5.23.15; or by the Senate in Rome: Liv. per. 55; or by the governor of Further Spain, Q. Servilius Caepio: Eutr. 4.16. Reward paid in part in advance by Caepio, with the killers sent to Rome for the balance: App. Ib. 74. There was no open proclamation of a bounty: Konrad, *Head of Sertorius* (above, n. 62) 258.

⁶⁴ Hinard, *Proscriptions* (above, n. 1) 107, quoted in full below. The flaw in Hinard’s logic is noted by Heftner, *Sullas Proskriptionen* (above, n. 4) 39.

‘Sans doute Orose emploie-t-il en d’autres circonstances et sans référence à la proscription ce mot de *percussor*, mais on est tenté de penser qu’il a ici une valeur « technique » parce qu’il peut avoir été emprunté à la source à laquelle puise Orose et que, désignant les chasseurs de têtes de proscrits, cela implique que les *caedes* dont il vient d’être question n’étaient pas *liberae* comme il l’affirme mais, bien au contraire, déjà réglementées’.⁶⁵

It cannot be known if or how the sources of Orosius used the word *percussores*, and it is impossible for Hinard to prove his assertion that *percussores* was the technical term for the ‘chasseurs de têtes’ of the Sullan proscriptions.⁶⁶ It is a common word, and Orosius need not have borrowed it from a source. In general his use of the word is non-technical and generic. In this passage, moreover, it is clear that he is referring to the men of violence who brought chaos to the streets of Rome prior to the genesis of the proscriptions. In my view, it is invalid for Hinard even to conjecture that Orosius was indebted to a description of bounty hunting — for there is a tradition, attested in Plutarch, Cassius Dio, Florus, and Augustine, in which emphasis is placed on a wave of violence prior to the genesis of the proscriptions. Plutarch states that the city was engulfed by a killing spree, and that many of the victims were targeted because they had incurred the personal enmity of Sulla’s adherents. Dio describes a wave of violence which erupted spontaneously ‘as if by a kind of signal’. There were political reprisals, men were killed to satisfy private hatreds and greed, and there were even men who engaged in acts of violence to avoid suspicion or to earn Sulla’s favour.⁶⁷ Florus and Augustine also highlight the scale and licence of the killings, and they both argue that it was impossible to count the number of the dead.⁶⁸ Orosius offers a standard narrative of the prelude to the proscriptions, and it is wrong for Hinard to assume that it is garbled.

Hinard’s analysis of the *percussores* and *liberae caedes* of Orosius offers an important insight into his treatment of the sources and his understanding of the dynamics of Sullan violence. First he claims that Orosius was wrong to describe a wave of violence before the proscriptions; then he asserts that there cannot even have been any *liberae caedes* after the genesis of the proscriptions because the violence of the proscriptions was regulated and controlled. In two short steps the testimony of Orosius is dismissed in its entirety. In its place Hinard offers a sanitised portrait of the end of the Sullan civil war in which Sulla exercised a total monopoly of violence, to the exclusion of violent criminality or the private enmities and greed of his adherents.⁶⁹ Other sources in conflict with Hinard’s sanitised view of Sullan violence are also

⁶⁵ Hinard, *Proscriptions* (above, n. 1) 107, cf. 195 n. 175, where it is again assumed that Oros. 5.21.1 refers to the period after the genesis of the proscriptions.

⁶⁶ The appeal to the linguistic nuance of a lost or unknown source is invalid. Cf. Hinard, *Proscriptions* (above, n. 1) 105, for the assumption that Livy was ‘the source’ used by Orosius.

⁶⁷ Plut. Sull. 31.1; Cass. Dio 30–35.109.9–11.

⁶⁸ Flor. epit. 2.9.25; Aug. civ. 3.28. Cf. Plut. Sull. 31.1 (φόνων οὔτε ἀριθμὸν οὔτε ὄρον ἐχόντων).

⁶⁹ Cf. Hinard, *Proscriptions* (above, n. 1) 137, for the view that the workings of the proscriptions were defined by ‘few blemishes’ (‘peu de « bavures »’). His proof text is a passage of Cassius Dio (47.5.1–2) which notes *inter alia* that the rich are always targets of civil war violence.

dismissed. Plutarch and Cassius Dio are deemed to be unreliable because they offer the moralising judgement that the violence which followed the battle at the Colline Gate revealed a sudden change for the worse in Sulla's character.⁷⁰ The sermonising is obvious, but one cannot argue on this basis alone that the wave of violence described by Plutarch and Cassius Dio was an invention. Both authors highlight the good/bad antithesis between 'Sulla the civil war general' and 'Sulla the civil war victor' not by embellishing the violence that followed Sulla's victory, but by whitewashing the acts of violence carried out by Sulla during the course of the war, prior to the decisive battle at the Colline Gate.⁷¹ The testimonies of Florus and Augustine, both of whom emphasise the scale and licence of the killings which preceded the genesis of the proscriptions, are simply ignored by Hinard and dismissed without comment.⁷²

Seneca: bounty hunting

In his *De Providentia*, Seneca refers to roaming bands of *percussores* in a passage in which he reflects on the idea of *felicitas* and contrasts the exile of P. Rutilius Rufus with the violence of Sulla's civil war victory:

'Is Rutilius unfortunate... because he was the only one who refused anything to the dictator Sulla, and when recalled from exile all but drew back and fled farther away? 'Let those', says he, 'whom your good fortune has caught at Rome, behold it. Let them see the forum streaming with blood, and the heads of senators placed above the Lacus Servilius — for there the victims of the Sullan proscriptions are stripped — and bands of assassins roaming all through the city (*passim vagantis per urbem percussorum greges*), and many thousands of Roman citizens butchered in one spot after, nay, by reason of, a promise of security — let those who cannot go into exile behold these things!' Is Lucius Sulla fortunate⁷³ because his way is cleared by the sword when he descends to the forum? Because he suffers the heads of ex-consuls to be shown him and has the treasury pay the price of their assassination out of the public funds? And these are all the deeds of that man — that man who proposed the *lex Cornelia*.' (Sen. dial. 1.3.7–8; Loeb translation: J. W. Basore, adapted).

⁷⁰ Hinard, *Proscriptions* (above, n. 1) 104–105.

⁷¹ Sulla's character shift: Plut. Sull. 30.6; Cass. Dio 30–35.109.1–3; cf. Val. Max. 9.2.1; Sall. Iug. 95.4. Appian chooses not to identify the Colline Gate as a caesura in Sulla's life and career, and thus he does not suppress the famine at Rome, the suffering of Italian civilians in siege warfare, or the mass killing of prisoners after the battle of Sacriportus (civ. 1.86–89). See A. Thein, *Reflecting on Sulla's Clemency*, *Historia* 63 (2014) 166–186, at 173 n. 38 and 184.

⁷² Hinard's treatment of Florus (epit. 2.9.25) and Augustine (civ. 3.28) is limited to a footnote in which he gives his opinion that both authors, like Orosius, were reliant on Livy. See *Proscriptions* (above, n. 1) 105 n. 8. In the main text he offers only this statement: 'La plupart des textes anciens insistent, en effet, sur la généralisation du massacre préalable à la proscription: ainsi font Plutarque, Dion Cassius, Orose, Florus, Ampelius (*sic*)' (op. cit., 104). Augustine's account of a wave of violence is noted in brief at Hinard, op. cit., 139 n. 131.

⁷³ On Sulla *infelix*, see A. Eckert, *Lucius Cornelius Sulla in der antiken Erinnerung. Jener Mörder, der sich Felix nannte* (Millenium Studien 60), Berlin 2016, 62–75.

Seneca's *percussorum greges* are one item in a catalogue of Sullan atrocities narrated in the voice of P. Rutilius Rufus.⁷⁴ It could be that these 'roaming bands of killers' are criminal opportunists, like the *percussores* of Cicero and Orosius, but it is much more probable that Seneca refers to bounty hunting. The focus is on Sulla's personal responsibility for the violence which followed his civil war victory. The speech of Rutilius describes executions in the Forum and the display of the heads of the proscribed at the Lacus Servilius.⁷⁵ There is also a reference to the Villa Publica massacre in which Sulla carried out a mass execution of the many thousands of prisoners captured after his civil war victory at the Colline Gate.⁷⁶ Seneca then uses his own authorial voice to describe Sulla as a tyrant who relied on the violent coercion of a bodyguard and used public funds to reward the bounty hunters who presented him with the severed heads of his victims.⁷⁷ The paradox for Seneca is that Sulla was a lawgiver and the author of 'the Cornelian law'. One of Sulla's laws was the *lex Cornelia de sicariis et veneficiis*. It established a standing court dealing with murder, poisoning, and gangsterism, and it defined a *sicarius* as a person who killed a man, conspired to kill, or carried a weapon in public with intent to kill or commit theft.⁷⁸ Implicit in Seneca's invective is the irony that the law's definition of a gangster perfectly describes the men of violence who brought murder and chaos to the streets of Rome in the aftermath of Sulla's civil war victory.⁷⁹

Seneca's agenda is to highlight Sulla's direct culpability for the violence of his civil war victory, so it makes sense to assume that the roaming *percussores* in the *De Providentia* are not opportunists acting in pursuit of their own agendas, but the freelance killers who responded to the proclamation of an official bounty on the heads of the proscribed. *Percussores* have associations with gangsterism, and it could be that Seneca chose the word in the above passage in order to highlight the criminality of the Sullan proscriptions.⁸⁰

⁷⁴ Hinard comments on this passage several times but makes no reference to Seneca's use of the term *percussores*. See *Proscriptions* (above, n. 1) 32 n. 64, 38, 44–45, 62 n. 208.

⁷⁵ The Lacus Servilius, a fountain in the Forum, is also linked by other sources with the display of the heads of the proscribed: Firm. 1.7.34; Adnot. ad Lucan. 2.160. Cicero associates the Lacus Servilius with an act of civil war violence for which Sulla was *not* directly responsible (Cic. S. Rosc. 89, with 91).

⁷⁶ On the Villa Publica massacre, cf. Sen. benef. 5.16.3, with Val. Max. 9.2.1 and Cass. Dio 30–35.109.5 (for the motif of false promises and deceit).

⁷⁷ The bounty was paid on presentation of the severed heads of the proscribed: Suet. Iul. 11.2; cf. Bern scholiast on Lucan. 2.151. The heads were then displayed at the Rostra: Cass. Dio 30–35.109.21, 47.3.2; cf. App. civ. 1.94.

⁷⁸ See J.-L. Ferrary's reconstruction of the law in M. H. Crawford, *Roman Statutes*, London 1996, 752.

⁷⁹ Cf. Bauman, *Human Rights* (above, n. 14) 114.

⁸⁰ Seneca refers to *percussores* in connection with war, violence, and greed in the *De Ira* (dial. 5.33.1). In the *De Consolatione* (dial. 6.20.5), he alludes to civil war profiteering and refers to *percussores* who divide up and take possession of their victims' properties.

Conclusion

Ancient writers knew that civil war is messy, and in their accounts of Sulla's victory they stressed that men could be killed with impunity for their wealth or to settle private scores, and not just for political reasons. Hinard fails to recognise that the violence of Sulla's victory was not exclusively political and state-sanctioned. Cicero's account of criminal profiteering by the *sectores* and their agents is redefined as a reference to bounty hunting, while Orosius' account of a wave of violence in which *percussores* killed with impunity to settle scores or to satisfy their greed is written out of history and denied, along with the testimonies of Plutarch, Cassius Dio, Florus, and Augustine, all of whom likewise describe a wave of uncontrolled violence before the genesis of the proscriptions.⁸¹ In its place Hinard offers a sterile portrait of Sullan violence in which Sulla exercises a monopoly of violence to the exclusion of the private enmities, greed, or criminality of men who killed in pursuit of their own personal agendas. In Hinard's view, there was no wave of violence, and the first proscription lists were published, within days of the battle at the Colline Gate, on the 3rd November 82 B.C.⁸² The conclusion he draws from his revisionist chronology is that it was Sulla's personal desire to place very precise limits on the contours of a purge that had not yet properly begun.⁸³ In addition, he asserts that the legalised, state-sponsored violence of the proscriptions was regulated and controlled.⁸⁴ The sources offer a very different picture. The proscribed were killed in the streets and in their homes, they faced death or betrayal at the hands of their intimates, and there were cases of fraudulent proscription in which men were targeted purely for their wealth.⁸⁵ In Plutarch's view, men were killed to settle

⁸¹ It is not significant that Appian makes no mention of a wave of urban violence before the genesis of the proscriptions: *pace Fündling, Sulla* (above, n. 32) 115–116; cf. Heftner, *Sullas Proskriptionen* (above, n. 4) 35–37, 44. It is simply that Appian is highly economical in his selection of material.

⁸² Hinard, *Proscriptions* (above, n. 1) 103, 107, 109–110, 111. This dating is based on an analogy with the events of 88, when the *hostis*-declaration against the Marians was in all probability ratified by a vote of the Senate and People immediately after Sulla's march on Rome. Hinard simply assumes that Sulla acted with equal swiftness in 82 (op. cit., 108–109). It is a chronology that finds no direct support in the sources. Noted by M. L. Amerio, Review of F. Hinard, *Les proscriptions de la Rome républicaine* (Rome 1985), *Quaderni di storia* 25 (1987) 173–180, at 176; cf. Heftner, *Sullas Proskriptionen* (above, n. 4) 45–47.

⁸³ Hinard, *Proscriptions* (above, n. 1) 109–110: 'Cette démarche de Sylla ne peut s'expliquer, selon nous, que par son désir de limiter personnellement, et très précisément, les contours d'une épuration qui n'avait pas encore vraiment commencé'.

⁸⁴ Hinard, *Proscriptions* (above, n. 1) 107; cf. 111: 'une épuration très contrôlée'. The assumption is that Sulla could control the violence of his civil war victory by legislative fiat. Hinard places emphasis on the 'aspect légal' and 'caractère systématique' of the proscriptions (op. cit., 140–141). Contra: e.g. J. Carcopino, *Sylla ou la monarchie manquée*, Paris 1931, 135: 'une orgie de crimes légaux'.

⁸⁵ App. civ. 1.95; Plut. Sull. 31.9; Cass. Dio 30–35.109.18–20. Lucan highlights the interplay of private and political motives in the violence of Sulla's victory: 'all this was not done for the benefit of one man, as each man committed unspeakable acts for himself' (Lucan. 2.146–147: *non uni cuncta dabantur, | sed fecit sibi quisque nefas*).

personal or political scores, but many were proscribed for their estates, and it was an open secret ‘that his great house killed this man, his garden that man, his warm baths another’. He ends with the example of the apolitical Q. Aurelius who came across his name on the lists and lamented: ‘Alas, I have been denounced by my Alban estates’.⁸⁶ Cassius Dio likewise felt that the proscription lists failed to curb the arbitrary violence of Sulla’s civil war victory: ‘everything went on as before, and not even those whose names were not on the lists were safe’.⁸⁷

My aim in this article has been to reject Hinard’s definition of *percussores* as a technical term for bounty hunters, and to expose the fragility of his denial of the well-attested wave of violence which followed Sulla’s victory. In doing so, it has also been my intention to argue that the sources rejected by Hinard offer a credible narrative of the dynamics of civil war violence: there were political reprisals, but men were also killed for their wealth or to settle private scores, both before and after the genesis of the proscriptions. Ancient writers understood that civil war is personal, but the personal was felt to be a deviation from the political, hence the murder or fraudulent proscription of men who had aroused the anger or avarice of Sulla’s adherents was sharply condemned.⁸⁸ One must note, however, that the twin vices of private enmity and greed were essential to the *normal* workings of the state-sanctioned, *political* violence of the proscriptions. Many of the proscribed were no doubt killed by bounty hunters, the freelance killers for whom the sole incentive was the price on the heads of the proscribed, and one must also imagine that men proscribed for their real or suspected Marian sympathies might be killed only because a sworn enemy, neighbour, family member, freedman or slave had independent reasons to wish them dead.⁸⁹ Private enmity and greed were key motives for those to whom Sulla delegated the power to kill.⁹⁰

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⁸⁶ Plut. Sull. 31.10–12; cf. Sall. Catil. 51.33–34.

⁸⁷ Cass. Dio 30–35.109.13; cf. Oros. 5.21.5.

⁸⁸ E.g. Sall. Catil. 51.33–34; Plut. Sull. 31.10.

⁸⁹ Cf. A. Thein, *Rewards to Slaves in the Proscriptions of 82 B.C.*, *Tyche* 28 (2013) 163–175, at 174: ‘Proscription was both a licence to kill and a licence to murder’. On the ‘privatization of politics’ and intimacy of civil war violence, see S. N. Kalyvas, *The Logic of Violence in Civil War*, Cambridge 2006, 330–333.

⁹⁰ I am grateful to the editors for accepting this article, and to Federico Santangelo for his comments on a draft.