# THE ORATIONS OF MARCUS TULLIUS CICERO

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VOL. III.

CONTAINING THE ORATIONS FOR HIS HOUSE, PLANCIUS, SEXTIUS, CŒLIUS, MILO, LIGARIUS, ETC., ETC.

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# CICERO'S ORATIONS.

## THE SPEECH OF M. T. CICERO FOR HIS HOUSE.

### ADDRESSED TO THE PRIESTS.

#### THE ARGUMENT.

Cicero, soon after his consulship, had purchased the house of Marcus Crassus on the Palatine Hill, which adjoined that in which he had always lived with his father; it was one of the finest houses in Rome, and cost him nearly thirty thousand pounds, and was joined to the colonnade or portico called by the name of Catulus, who had built it out of the Cimbric spoils on that area where Flaccus formerly lived, whose house had been demolished by public authority for his seditious union with Caius Gracchus.

As soon as Clodius had carried his decree against Cicero after his flight, he immediately began plundering and destroying all his houses; the consuls, Piso and Gabinius, divided the greater part of his furniture and of the ornaments of his house and villa between them; and, in the hope of making the loss of his house at Rome irretrievable, Clodius consecrated the area on which it stood to the service of religion, building on it a temple to Liberty, and he pulled down the adjoining portico of Catulus in order to rebuild it of the same order as the temple. The law being that a consecration, legally performed, made the thing consecrated inapplicable ever after to any private use.

The affair was to be determined by the college of priests, who were the judges in all cases relating to religion; since the senate could only make a provisional decree, that, if the priests discharged the ground from the service of religion, then in that case the consuls should rebuild the house at the public charge. The cause now came before the priests on the last day of September. Cicero endeavoured, in the first place, to disabuse their minds of any enmity to him which might have been instilled into their minds by Clodius on account of his late conduct with respect to Pompey. (For there had been a great scarcity at Rome, partly occasioned by the great multitudes that had come from all parts of Italy on Cicero's account; and Cicero had supported a resolution of the senate by which Pompey was entreated to undertake the province of restoring plenty to the city, and to this end the consuls had been ordered to draw up a law by which the whole administration of the corn and provisions of the republic was granted to Pompey for five years. And in consequence of Cicero's

advocacy of the measure Clodius endeavoured to excite odium against him, as having deserted the cause of the senate to pay court to Pompey; though the measure had been very successful, as the credit of Pompey's name immediately reduced the price of provisions in the markets.)

As, however, the main question turned upon the legality of the consecration, Cicero applies to establish the fact of its illegality by proving that Clodius could not legally consecrate anything, as his election to the tribunate was illegal; since his adoption into a plebeian family, or at least into that particular family into which he had been adopted, was in violation and defiance of all the laws made for such cases; if his adoption was illegal, clearly he could not have legally been elected tribune, nor have legally done any action as tribune.

The priests decided that if he who performed the office of consecration had not been legally authorized to do so, then the area in question might without any scruple of religion be restored to Cicero. The point of law they left to the senate, who, after many interruptions from Clodius and Serranus, passed a decree that Cicero's damage should be made good to him, and his houses rebuilt at the public charge.

Cicero himself thought very highly of this speech, and published it immediately; and says, in one of his letters to Atticus, (iv. 2,) that "if ever he was great in speaking, he was so especially now, as his indignation and the greatness of the injury done to him gave him especial energy and force of oratory."

Some critics, but apparently without any good reason, have doubted the genuineness of this oration.

I. Many things, O priests, have been devised and established with divine wisdom by our ancestors; but no action of theirs was ever more wise than their determination that the same men should superintend both what relates to the religious worship due to the immortal gods, and also what concerns the highest interests of the state, so that they might preserve the republic as the most honourable and eminent of the citizens, by governing it well, and as priests by wisely interpreting the requirements of religion. But if there has ever been a time when an important cause has depended on the decision and power of the priests of the Roman people, this indeed is that cause; being such that the dignity of the whole republic, the safety of all the citizens, their lives, their liberties, their altars, their hearths, their household gods, their properties and condition as citizens, and their homes, all appear to be committed and entrusted to your wisdom, integrity, and power. You have got to decide this day whether you prefer for the future to deprive frantic and profligate magistrates of the protection

of wicked and unprincipled citizens, or even to arm them with the cloak of religion and of the respect due to the immortal gods. For if that pest and conflagration of the republic succeeds in defending his own mischievous and fatal tribunate by appeals to divine religion, when he cannot maintain it by any considerations of human equity, then we must seek for other ceremonies, for other ministers of the immortal gods, for other interpreters of the requirements of religion. But if those things which were done by the madness of wicked men in the republic at a time when it was oppressed by one party, deserted by another, and betrayed by a third, are annulled by your authority and your wisdom, O priests, then we shall have cause rightly and deservedly to praise the wisdom of our ancestors in selecting the most honourable men of the state for the priesthood.

But since that madman has thought that he should find a ready road to your attention by blaming the sentiments that I in the last few days have expressed in the senate concerning the republic, I will deviate from the natural arrangement of my speech, and I will make a reply to what I will not call the speech of that furious fellow, (for that is more than he is capable of,) but to his abuse, that being an employment which he has fortified himself in the practice of by his own intolerable bad temper, and by the length of time that he has been allowed to indulge it with impunity.

II. And in the first place, I ask you this, O you insane and frantic man, what excessive punishment for your wickednesses and crimes is it that distracts you so as to make you think that these men—men of their high character, who support the dignity of the republic, not only by their wisdom, but also by their dignified appearance—are angry with me, because in delivering my opinion I connected the safety of the citizens with the honour of Cnæus Pompeius, and that they are likely at this present time to have different feelings with respect to the general interests of religion from those which they entertained when I was absent? "Oh," says he, "you had the advantage before the priests, but now you must inevitably get worst off since you have had recourse to the people." Is it so? Will you transfer that which is the greatest defect in the ignorant multitude,—namely, its fickleness and inconstancy, and change of opinion, as frequent as the changes of the

weather, to these men, whose gravity protects them from inconsistency, while their fixed and definite principles of religion, and the antiquity of precedents, and the authority of written records and monuments, effectually deters them from all capricious change of sentiment? "Are you," says he, "the man whom the senate was unable to do without? whom the good lamented? whom the republic regretted? by whose restoration we expected that the authority of the senate was restored? and who destroyed that authority the very first thing you did?" I am not at present speaking of my own matters; I will first of all reply to your impudence.

III. Did you then, O you deadly pest of the republic, by means of the sword and arms, by the terror of an armed force, by the wickedness of the consuls, and the threats of most audacious men,—by enlisting slaves, by besieging the temples, by occupying the forum, by oppressing the senate, contrive to compel the departure of that citizen from his home and from his country, in order to prevent actual battles between the virtuous and wicked citizens,—though you now confess that he was regretted and sent for back and recalled by the senate, by all good men, and by the whole of Italy, as the only means of preserving the republic? "But on that day of disturbance you ought not," says he, "to have come into the senate, you ought not to have entered the Capitol." But I did not come, and I kept in my own house as long as that disturbance lasted; while it was notorious that your slaves had come with you armed into the Capitol, ready for plunder and for the massacre of all good men, with all that band of wicked and profligate partisans of yours. And when this was reported to me, I know that I remained at home, and would not give you and your gladiators power of renewing the massacre. After news was brought to me that the Roman people had assembled at the Capitol, on account of their fear for, and difficulty of procuring corn, and that the ministers of your crimes had been frightened and had fled, some having dropped their swords, and some having had them taken from them, I came forward not only without any armed band, but with only a very few friends. Should I, when Publius Lentulus the consul, who had conferred the greatest benefits on me and on the republic,—when Quintus Metellus, your brother, O Metellus, who, though he had been my enemy, had still

preferred my safety and dignity to any desire to keep alive our quarrel, and to your entreaties that he would do so, sent for me to the senate,—when that great multitude of citizens, who had lately shown such zeal in my behalf, entreated me by name to show my gratitude to them,—should I, I say, have declined to come forward, especially when it was notorious that you with your band of runaway slaves had already left the place? Have you dared to call me—me, the guardian and defender of the Capitol and of every temple—the enemy of the Capitol, because, when the two consuls were holding the senate in the Capitol, I came thither? Is there any time at which it can be discreditable to have attended the senate? or was that business which was then being transacted of such a nature that I was bound to repudiate the affair itself, and to condemn those who were promoting it?

IV. In the first place, I say that it is the duty of a virtuous senator at all times to attend the senate; and I do not agree with those who determine that they themselves will not come to the senate at unfavourable seasons, and who do not understand that this excessive obstinacy of theirs is exceedingly pleasant and acceptable to those men whose wishes they intend to counteract. "But some departed out of fear, because they thought that they could not remain with safety in the senate." I do not name them, nor do I ask whether they had any real reason for fearing anything. I imagine that every one had a right to form his own opinion as to what grounds he had for fear. Do you ask why I was not afraid? Why, because it was known that you had gone away. Do you ask why, when some good men thought that they could not remain with safety in the senate, I did not think so too? or why, when I thought that it was impossible for me to remain in the city at all with safety, they did not think so too? Are then others to be allowed, and rightly enough, to have no fear for themselves at a time when I am in danger; and yet am I bound to be afraid not only when I am myself in peril, but when others are also?

Or am I to be blamed because I did not express an opinion condemnatory of both the consuls? Ought I then to condemn those men, of all men in the world, by whose law it was brought about that I, who had never been condemned and who had deserved well of the republic, should be saved from

enduring the punishment of condemned criminals? Was I, of all men in the world, I who had been restored to my former dignity by their means, to denounce by my expressed opinion the admirable sentiments of those men, who, even if they had been in error, ought to have been borne with by me and by all good men, on account of their exceeding good-will displayed in ensuring my preservation? And what were the opinions which I delivered? In the first place, that one which the common conversation of the people had already previously fixed in our minds; in the second place, that one which had been discussed in the senate on the preceding days; and thirdly, that which the senate in a very full house adopted, expressing its agreement with me; so that no sudden or novel proposition was brought forward by me, and moreover, if there be any fault in the opinion, it is not more the fault of the individual who advanced it than of all those men who approved of it. "But the decision of the senate was not free, because of the fear in which they were." If you make out that they who left it were in fear, at least grant that they who remained were not alarmed. But if no free decision could be come to without the presence of those men who were absent at that time, I say that the motion about framing a resolution of the senate began to be made when every one was present; it was carried by acclamation by the entire senate.

V. But I ask, since I am the prime mover in and the chief cause of this vote, what fault is found with the vote itself? Was there not good reason for adopting an unprecedented plan? Was not I as much concerned as any one in that matter? or, had we any other resource? What circumstances, what reasons could there be of greater consequence than famine? than sedition? than the designs of you and your partisans? who thought that, if an opportunity was given them of inflaming the minds of the ignorant, you, under the pretence afforded by the scarcity of provisions, would be able to renew your wicked and fatal practices.

As for corn, some of the countries which usually supply it had not got it; some had sent it into other countries, I imagine because of the great variety of sellers; and some were keeping it back, shut up in their stores, in order suddenly to send it, so that the supply might be more acceptable if they seemed to come to our aid when we were in a state of actual famine. The

matter was not one of uncertain opinions, it was a case of actually existing danger, present to our eyes; it was not one which we were looking forward to in conjecture, but one which we were actually beholding by present experience. For when the scarcity was getting more severe, so that it was actually want and famine that was dreaded, and not mere dearness of price, there was a rush towards the Temple of Concord, when the consul Metellus summoned the senate to meet in that place. And if that was the genuine effect of the grief of men suffering under famine, certainly the consuls had good reason to undertake the affair, certainly the senate had good reason to adopt some determination or other.

But if the scarcity was the pretext, and if you in reality were the exciter and kindler of sedition, ought we not all to have striven to take away all shadow of pretext for your madness? What, if both these causes existed,—if there was both famine to excite men, and you too like a nail working into this ulcer? was there not all the more need to apply some remedy, which might put an end to both the evil caused by nature, and to the other mischief imported into the case? There was then both present dearness and impending famine; that is not enough; men were attacked with stones. If that arose from the indignation of the common people, without any one having stirred them up, it is a great misfortune; but if it was caused by the instigation of Publius Clodius, it is only the habitual wickedness of a wicked man: if both these causes existed,—if there was both a fact sufficient of itself to excite the feelings of the multitude, and if there were leaders of sedition ready and forearmed; then, does it not seem natural for the republic to have had recourse to the protection of the consul and the loyalty of the senate? But it is quite plain that one of these causes did exist; that there was a difficulty of obtaining provisions, and an extreme scarcity of corn, so that men were afraid not only of a continuance of high prices, but of actual famine. No one denies it. But I do not wish you, O priests, to suspect that that enemy of all tranquillity and peace was likely to seize on this as a pretext for conflagration, and massacre, and rapine, unless you see it proved.

Who are the men who were openly named in the senate by Quintus Metellus,—your brother, O Metellus,—the consul, by whom he said that he had been attacked with stones and

actually hit? He named Lucius Sergius and Marcus Lollius. Who is that Lollius? A man who is not even at this moment by your side without his sword; who, while you were tribune of the people, demanded (I will say nothing of his designs against myself) to have the murder of Cnæus Pompeius entrusted to him. Who is Sergius? The armour-bearer of Catiline, your own body-guard, the standard-bearer of sedition, the exciter of the shopkeepers, a man who has been convicted of assault, an assassin, a stoner of men, a man who has depopulated the forum, and blockaded the senate-house. With these leaders and others like them, when you, at the time when provisions were dear, under pretence of espousing the cause of the poor and ignorant, were preparing for sudden attacks on the consuls, on the senate, on the property and fortunes of the rich; when it was impossible for you to find safety if affairs remained in a tranquil state; when, the leaders being all desperate men, you had your bands of profligates regularly enrolled and distributed into decuries,—did it not behove the senate to take good care that that fatal firebrand did not fall upon these vast materials for sedition?

VI. There was, therefore, good cause for adopting an unusual determination. See now whether or not I was the person who had the principal share in it. Who was it whom that friend of yours, Sergius, whom Lollius, whom the other rascals named when they were throwing the stones? who was it that they said ought to provide them with corn? was it not I? What was it that that nocturnal mob of boys which had been trained by you kept demanding? They were demanding corn of me; as if I superintended the corn-market; or as if I were keeping back any corn in store; or as if, in fact, I had any management of, or influence whatever in, any affairs of that class at all. But the fellow who was thirsting for slaughter had published my name to the artisans, and to the ignorant mob. When the senate, in a very full house assembled in the temple of the all-good and all-powerful Jupiter, had passed a decree touching my dignity with only one dissentient voice, on a sudden, on that very day, a most unexpected cheapness followed a time when corn had been excessively dear. Some said, (and I myself am of that opinion,) that the immortal gods had shown their approbation of my return by this exercise of their power. But some traced that fact back, connecting

it with this argument and opinion,—that, as all hopes of tranquillity and concord appeared to depend on my return, and as there was an incessant dread of sedition connected with my absence, so now that all fear of contest was almost at an end, they thought that the state of the corn-market was altered; and, because it again had become more unmanageable after my return, then corn was demanded of me, on whose arrival virtuous men were in the habit of saying that there would be cheapness.

VII. Lastly, my name was pronounced not only by your band of artisans at your instigation, but even after your forces had been routed and scattered, I was summoned by name to the senate by the whole Roman people, who at that time were assembled around the Capitol, though on that day I was far from well. Being expected, I came. After many opinions had been already pronounced, I was asked mine. I delivered one very advantageous to the republic, and at the same time necessary for my own interests. Abundance of corn and cheapness of price was demanded of me; as if I had any influence in producing such a state of things as that. Things were in a very different condition. I was pressed by eager expostulation from many good men. I was unable to support the abuse of the wicked. I proposed to entrust the business to an influential friend, not in order to impose a burden on one to whom I was under such heavy obligations, (for I would rather have sunk under it myself than done that,) but because I saw, what every one else saw, that, whatever we promised in behalf of Cnæus Pompeius, he would most easily accomplish by his integrity, wisdom, virtue, and authority, and by his invariable good-fortune. . Therefore, whether the immortal gods give this to the Roman people as the fruit of my return, that, as on my departure there ensued a want of corn, and famine, and devastation, and bloodshed, and conflagration, and pillage, and impunity for all crimes, and flight, and terror, and discord, so my return is followed by fertility of the lands, by abundant harvests, by hopes of tranquillity, by peaceful dispositions on the part of the citizens, by a restoration of the courts of justice and of the laws, while unanimity on the part of the people and the authority of the senate seem to have been brought back in my company; or, if the fact is that I, on my arrival, was bound, in return for

such kindness, to do something for the Roman people by my prudence, authority and diligence; then I do promise, and undertake, and pledge myself to do it. I say no more. This I say, which is sufficient for the present occasion, that the republic shall not, on any pretence connected with the price of corn, fall into that danger into which some people endeavoured to bring it.

VIII. Are then my sentiments found fault with in this business which fell especially to my share? I rescued affairs of the greatest consequence from the mischief of the most imminent danger; and I saved not only it, but you also, from massacre, and conflagration, and devastation. No one denies this; as to the pretext of dearness there was added that spy of the general misery, who always lit the firebrand of his guilt in the misfortunes of the republic.

He says that nothing ought to have been decreed irregularly to any one. I do not at present make the same reply to you that I make to the rest,—That many wars, and these wars of the greatest danger and of the greatest importance, both by land and sea, have been entrusted to Cnæus Pompeius out of the regular order. And if any one repents of those measures, he must also repent of the victory of the Roman people. I do not deal with you in this manner. I can address this argument to those men, who state that if any matter must be entrusted to one individual, then they would rather entrust it to Cnæus Pompeius than to any one, but that they make a rule of never entrusting anything to any one in an irregular manner; still, after it has been entrusted to Pompeius, that they then vindicate and uphold the measure, as is due to the dignity of the man. From praising the sentiments of these men I am hindered by the triumphs of Cnæus Pompeius, by which he (though it was quite out of the regular order of things that he was summoned to defend his country) increased the reputation of the Roman people, and crowned their empire with honour. At the same time I praise their firmness, which is a virtue which I have need to avail myself of, since it was on my proposition that he was appointed, quite out of the regular routine, to conduct the war against Mithridates and Tigranes. But still there are some points which I can argue with them; but still, how great is your impudence, when you dare to say that nothing ought to be

given to any one out of the regular routine! You who, when, by an iniquitous law, for some unknown cause you had confiscated the property of Ptolemy, King of Cyprus, the brother of the King of Alexandria, who was reigning by the same right as he was, and had involved the Roman people in the crime, —when you had sent a band of robbers from this empire to ravage his kingdom, and goods, and property, though there had been a long alliance and friendship between us and his father, and grandfather, and still more remote ancestors,—appointed Marcus Cato to superintend the carrying away of his money, and the managing the war if any individual was found hardy enough to defend his own property. Will you say, "Yes, but what a man Cato was! A most religious, most prudent, most gallant man; the firmest friend to the republic, a citizen of a most marvellous and almost unique virtue, and wisdom, and purity of life." Very fine, but what is all that to you, when you say that it is untrue that any one ought to be appointed to any public duty out of the regular course?

IX. And in this matter I am only convicting you of inconsistency; who in the case of this very Cato, whom you did not so much promote out of regard for his dignity, as get out of the way lest he might hinder your wickedness,—whom you had exposed to your Sergii, and Lollii, and Titii, and your other leaders in massacre and conflagration,—whom you yourself had called the executioner of the citizens, the chief murderer of men who had never been condemned, the very fountain of cruelty,—you still by your motion conferred this honour and command on him out of the regular course, and behaved with such violence, that you were wholly unable to disguise your object and the system of wickedness which you had laid down for yourself.

You read letters in the assembly which you said had been sent to you by Caius Cæsar. "Cæsar to Pulcher." And when you proceeded to argue that this was a proof of intimacy, because he only used the names of himself and you, and did not add "proconsul," or "tribune of the people," and then began to congratulate you that you had got Marcus Cato out of the way of your tribuneship for the remainder of the time, and that you had also taken away for the future the power of giving extraordinary commissions;—letters which he never sent to you at all, or which, if he did send them, he

certainly never meant to be read in the public assembly;—at all events, whether he sent them or whether you forged them, your intention with respect to the honours conferred upon Cato was revealed by the reading of those letters. But, however, I will say no more about Cato, whose eminent virtue, and dignity, and integrity, and moderation in that business which he executed, appear like a screen to veil the iniquity of your law and of your argument. What more need I say? Who was it who gave to the most infamous man that has ever existed, to the most wicked and polluted of all men, that rich and fertile Syria? Who gave him a war to carry on against nations who were in a state of profound peace? Who gave him the money which was destined for the purchase of lands, and which had been taken by violence out of the fruits of the achievements of Cæsar? Who gave him an unlimited command?[1] And, indeed, when you had given him Cilicia, you altered the terms of your bargain with him, and you transferred Cilicia to the prætor, again quite out of the regular course. And then, when the bribe had been increased, you gave Syria to Gabinius—expressly naming him. What more? Did you not, naming him expressly, deliver over, bound and fettered, to Lucius Piso, the foulest, the most cruel, the most treacherous of men, the most infamous of all men, as stigmatised for every sort of wickedness and lust, free nations, who had been declared free by numerous resolutions of the senate, and even by a recent law of your own son-in-law? Did not you, after the recompense for your service and the bribe of a province had been paid by him at my expense, still divide the treasury with him? Is it so? Did you annul the arrangement of the consular provinces, which Caius Gracchus, than whom there hardly ever lived a man more devoted to the people, not only abstained from taking from the senate, but even passed a solemn law to establish the principle that they were to be settled every year by the senate;—did you, I say, disturb that arrangement, and that too after it had been formally settled according to the Sempronian law? You gave the provinces, in an irregular manner, without casting lots, not to the consuls, but to the pests of the republic, expressly naming them. And shall we

[1] Gabinius is meant here; but Grævius thinks that there is a good deal of corruption in this passage.

be found fault with, because we have appointed a most illustrious man, who has often been selected before on occasions of the greatest danger to the republic, (expressly naming him,) to superintend a matter of the most urgent importance, and which was previously in an almost desperate condition?

X. What more shall I say? If, then, amid the darkness and impenetrable clouds and storms which were then lowering above the republic, when you had driven the senate from the helm and turned the people out of the ship, and while you yourself, like a captain of pirates, were hastening on with all your sails set, with your most infamous band of robbers; if at that time you had been able to carry the resolutions which you proposed, and published, and brought forward, and sold, what place in the whole world would have been free from the extraordinary magistrates and commanders invested with their power by the great Clodius?

But at last the indignation of Cnæus Pompeius, (I will say, even in his hearing, what I have felt, and still do feel, whatever may be the way in which he takes it,) – the indignation, I say, of Cnæus Pompeius, which had been too long concealed and slumbering, being at last aroused, came on a sudden to the aid of the republic, and raised the city crushed with misfortunes, dumb, weakened, and broken-spirited through fear, to some hope of recovering its liberty and former dignity. And was this man not to be appointed to superintend the providing the city with corn? You, forsooth, by your law abandoned all the corn, whether belonging to private individuals or to the state, all the provinces which supply corn, and all the contractors, and all the keys of the granaries, to that most impure of gluttons, the taster of your lusts, to that most needy and most impious man, Sextus Clodius, the companion of your family, who by his tongue alienated even your sister from you. And it was by this action of yours that dearness was first produced, and afterwards scarcity. Famine, conflagration, bloodshed, and pillage were impending. Your insane frenzy was threatening the fortunes and property of every man. That ill-omened pest of the state even complains that the corn should have been taken out of the impure mouth of Sextus Clodius, and that the republic in its extremest peril should have implored the aid of that man by whom it recollected that it had often been preserved, and had its power

extended. Clodius thinks that nothing ought to be done out of the regular course. What! what sort of law is it that you say that you passed about me, you parricide, you fratricide, you murderer of your sister; did you not pass that out of the regular course? Was it lawful for you to pass, I will not say a law, but a wicked private bill, concerning the ruin of a citizen, the preserver of the republic, as all gods and men have long since agreed to call him, and, as you yourself confess, when he was not only uncondemned but even unimpeached, amid the mourning of the senate and the lamentation of all good men, rejecting the prayers of all Italy, while the republic lay oppressed and captive at your feet? And was it not lawful for me, when the Roman people implored me, when the senate requested me, when the critical state of the republic demanded it of me, to deliver an opinion concerning the safety of the Roman people? And if by that opinion the dignity of Cnæus Pompeius was increased, in connexion with the common advantage, certainly I ought to be praised if I seemed to have given my vote for honour of that man who had brought his influence to aid in the ensuring of my safety.

XI. Let men cease—cease, I say, from hoping that now that I have been restored, I can be undermined by the same contrivances by which they formerly smote me when I was flourishing. For what pair of men of consular dignity were ever more united in friendship in this state than Cnæus Pompeius and I? Who has ever spoken more honourably or more repeatedly of his dignity before the Roman people or to the senate than I have? What labour was there so great, or what enmity so formidable, or what contest so arduous, that I was unwilling to encounter it for the sake of his dignity? and what honour that could be paid me by him, what panegyric of my glory, what recompense for my goodwill was ever omitted by him? This union of ours, this unanimity and concert in managing the affairs of the republic successfully, this most delightful agreement in life and all its duties, certain men, by false reports of conversations and false accusations, broke, interrupted; going to him, and warning him to be afraid of me, to guard against me, and at the same time telling me that he was hostile to me above all men: so that I had not sufficient confidence to ask of him what it was desirable for me to ask, nor did he, having been made sore by

the jealousies and wickedness of certain individuals, promise me with sufficient freedom what my necessities required. A great price has been paid for my error, O priests, so that I am not only grieved for my folly, but ashamed of it too; since, though it was not some sudden and accidental occasion, but many labours of long standing, encountered and undertaken long before, which had united me with a most gallant and most illustrious man, I still suffered myself to be led away to abandon such a friendship, and did not perceive who they were whom it became me either to oppose as open enemies, or to distrust as treacherous friends. Let them now at length cease to try and excite me with the same language as before: "What is that man about? Does not he know how great his influence is, what great achievements he has performed, with what great honour he has been restored? Why does he do honour to the man by whom he was deserted?" But I neither think that I was deserted at that time, but rather surrendered; nor do I think it needful for me to explain what at the time of that unhappiness to the republic was done against me, nor how, nor by whose instrumentality it was done. If it was beneficial to the republic that I alone, as the victim offered for the general safety, should quaff that most unworthy cup of calamity, it may be useful also for me to conceal and be silent respecting the men by whose wickedness it was brought about. But yet it is the part of an ungrateful man to be silent. Therefore I will most willingly proclaim that Cnæus Pompeius laboured with all his zeal and influence as much as any one of you, and with all his means, and labour, and by entreaty, and even at his own personal risk, to promote my safety.

XII. This man, O Publius Lentulus, was present at all your counsels, while you were thinking of nothing day and night except my safety. He cooperated with you as a most influential adviser in planning the conduct to be pursued, as a most faithful ally in preparing for it, and as a most fearless assistant in executing it. It was he who visited all the municipalities and colonies; it was he who implored the assistance of all Italy, which was eager to afford it; it was he who in the senate was the first person to deliver his opinion, and when he had delivered it there, he then also entreated the Roman people to preserve me. Wherefore, you may desist

from that language which you have been using, namely, that the dispositions of the priests were changed after my delivering the opinion which I did about the corn. As if they had any different opinion from what I myself had about Cnæus Pompeius, or as if they were ignorant what I ought to do either with regard to the expectation of the Roman people, or to the services which I have received from Cnæus Pompeius, or to my own circumstances and condition; or as if even, if my sentiments had perchance been offensive to any one of the priests, though I know for a certainty that the contrary was the case, any priest was on that account going to decide about religion, or any citizen about the republic, in any other manner than the laws respecting religious ceremonies compelled the one, or the interests and safety of the republic compelled the other.

I am aware, O priests, that I have said more things which are foreign to this cause, than either your opinion is likely to approve of, or than my own inclination prompted. But I was anxious to be acquitted in your eyes; and, further, your kindness in listening to me with attention carried me on to say more than I had intended. But I will make amends for this by the brevity of that part of the speech which relates to the actual matter now brought under your examination; and as the affair is divided into two heads,—one relating to the laws of religion, and the other to the laws of the state,—I will pass over the question of religion, which would take a longer time to discuss, and speak to the point of what is the law of the state. For what can be so arrogant as for a layman to endeavour to lecture the college of priests about religion, about divine affairs, and ceremonies, and sacrifices; or so foolish as for a man, if he has found anything of consequence in your books, to take up time in detailing it to you; or so superfluous, as to seek to acquire learning on those points concerning which our ancestors have laid down the principle that you alone have knowledge, and that you alone ought to be consulted?

XIII. I say that it was not possible, according to our common rights, and according to those laws which are in force in this city, for any citizen to be exposed to such disaster as mine without a formal trial. I say that this was the law in this state even at the time when the kings existed; I say that

this was the principle handed down to us from our ancestors; I say, moreover, that this is the inalienable characteristic of a free state,—that no infringement on the liberties or property of a citizen can take place without the formal decision of the senate, or of the people, or of those persons who have been appointed as judges in each separate matter. Do you not see that I am destroying all your proceedings by the roots? that I am arguing, what is manifest, that you did nothing whatever according to law,—that you were not a tribune of the people at all? I say this, that you are a patrician. I say so before the priests; the augurs are present. I take my stand on the common public law. What, O priests, is the law concerning adoption? Why, that he may adopt children who is no longer able to have children himself, and who failed in having them when he was of an age to expect it. What reason, then, any one has for adopting children, what considerations of family or dignity are involved, what principles of religion are concerned, are questions which are accustomed to be put to the college of priests. What if all these circumstances are found to exist in that adoption? The person who adopts him is twenty years old; a minor adopts a senator. Does he do so for the sake of having children? He is of an age to have them of his own. He has a wife; he has actually got children of his own. The father, then, will be disinheriting his own son. What? why should all the sacred rites of the Clodian family perish, as far as it depends on you? And that must have been the idea of all the priests when you were adopted. Unless, perchance, the question was put to you in this way,—whether you were intending to disturb the republic by seditions, and whether you wished to be adopted with that object, not in order to become that man's son, but only in order to be made a tribune of the people, and by that means utterly to overthrow the state? You answered, I presume, that your object was only to be made a tribune. That appeared to the priests to be a sufficient reason. They approved of it. No questions were asked about the age of the man who was adopting you; as was done in the case of Cnæus Aufidius and Marcus Pupius, each of whom, within our recollection, when extremely old, adopted as sons, the one Orestes, and the other Piso. And these adoptions, like others, more than I can count, were followed by the inheritance of the name and

property and sacred rites of the family. You are not Fonteius, as you ought to be, nor the heir of your new father; nor, though you have lost your right to the sacred ceremonies of your own family, have you availed yourself of those which belong to you by adoption. And so, having thrown the ceremonies of religion into confusion,—having polluted both families, both the one which you have abandoned and the one which you have entered,—having violated the legitimate practices of the Romans with respect to guardianships and inheritances, you have been made, contrary to all the requirements of religion, the son of that man of whom you were old enough to be the father.

XIV. I am speaking before the priests; I say that that adoption did not take place according to the sacerdotal law. In the first place, because your respective ages are such that the man who has adopted you as your father might, as far as his age went, have been your son; in the second place, because a question is usually put as to the reason for the adoption, in order that the adopter may be a person who is seeking by regular and sacerdotal law that which by the ordinary process of nature he is no longer able to obtain; and that he may adopt a son in such a manner, as to in nowise impair the dignity of the families or the reverence belonging to their sacred ceremonies; and, above all things, that no false pretence, or fraud, or trickery, may creep in; so that this fictitious adoption of a son may appear to imitate as far as possible the real case of children being born to a man. But what greater false pretence can there be than for a beardless young man, a vigorous man and a husband, to come forward, and to say that he wishes to adopt as his own son a senator of the Roman people, and for all men to know and see that this senator is adopted, not in order to become really the son of the plebeian, but merely in order that he may quit the patrician body, and be made a tribune of the people? And all that without any disguise. For in this case the adopted son was immediately emancipated, lest he should really have become the son of him who adopted him. Why then is he adopted at all? Only approve of this sort of adoption, and in a moment the sacred ceremonies of every family, of which you ought to be the guardians, will be abolished, and not one patrician will be left. For why should any one be willing to be incapable of

being made a tribune of the people? to have his power of standing for the consulship narrowed? and, while he might arrive at the priesthood, not to arrive at it because there is not a vacancy at the moment for a patrician?[1] Whenever anything happens to any one to make it more convenient for him to be a plebeian, he will be adopted in the same manner as Clodius. And so in a short time the Roman people will neither have a king[2] of the sacrifices, nor flamines,[3] nor Salii,[4] nor one half of the rest of the priests, nor any one who has a right to open the comitia centuriata, or curiata; and the auspices of the Roman people must come to an end if no patrician magistrates are created, as there will be no interrex,[5] for he must be a patrician, and must be nominated by a patrician. I said before the priests, that that adoption had not been approved by any decree of this college; that it had been executed contrary to every provision of the sacerdotal law; that it ought to be considered as no adoption at all; and if there is an end to that, you see at once that there is an end likewise of the whole of your tribuneship.

XV. I come now to the augurs—and if they have any secret books I do not inquire into them; I am not very curi-

[1] When the number of pontifices was increased to eight, it was provided that one half of that number should always be plebeians. See Livy, x. 6.

[2] When the civil and military powers of the king were transferred to the two consuls, these magistrates were not invested with that part of the royal dignity by virtue of which he had been the high-priest of his nation; but this priestly part of his office was transferred to a priest called *rex sacrificulus*, or *rex sacrorum*. He was always elected and inaugurated in the *comitia calata*, under the presidency of the pontiffs, and was always a patrician, for as he had no influence upon the management of political affairs, the plebeians never coveted this dignity.

[3] *Flamen* was the name for any priest who was devoted to the service of one particular god

[4] The *Salii* were the priests of Mars Gradivus, and were said to have been instituted by Numa. They were twelve in number, chosen from the patricians only, even down to the very latest times.

[5] An *interrex* was an officer first appointed on the death of Romulus. Under the republic *interreges* were appointed for holding the *comitia* for the election of consuls, when the consuls, through civil commotions or other causes, had been unable to do so during their year of office. Each *interrex* held the office for only five days. Plebeians were not admissible to this office; and consequently after plebeians were admitted into the senate, the patrician senators met without the plebeian members to elect an *interrex*.



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ous about inquiring into the principles of the augurs. I know, what I have learnt in common with all the people, what answers they have frequently given in the public assemblies. They say that it is contrary to divine law for any public business to be brought before the people when any proper officer is observing the heavens. Will you venture to deny that, on the day when the Lex curiata[1] concerning you is said to have been passed, the magistrates were observing the heavens? A man is here present in court, of the most eminent wisdom, and dignity, and authority, Marcus Bibulus. I assert that on that very day he, as consul, was observing the heavens. "What then," you will say, "are then the acts of Caius Cæsar, that most admirable citizen, invalid in your opinion?" By no means; for there is not one of them which concerns me in the least, nor anything else except these weapons which by that man's proceedings are hurled at me. But the matter of the auspices, which I am now touching on with extreme brevity, has been handled in this manner by you. You, when your tribuneship was in danger and was falling to pieces as it were, all of a sudden came forward as a patron of the auspices; you brought forward Marcus Bibulus and the augurs into the assembly; you questioned the augurs, and they replied that when any magistrate was observing the heavens, no business could be transacted in the assembly of the people. You questioned Marcus Bibulus, and he told you in reply that he had been observing the heavens; and he also said in the public assembly, when he was brought forward there by your brother Appius, that you were no tribune of the people at all, because you had been adopted contrary to the auspices. In the succeeding months your language constantly was, that everything which Caius Cæsar had done ought to be rescinded by the senate, because they had been done in disregard of the auspices; and if they were rescinded, you said that you would bring me back on your own shoulders into the city as the guardian of the city. See now, O priests, the insanity of the man, when by means of his tribuneship he was connected to

[1] A *Lex curiata* was a law passed by the *comitia curiata*. And these *comitia* were held (among other causes) for the purpose of carrying into effect the form of adoption called *arrogatio*. When the question to be proposed had relation to sacred things, the pontifices presided in them.

N.B. All the five preceding notes are taken from Smith, Dict. Ant. vv. *Rex Sacrificulus, Flamen, Salii, Interrex, Comitia curiata.*

such an extent with the acts of Cæsar. If the priests deciding according to the law relating to sacrifices, and the augurs according to the religious observance due to the auspices, upset your whole tribuneship, what more do you ask? do you want some still more evident argument drawn from the rights of the people and the laws?

XVI. It was perhaps about the sixth hour when I complained in the court of justice (when I was defending Caius Antonius, my colleague,) of some things in the republic which appeared to me to relate to the cause of that unhappy man. What I said was reported by some wicked men to some very eminent citizens in language very different from that which I had employed. At the ninth hour on that very same day you were adopted. If, while in all other laws there ought to be an interval of three days, it is sufficient in a law respecting an adoption that there should be one of three hours, I have nothing to object to. But if the same forms are to be observed,—if the senate decreed that the people was not bound by the laws of Marcus Drusus, which had been passed contrary to the provisions of the Cæcilian[1] and Didian laws,—you must see that by every description of right which prevails with regard to sacred things, to the auspices, or to the laws, you were not elected tribune of the people. And it is not without reason that I say no more on this point, for I see that some most eminent men, the chief men of the city, have given their decision on different occasions, that you could legally proceed with matters which came before the common people; who said too, with reference to my own case, though they said that the republic was murdered and buried by your motion, still that that burial, miserable and bitter as it was, was all according to law: they said that in carrying such a motion as you had carried concerning me a citizen, and one who had deserved well of the republic, you had inflicted a deadly wound on the republic; but, inasmuch as you had carried it with all due reverence for the auspices, they said that you had acted legally. Wherefore we, I imagine, may be

[1] When a law comprised very various provisions relating to matters essentially different, it was called *Lex satura*, and the *Lex Cæcilia Didia* forbade the proposing of a *Lex satura*, on the ground that the people might be compelled either to vote for something which they did not approve, or to reject something which they did approve, if it was proposed to them in this manner. *Vide* Smith, Dict. Ant. pp. 559, 561, v. *Lex*.

allowed to abstain from attacking those actions by which they were induced to approve of the establishment of your tribuneship.

Suppose, however, that you were as rightly and legally tribune as Rullus himself, who is here present, a man most illustrious and honourable on every account; still, by what law, or in accordance with what precedent or what custom, did you pass a law affecting, by name, the civil rights of a citizen who had not been condemned?

XVII. The sacred laws,—the laws of the Twelve Tables, forbid bills to be brought in affecting individuals only; for such a bill is a privilegium. No one has ever carried such a bill. There is nothing more cruel, nothing more mischievous, nothing which this city can less tolerate. What was it in that miserable proscription, and all the other miseries of Sylla's time, which was the most remarkable thing which will prevent the cruelties then practised from being ever forgotten? I imagine it was the fact that punishments were at that time proclaimed on Roman citizens by name without any trial. Will you, then, O priests, by this decision, and by your authority, give a tribune of the people power to proscribe whomsoever he chooses? For I ask what else proscribing is, excepting proposing such a law as this, "That you will decide and order that Marcus Tullius shall no longer be in the city, and that his property may become mine?" For this is the effect of what he carried, though the language is somewhat different. Is this a resolution of the people? Is this a law? Is this a motion? Can you endure this? Can the city endure that a single citizen should be removed out of the city by a single line? I, indeed, have now endured my share. I have no more violence to fear; I am in dread of no further attacks. I have satisfied the hostility of those who envied me; I have appeased the hatred of wicked men; I have satiated even the treachery and wickedness of traitors; and, what is more, by this time every city, all ranks of men, all gods and men have expressed their opinion on my case, which appeared to those profligate men to be exposed above all others as a mark for unpopularity. You now, O priests, are bound, as becomes your authority and your wisdom, to have regard in your decision to your own interests, and to those of your children, and to the welfare of the rest of the citizens.

For as the forms of proceeding before the people have been appointed by our ancestors to be so moderate,—so that in the first place no punishment affecting a man's status as a citizen can be joined to any pecuniary fine; in the next place, that no one can be accused except on a day previously appointed; again, that the prosecutor must accuse him before the magistrate three times, a day being allowed to intervene between each hearing, before the magistrate can inflict any fine or give any decision; and when there is a fourth hearing for the accusation appointed after seventeen[1] days, on a day appointed, on which the judge shall give his decision; and when many other concessions have been granted to the defendants to give them an opportunity of appeasing the prosecutor, or of exciting pity; and besides this, the people is a people inclined to listen to entreaties, and very apt to give their votes for a defendant's safety; and, beyond all this, if anything prevents the cause from being proceeded with on that day, either because of the auspices, or on any other plea or excuse, then there is an end to the whole cause and to the whole business.

XVIII. As these things, then, are so, where is the accusation, where is the prosecutor, where are the witnesses? What is more scandalous, than when a man has neither been ordered to appear, nor summoned, nor accused, for hired men, assassins, needy and profligate citizens, to give a vote touching his status as a citizen, his children, and all his fortune, and then to think that vote a law? But if he was able to do this in my case, I being a man protected by the honours which I had attained, by the justice of my cause, and by the republic; and being not so rich as to make my money an object to my enemies, and who had nothing which could be injurious to me, except the great changes which were taking place in the affairs of the state, and the critical condition of the times; what is likely to happen to those men whose way of life is removed from popular honours, and from all that renown which gives influence, and whose riches are so great that too

[1] The Latin is "trinum nundinum prodictâ die." *Nundina*, the ninth day inclusive; this was the Roman market day; because every ninth day the country people came to Rome to transact business . . . . three such *nundinæ* formed a *trinum nundinum*, or *trinundinum*, *i. e.* a space of seventeen days. Every bill was posted up during three *nundinæ*, that all persons might read it."—Riddle, Lat. Dict. in v. *Nundinus*.

many men, needy, extravagant, and even of noble birth, covet them? Grant this licence to a tribune of the people, and then for a moment contemplate in your minds the youth of the city, and especially those men who seem now to be anxiously coveting the tribunitian power. There will be found, by Jove! whole colleges of tribunes of the people, if this law is once established, and they will all conspire against the property of all the richest men, when a booty so especially popular and the hope of great acquisitions is thus held out to them.

But what vote is it that this skilful and experienced lawgiver has carried? "May you be willing and may you command that Marcus Tullius be interdicted from water and fire." A cruel vote, a nefarious vote, one not to be endured even in the case of the very wickedest citizen, without a trial. He did not propose a vote, "That he be interdicted." What then? "That he has been interdicted." O horrible, O prodigious, O what wickedness! Did Clodius frame this law, more infamous than even his own tongue?—that it has been interdicted to a person to whom it has not been interdicted? My good friend Sextus, by your leave, tell me now, since you are a logician and are devoted to this science, is it possible for a proposition to be made to the people, or to be established by any form of words, or to be confirmed by any votes, making that to have been done which has not been done? And have you ruined the public, with the man who drew this law for your adviser, and counsellor, and minister, a fellow more impure, not only than any biped, but even than any quadruped? And you were not so foolish or so mad as to be ignorant that this man who violated the laws was Clodius; but that there were other men who were accustomed to frame laws: but you had not the least power over any one of them, or over any one else who had any character to lose; nor could you employ the same framers of laws, or the same architects for your works, as the others; nor could you obtain the aid of any priest you chose. Lastly, you were not able to discover, not even when you were dividing your plunder, any purchaser, or any one to share your plunder with you, out of your own band of gladiators, nor any one to support that proscription of yours with his vote except some thief or assassin.

XIX. Therefore, when you, flourishing and powerful, were triumphing in the middle of your mob, those friends of yours, safe and happy in having you for their only friend, who had entrusted their fate to the people, were repelled[1] in such a way that they lost the support of even that Palatine[2] tribe of yours. They who came before a court of justice, whether as prosecutors or as defendants were condemned, though you endeavoured to beg them off. Lastly, even that new recruit, Ligur, your venal backer and seconder, when he had been disgraced by being passed over in the will of Marcus Papirius his brother, who expressed his opinion of him by that action, said that he desired to have a legal investigation into the circumstances of his death, and accused Sextus Propertius as accessory to it. He did not venture to accuse his partners of a crime in which they had no concern, and to endeavour to procure their condemnation, lest he himself should have been convicted of bringing false accusations.

We are speaking, then, of this law which appears to have been legally brought forward, while yet every one that has had anything to do with any part of it, either by hand, voice, vote, or by sharing in the plunder, wherever he has been, has come off rejected and convicted.

What shall we say if the proscription is framed in such terms that it repels itself? For it is, "Because Marcus Tullius has forged a decree of the senate." If, then, he did forge a decree of the senate, the law was proposed; but if he did not forge one, no proposition has been made at all. Does it or does it not appear sufficiently decided by the senate that I did not falsely allege the authority of that order, but that I, of all the men that have ever lived since the foundation of the city, have been the most diligent in my obedience to the senate? In how many ways do I not prove that that which you call a law is no law at all? What shall we say if you brought many different matters before the people at one and the same time? Do you still think that what Marcus Drusus, that admirable man, could not obtain in most of his laws,—that what Marcus Scaurus and Lucius Crassus, men of con-

[1] He refers here to Vatinius, who had lately been an unsuccessful candidate for the ædileship.

[2] The Palatine tribe was composed of artisans and needy citizens, of whose aid Clodius availed himself largely in creating disturbances.

sular rank, could not obtain, you can obtain through the agency of the Decumi and Clodii, the ministers of all your debaucheries and crimes? You carried a proposition respecting me, that I should not be received anywhere,—not that I should depart, when you yourself were not able to say that it was unlawful for me to remain in Rome.

XX. For what could you say? That I had been condemned? Certainly not. That I had been expelled. How could you say that? And yet even that was not stated in your bill that I was to depart; there is a penalty for any one who received me, which every one disregarded; but there is no mention anywhere of driving me out. However, suppose there were,—what are we to say about the collecting of all the common artisans to pull down my house? what shall we say about your having your name cut on it? does that seem to you to be anything except a plundering of all my property? Except that you could not by the Licinian law undertake the commission yourself. What are we to say about this very matter which you are now arguing before the priests; namely, that you consecrated my house, that you erected a memorial, that you dedicated a statue in my house, and that you did all these things by one little bit of a bill? Do all these things appear to be only one and the same business with the bill which you carried against me expressly by name? It is just the same thing that you did when you also carried these different enactments in one law,—one, that the king of Cyprus, whose ancestors had always been allies and friends to this nation, should have all his goods sold by the public crier, and the other, that the exiles should be brought back to Byzantium. "Oh," says he, "I employed the same person on both those matters." What? Suppose you had given the same man a commission to get you an Asiatic coin in Asia, and from thence to proceed into Spain; and given him leave, after he had departed from Rome, to stand for the consulship, and, after he was made consul, to obtain Syria for his province; would that be all one measure, because you were mentioning only one man? And if now the Roman people had been consulted about that business, and if you had not done everything by the instrumentality of slaves and robbers, was it impossible for the Roman people to approve of the part of the measure relating to the king of Cyprus, and to disapprove

of that part which affected the Byzantine exiles? What other force, what other meaning, I should like to know, has the Cæcilian and Didian law, except this; that the people are not to be forced in consequence of many different things being joined in one complicated bill, either to accept what it disapproves of, or reject what it approves?

What shall we say if you carried the bill by violence? is it, nevertheless, a law? Or can anything appear to have been done rightfully which was notoriously done by violence? And if, at the very time of your getting this law passed, when the city was stormed, stones were not thrown, and men did not actually come to blows hand to hand, is that any proof that you were able to contrive that disgrace and ruin to the city without extreme violence?

XXI. When in the Aurelian tribunal you were openly enrolling not only freemen but slaves also, got together out of all the streets in the city, were you not at that time preparing for violence? When, by your edicts, you ordered all the shops to be shut, were you aiming not at the violence of the mob, but at a modest and prudent gathering of honourable men? When you were having arms collected and carried to the temple of Castor, had you no other object beyond preventing others from being able to effect anything by violence? But when you tore up and removed the steps of the temple of Castor, did you then, in order to be able to act in a moderate manner, repel audacious men from the approaches and ascents leading to the temple? When you ordered those persons who, in an assembly of virtuous men, had spoken in defence of my safety, to come forward, and had driven away their companions and seconders by blows and arms and stones; then, no doubt, you showed that violence was excessively disagreeable to you. Oh, but this frantic violence of a demented tribune of the people could easily be crushed and put down by the virtue and superior numbers of the good citizens. What? when Syria was given to Gabinius, Macedonia to Piso, boundless authority and vast sums of money to both of them, to induce them to place everything in your power, to assist you, to supply you with followers, and troops, and their own prepared centurions, and money, and bands of slaves; to aid you with their infamous assemblies, to deride the authority of the senate, to threaten the Roman knights with death and pro-

scription, to terrify me with threats, to threaten me with contests and murder, to fill my house with their friends, which had heretofore been full of virtuous men; through fear of proscription, to deprive me of the crowds of good men who used to associate with me, to strip me of their protection; to forbid the senate, that most illustrious body, not only to fight for me, but even to implore men, and to entreat them in my behalf, and, changing their garments, to lament my danger,—was not even this violence?

XXII. Why then did I depart, or what fear was there? I will not say in me. Allow that I am timid by nature; what are we to say of so many thousands of the bravest men? what did our Roman knights think? what did the senate? what, in short, did all good men think? If there was no violence, why did they escort me out of the city with tears, instead of reproving and detaining me, or being indignant with me and leaving me? Or was I afraid that I could not, while present, resist their accusations if they proceeded against me according to the usages and principles of our ancestors? If a day had been appointed for my trial, must I have dreaded the investigation? or must I have feared a private bill being introduced against me without any trial? A trial in so shameful a cause! I suppose I am a man who, if the cause were not understood, could not speak so as to explain it at all,—or could I not make people approve of my cause, when its excellence is such that of its own merits it made people approve not only of itself while it was before them, but of me also though I was absent? Was the senate, were all ranks of the people, were those men who flew hither from all Italy to cooperate in my recal, likely to be more indifferent, while I was present, about retaining and preserving me, in that cause which even that parricide says was such, that he complains that I was sought out and recalled to my previous honours by the whole people? Was there then no danger to me whatever in a court of justice; but was I to fear a private bill, and that if a penalty were sought to be recovered from me while I was present, no one would interpose a veto? Was I so destitute of friends, or was the republic so entirely without magistrates? What? supposing the tribes had been convoked, would they have approved of a proscription, I will not say against me who had deserved so well of them by my efforts for their safety, but would they

have approved of it in the case of any citizen whatever? Or, if I had been present, would those veteran troops of conspirators, and those profligate and needy soldiers of yours, and that new force of two most impious consuls, have spared my person, when, after that I had, by departing, succumbed to their inhumanity and wickedness, I could not though absent satisfy their hostility to me by my misfortunes?

XXIII. For what injury had my unhappy wife done to you? whom you harassed and plundered and illtreated with every description of cruelty. What harm had my daughter done to you? whose incessant weeping and mourning and misery were so agreeable to you, though they moved the eyes and feelings of every one else. What had my little son done? whom no one ever saw all the time that I was away, that he was not weeping and lamenting; what, I say, had he done that you should so often try to murder him by stratagem? What had my brother done? who, when, some time after my departure, he arrived from his province, and thought that it was not worth his while to live unless I were restored to him, when his grief and excessive and unprecedented mourning seemed to render him an object of pity to every one, was constantly attacked by you with arms and violence, and escaped with difficulty out of your hands. But why need I dilate upon your cruelty, which you have displayed towards me and mine? when you have waged a horrible and nefarious war, dyed with every description of hatred, against my walls, my roofs, my pillars and door-posts. For I do not think that you, when, after my departure, you in the covetousness of your hopes had devoured the fortunes of all the rich men, the produce of all the provinces, the property of tetrarchs and of kings, were blinded by the desire of my plate and furniture. I do not think that that Campanian consul with his dancing colleague, after you had sacrificed to the one all Achaia, Thessaly, Bœotia, Greece, Macedonia, and all the countries of the barbarians, and the property of the Roman citizens in those countries, and when you had delivered up to the other Syria, Babylon, and the Persians, those hitherto uninjured and peaceful nations, to plunder; I do not think, I say, that they were covetous of my thresholds and pillars and folding-doors. Nor, indeed, did the bands and forces of Catiline think that they could appease their hunger with the tiles and

mortar of my roofs. But as, without being influenced by the idea of booty, still out of hatred we are accustomed to destroy the cities of enemies;—not of all enemies indeed, but of those with whom we have waged any bitter and intestine war; because when our minds have been inflamed against any people by reason of their cruelty, there always appears to be some war still lingering in their abodes and habitations, * * *

XXIV. No law had been passed respecting me. I had not been ordered to appear in court; I had not been summoned. I was absent. I was even in your own opinion a citizen with all my rights as such unimpaired, when my house on the Palatine Hill, and my villa in the district of Tusculum, were transferred one a-piece to each of the consuls; decrees of the senate were flying about; marble columns from my house were carried off to the father-in-law of the consul in the sight of the Roman people; and the consul who was my neighbour at my villa had not only my stock and the decorations of my villa, but even my trees transferred to his farm; while the villa itself was utterly destroyed, not from a desire of plunder, (for what plunder could there be there?) but out of hatred and cruelty. My house on the Palatine Hill was burnt, not by accident, but having been set on fire on purpose. The consuls were feasting and revelling amid the congratulations of the conspirators, while the one boasted that he had been the favourite of Catiline, and the other that he was the cousin of Cethegus. This violence, O priests, this wickedness, this frenzy, I, opposing my single person to the storm, warded off from the necks of all good men, and I received on my body all the attacks of disaffection, all the long-collected violence of the wicked, which, having been long coming to a head, with silent and repressed hatred, was at last breaking out now that it had got such audacious leaders. Against me alone were directed the consular firebrands hurled from the hands of the tribunes; all the impious arrows of the conspiracy, which I had once before blunted, now stuck in me. But if, as was the advice of many most gallant men, I had determined to contend with violence and arms against violence, I should either have gained the day with a great slaughter of wicked men, who notwithstanding were citizens, or else all the good men would have been slain, to the great joy of the wicked, and I too should have perished together with the republic. I saw,

that if the senate and people of Rome existed, I should have a speedy return with the greatest dignity; and I did not think it possible that such a state of affairs should long continue to exist, as for me not to be allowed to live in that republic which I myself had saved. And if I were not allowed to live there, I had heard and read that some of the most illustrious men of our country had rushed into the middle of the enemy to manifest death for the sake of the safety of their army. And could I doubt that if I were to sacrifice myself for the safety of the entire republic, I should in this point be better off than the Decii, because they could not even hear of their glory, while I should be able to be even a spectator of my own renown?

XXV. Therefore your frenzy, being disconcerted, kept making vain attacks. For the bitterness of my fortune had exhausted all the violence of all the wicked citizens. In such terrible disaster and such wide-spread ruin, there was no room for any new cruelty. Cato was next to me. Was there nothing which you could do, beyond making him who had been my leader and guide in all my conduct, a partner also in my misfortune? What? Could you banish him? No. What then? You could send him away for the money of Cyprus. One booty may have been lost; another will be sure to be found; only let this man be got out of the way. Accordingly, the hated Marcus Cato is commissioned to go to Cyprus, as if it was a kindness that was being conferred on him. Two men are removed, whom the wicked men could not bear the sight of; one by the most discreditable sort of honour, the other by the most honourable possible calamity. And that you may be aware that that man had been an enemy not to their persons, but to their virtues, after I was driven out, and Cato despatched on his commission, he turns himself against that very man by whose advice and by whose assistance he was in the habit of saying in the assemblies that he had done and continued to do what he was then doing and everything which he had hitherto done. He thought that Cnæus Pompeius, who he saw was in every one's opinion by far the first man in the city, would not much longer tolerate his frenzy. After he had filched out of his custody by treachery the son of a king who was our friend,—himself being an enemy and a prisoner,—and having provoked that most

gallant man by this injury, he thought that he could contend with him by the aid of those troops against whom I had been unwilling to struggle at the risk of the destruction of all virtuous citizens, especially as at first he had the consuls to help him. But after a time Gabinius broke his agreement with him; but Piso continued faithful to him. You saw what massacres that man then committed, what men he stoned, what numbers he made to flee; how easily by means of his armed bands and his daily plots did he compel Cnæus Pompeius to absent himself from the forum and the senate-house, and to confine himself to his own house, even after he had been already deserted by the best part of his forces. And from this you may judge how great that violence was at its first rise, and when first collected together, when even after it was scattered and almost extinct it alarmed Cnæus Pompeius in this way.

XXVI. That most prudent man, Lucius Cotta, a man most deeply attached to the republic and to me, and above all to truth, saw this when he delivered his opinion on the first of January. He then considered it unnecessary that any law should be passed for my return. He said that I had consulted the interests of the republic; that I had yielded to the tempest; that I had been more friendly to you and to the rest of the citizens than to myself and to my own relations; that I had been driven away by the disturbances of a body of men banded together for purposes of bloodshed, and by an unprecedented exercise of power; that no law could possibly have been passed affecting my status as a citizen; that no law had been drawn up in writing, that none could have any validity; that everything had been done in disregard of the laws and of the usages of our ancestors, in a rash and turbulent manner, by violence and frenzy. But if that were a law, then it was not lawful for the consuls to refer the matter to the senate,[1] nor for him himself to express his opinion upon it in the senate. And as both these things were being done, it was not right that it should be decreed that a law should be passed concerning me, lest that which was no law at all, should be in consequence decided to be a law. No opinion could be truer, sounder, more expedient, or better for the republic.

[1] Because a *lex*, properly so called, was only passed in the *comitia centuriata*, not in the senate. *Vide* Smith, Dict. Ant. v. *Lex*.

For the wickedness and frenzy of the man being stigmatised by it, all danger of similar disgrace to the republic for the future was removed. Nor did Cnæus Pompeius, who delivered a most elaborate opinion and most honourable to me, nor did you, O priests, who defended me by your decision and authority, fail to see that that was no law at all, and that it was rather the heat of the times, an interdict of wickedness, a voice of frenzy. But you were anxious to guard against any popular odium being excited against you; if we appeared to have been restored without any decision of the people. And with the same idea the senate adopted the opinion of Marcus Bibulus, a most fearless man, that you should decide the question relating to my house: not that he doubted that nothing had been done by Clodius with due regard either to the laws, or to the requirements of religion, or to the rights of the citizens; but that, as wicked men were so numerous, no one should at any time arise and say that there was anything holy about my house. For as often as the senate has expressed any opinion at all in my case, so often has it decided that that was no law at all, since indeed, according to that writing which that fellow drew up, it was forbidden to express any opinion at all. And that kindred pair, Piso and Gabinius, saw this. Those men, so obedient to the laws and courts of justice,—when the senate in very full houses kept constantly entreating them to make a motion respecting me,—said that they did not disapprove of the object, but that they were hindered by that fellow's law. And this was true; but it was the law which he had passed about giving them Macedonia and Syria.

XXVII. But you, O Publius Lentulus, neither as a private individual nor as consul ever thought that it was a law. For when the tribunes of the people made a motion, you as consul elect often delivered your opinion concerning my affairs; and from the first of January to the time that the whole affair was completed, you persevered in making motions respecting me, you proposed a law, you passed it; none of which things could legally have been done by you if that thing of Clodius's had been a law. But Quintus Metellus your colleague, a most illustrious man, even though he was a brother of Clodius, when he joined you in making a motion in the senate respecting my affairs, expressed his opinion that that was no law at

all which men utterly unconnected with Clodius,—namely Piso and Gabinius, considered was a law. But how did those men who had such respect for Clodius's laws observe the rest of the laws? The senate indeed, whose authority is of the very greatest weight on all questions affecting the power of the laws, as often as it has been consulted in my case, has decided that that was no law at all. And you, O Lentulus, showed that you were aware of its not being one in that law which you carried concerning me. For that law was not framed in such terms as that I might be allowed to come to Rome, but that I should come to Rome. For you did not wish to propose to make that lawful for me to do, which was lawful already; but you wished me to be in the republic, appearing to have been sent for by the command of the Roman people, rather than to have been restored for the purpose of aiding in the management of the republic.

Did you then, O you most monstrous pest, dare to call that man an exile, when you yourself were branded with such wickedness and such crimes that you made every place which you approached very like a place of banishment? For what is an exile? The name itself is an indication of misfortune, not of disgrace. When, then, is it disgraceful? In reality when it is the punishment of guilt; but in the opinion of men, when it is the punishment of a condemned person. Is it then owing to any crime of mine that I bear the name of an exile, or owing to any judicial sentence? Owing to any crime? Even you, whom those satellites of yours call the prosperous Catiline, do not dare to affirm that, nor do any one of those men who used to say so, venture to say so now. There is not only no one so ignorant now as to say that those actions which I did in my consulship were errors; but no one is such an enemy to his country as not to confess that the country was preserved by my counsels.

XXVIII. For what deliberative assembly is there in the whole earth, whether great or little, which has not expressed that opinion of my exploits which is most desirable and most honourable for me? The greatest council of the Roman people, and of all peoples, and nations, and kings, is the senate. That decreed that all men who desired the safety of the republic should come forward to defend me alone, and showed its opinion that the republic could not have been saved if I had

not existed, and could not last if I did not return. The next in rank to this dignified body is the equestrian order. All the companies of public contractors passed most favourable and honourable decrees respecting my consulship and my actions. The scriveners, who are much connected with us in matters relating to public registers and monuments, took good care that their sentiments and resolutions respecting my services to the republic should not be left in doubt. There is no corporation in all this city, no body of men either from the higher or lower parts of the city,[1] (since our ancestors thought fit that the common people of the city should also have places of meeting and some sort of deliberative assemblies,) which has not passed most honourable resolutions, not merely respecting my safety, but relating also to my dignity. For why need I mention those divine and immortal decrees of the municipal towns, and of the colonies, and of all Italy, by which, as by a flight of steps, I seem not only to have returned to my country, but to have mounted up to heaven? And what a day was that when the Roman people beheld you, O Publius Lentulus, passing a law respecting me, and felt how great a man and how worthy a citizen you were. For it is well known that the Campus Martius had never on any comitia seen so vast a crowd, or such a splendid assembly of men of every class, age, and order. I say nothing of the unanimous judgment and unanimous agreement of the cities, nations, provinces, kings,—of the whole world, in short,—as to the services which I had done to the whole human race. But what an arrival at and entry into the city was mine! Did my country receive me as it ought to receive light and safety when brought back and restored to it, or as a cruel tyrant, as you, you herd of Catiline, were accustomed to call me? Therefore that one day on which the Roman people honoured me by escorting me with immense numbers and loud demonstrations of joy from the gate to the Capitol, and from the Capitol home, was so delightful to me, that that wicked violence of yours which had driven me away appeared not to

[1] The Latin is *pagani aut montani*, and whether it refers to portions of the city, or to people in the suburban districts, Grævius professes himself quite ignorant, saying that this is the only mention of such classes. Riddle translates it (v. *paganus*) "countrymen and mountaineers." Yet the next words, *plebei urbanæ*, seem to show that they refer to some division of the citizens of the city itself.

be a thing from which I ought to have been defended, out one which it was worth my while even to purchase. Wherefore that calamity, if it deserves to be called a calamity, has put an end to the whole previous system of abuse, and has prevented any one for the future from daring to find fault with my consulship, which has now been approved of by such numerous, and such important, and such dignified decisions, and testimonies, and authorities.

XXIX. And if, in all that abuse of yours, you not only impute no disgraceful conduct to me, but even add more lustre on my credit, what can exist or be imagined more senseless than you? For by one piece of abuse you admit that my country was twice saved by me; once when I performed that action which every one avows ought to be remembered for ever if it be possible, you thought that I ought to be punished and put to death; a second time, when I bore in my own person your own violence and that of the numbers who through your agency were inflamed against all virtuous men, in order to avoid taking arms, and in that condition bringing into danger that state which I had saved when without arms.

Be it so then. There was not in my case any punishment imposed for any offence. Still there was punishment imposed on me by a judicial decision. By what decision? Who ever examined me as a defendant under any law whatever? Who ever accused me? Who ever prosecuted me? Can then a man who is uncondemned be made to bear the punishment of a condemned man? Is this the act of a tribune of the people? Is this the act of a friend of the people? Although, when is it that a man can call himself a friend of the people, except when he has done something for the advantage of the people? Forsooth, has not this principle been handed down to us from our ancestors, that no Roman citizen can be deprived of his liberty, or of his status as a citizen, unless he himself consents to such a thing, as you yourself might learn in your own case? For, although in that adoption of yours nothing was done in a legal manner, still I suppose that you were asked, whether it was your object that Publius Fonteius should have the same power of life and death over you that he would have over an actual son. I ask, if you had either denied it or had been silent, if, nevertheless, the thirty curies

had passed a vote to this effect, would that vote have had the force of law? Certainly not. Why? Because the law was established by our ancestors, who were not fictitiously and pretendedly attached to the people, but were so in truth and wisdom, in such a manner that no Roman citizen could be deprived of his liberty against his consent. Moreover, if the decemvirs had given an unjust decision to the prejudice of any one's liberty, they established a law that any one who chose might, on this subject alone, make a motion affecting a formal decision already pronounced. But no one will ever lose his status as a citizen against his will by any vote of the people.

XXX. The Roman citizens who left Rome and went to the Latin colonies could not be made Latins, unless they themselves promoted such a change, and gave in their names themselves. Those men who had been condemned on a capital charge, did not lose their rights as citizens of this city before they were received as citizens of that other city to which they had gone for the sake of changing their abode. Our ancestors took care that they should do so, not by taking away their rights of citizenship, but only their house, and by interdicting them from fire and water within the city. The Roman people on the motion of Lucius Sylla, the dictator, in the comitia centuriata, took away the rights of citizenship from the municipal towns, and at the same time took away their lands. The decree about the lands was ratified, for that the people had power to pass; but their decree concerning the rights of citizenship did not last even as long as the disturbances of the time of Sylla. Shall we then say that Lucius Sylla, victorious as he was, after he had been restored to the republic, could not in the comitia centuriata take away the rights of citizenship from the people of Volaterra, even though they were in arms at the time;—and the Volaterrans to this day enjoy the rights of citizenship in common with ourselves, being not only citizens, but most excellent citizens too;—and allow that Publius Clodius, at a time when the republic was utterly overturned, could take away his rights as a citizen from a man of consular rank, by summoning an assembly, and hiring bands not only of needy citizens, but even of slaves, with Sedulius as their imputed leader, though he declares that on that day he was not in Rome at all? And, if he was not,

what could be a more audacious thing than your putting his name to that bill? What could be more desperate than your condition, when, even if you told a lie about it, you could not get up any more respectable authority? But if he was the first person who voted for it, as he easily might have been, as he was a man who, for want of a house, slept all night in the forum, why should he not swear that he was at Cadiz, when you have proved so very distinctly that you were at Interamna? Do you, then,—you, a man devoted to the people,—think that our rights as citizens, and our freedom, ought to be established on this principle; so that when a tribune of the people brings forward a motion, "Do you approve and determine" * * * * if a hundred Sedulii should say that they do approve and determine, any one of us may lose our privileges? Our ancestors, then, were not attached to the interests of the people, who with respect to the rights of citizenship and liberty established those principles which neither the power of time, nor the authority of magistrates, nor the decisions of judges, nor the sovereign power of the whole people of Rome, which in all other affairs is most absolute, can undermine. But you, also, you who take men's rights as citizens from them, have also passed a law with respect to public injuries in favour of some fellow of Anagnia, of the name of Mærula, and he on account of that law has erected a statue to you in my house; so that the place itself, in bearing witness to your prodigious injustice, might refute the law and inscription on your statue. And that law was a much greater cause of grief to the citizens of Anagnia than the crimes which that gladiator had committed in that municipal town.

XXXI. What shall I say, if there is nothing said about the rights of citizenship even in that very form of motion which Sedulius declares he never voted for? Do you still cling to his authority in order to throw a lustre on the exploits of your splendid tribuneship by the dignity of that man?

But, although you passed no law respecting me, to prevent my continuing not only in the number of Roman citizens, but even in that rank in which the honours conferred on me by the Roman people had placed me; will you still raise your voice to attack him whom after the abominable wickedness of the preceding consuls you see honoured by the decisions of the senate, of the Roman people, and of all Italy? whom even

at the time when I was departing you could not deny, even by your own law, to be a senator. For, where was it that you passed the law that I should be interdicted from fire and water? When Gracchus passed such a decree respecting Publius Popillius, and Saturninus respecting Metellus, and other most seditious men respecting other most virtuous and gallant citizens, they did not pass a decree that they had been interdicted, which would have been quite intolerable, but that they should be interdicted. When did you insert a clause that the censor should not enter me on the rolls of the senate in my proper place? which is a clause in the law, concerning every one who has been condemned when the interdict is being framed. Ask this of Sextus Clodius the framer of your laws. Bid him come forward; he is keeping out of the way; but if you order him to be looked for, they will find the man in your sister's house, hiding himself with his head down. But if no one in his senses ever called your father, a citizen—ay, by Jove, a good citizen, and one very unlike you;—if no one, I say, ever called him an exile, who, when a tribune of the people had proposed a bill against him, would not appear on account of the iniquity of that period of Cinna's triumph, and who, on that account, had his command taken from him; if, I say, in his case, a punishment inflicted by law carried no disgrace with it, on account of the violent character of those times, could there, in my case, be any penalty against me as if I had been condemned, when I never was tried, when I never was accused, when I never was summoned by any tribune of the people, and, especially, a penalty which was not mentioned, not even in the proposed bill itself?

XXXII. But just remark what the difference is between that most iniquitous misfortune inflicted on your father, and between my fortune and condition which I am now discussing. Lucius Philippus the censor, in reading the roll of the senate, passed over his own uncle, your father, a most excellent citizen, the son of a most illustrious man, himself a man of such severity of character that if he were alive you would not have been suffered to live. For he had no reason to allege why those acts should not be ratified which had been done in that republic in which, at that very time, he had been willing to take upon himself the office of censor. But as for me, Lucius Cotta, a man of censorian rank, said in the senate on his

oath, that if he had been censor at the time that I left the city, he should have retained me on the list as a senator in my proper place. Who appointed any judge in my place? who of my friends made a will at the time that I was absent, and did not give me the same that he would have given me if I had been in the city? who was there, I will not say only among the citizens, but even among the allies, who hesitated to receive and assist me in defiance of your law? Lastly, the whole senate, long before the law was passed respecting me, "Voted, that thanks should be given to all those cities by which Marcus Tullius . . . ." Was that all? No—it went, "a citizen who had done the greatest services to the republic, had been received:" and do you, one single pernicious citizen, deny that that citizen has been legally restored, whom the whole senate, even while he was absent, considered not only a citizen, but has at all times considered a most illustrious one? But as the annals of the Roman people and the records of antiquity relate, that great man Cæso Quintius, and Marcus Furius Camillus, and Marcus Servilius Ahala, though they had deserved exceedingly well of the republic, still had to endure the violence and passion of an excited people; and after they had been condemned by the comitia centuriata and had gone into banishment, were again restored to their former dignity by the same people in a more placable humour. But if, in the case of those men who were thus condemned, their calamity not only did not diminish the glory of their most illustrious names, but even added fresh lustre to it; (for, although it is more desirable to finish the course of one's life without pain and without injury, still it contributes more to the immortality of a man's glory to have been universally regretted by his fellow-citizens, than never to have been injured;) shall a similar misfortune have in my case the force of a reproach or of an accusation, when I left the city without any sentence of the people, and have been restored by most honourable resolutions of every order of society? Publius Popillius was always a brave and wise citizen in every point of view; yet in the whole of his life there is nothing which sheds a greater lustre on his character than this very calamity. For who would have recollected now that he conferred great benefits on the republic, if he had not been expelled by the wicked and restored by the good? The conduct of Quintus Metellus as a military commander was

admirable, his censorship was splendid, his whole life was full of wisdom and dignity; and yet it is his calamity which has handed down his praises to everlasting recollection.

XXXIII. But if the injury inflicted on them by their enemies was not any disgrace to those men who were expelled unjustly, but still who were restored according to law, after their enemies had been slain, after the tribunes had brought forward motions respecting them; not by the authority of the senate, not by the comitia centuriata, not by the decrees of all Italy, not by the universal regret of the state; do you think that in my case, who departed uncondemned, who departed at the same time as the republic, and returned with the greatest dignity, while you were still alive, while one of your brothers was one of the consuls who brought me back, and the other was the prætor who demanded my recal, your wickedness ought to be any discredit to me? And if the Roman people, being inflamed with passion or envy, had driven me out of the city, and afterwards, remembering my services to the republic, had recollected itself, and shown its repentance for its rashness and injustice by restoring me; yet, in truth, no one would have been so senseless, as to think that such conduct on the part of the people ought not rather to be considered an honour to me than a disgrace. But now, when of all the people no one has accused me, when it is impossible for me to have been condemned, seeing that I have never been accused, since I was not even expelled in such a way that I could not have got the better of my adversaries if I had contested the point with them by force; and when, on the other hand, I have at all times been defended and praised and honoured by the Roman people; what pretence has any one for thinking himself better off than I am, at all events as far as the people are concerned?

Do you think that the Roman people consists of those men who can be hired for any purpose? who are easily instigated to offer violence to magistrates? to besiege the senate? to wish every day for bloodshed, conflagration and plunder? a people, indeed, whom you could not possibly collect together unless you shut up all the taverns; a people to whom you gave the Lentidii, and Lollii, and Plaguleii, and Sergii, for leaders. Oh for the splendour and dignity of the Roman people, for kings, for foreign nations, for the most distant

hands to fear; a multitude collected of slaves, of hirelings, of criminals, and beggars! That was the real beauty and splendour of the Roman people, which you beheld in the Campus Martius at that time, when even you were allowed to speak in opposition to the authority and wishes of the senate and of all Italy. That is the people—that, I say, is the people which is the lord of kings, the conqueror and commander-in-chief of all nations, which you, O wicked man, beheld in that most illustrious day when all the chief men of the city, when all men of all ranks and ages considered themselves as giving their votes, not about the safety of a citizen, but about that of the state; when men arrive into the Campus, the municipal towns having been all emptied, not the taverns.

XXXIV. By the aid of this people, if there had then been real consuls in the republic, or if there had been no consuls at all, I should without any difficulty have resisted your headlong frenzy and impious wickedness. But I was unwilling to take up the public cause against armed violence, without the protection of the people. Not that I disapproved of the late rigour of Publius Scipio, that bravest of men, when he was only a private individual; but Publius Mucius the consul, who was considered somewhat remiss in defending the republic, immediately defended, and, more than that, extolled the action of Scipio in many resolutions passed by the senate. But, in my case, I, if you were slain, should have had to contend by force of arms against the consuls, or if you were alive, against both you and them together. There were many other circumstances also to be feared at that time. The contest would, in truth, have reached the slaves. So great an hatred of all good men had still got possession of the minds of impious citizens, being burnt as it were into their wicked minds by that ancient conspiracy.

Here, too, you warn me not to boast. You say that those things are intolerable which I am accustomed to assert concerning myself; and being a witty man, you put on quite a polite and elegant sort of language. You say that I am accustomed to say that I am Jupiter; and also to make a frequent boast that Minerva is my sister. I will not so much defend myself from the charge of insolence in calling myself Jupiter, as from that of ignorance in thinking Minerva the sister of Jupiter. But even if I do say so, I at all events

claim a virgin for my sister; but you would not allow your sister to remain a virgin. Consider rather whether you have not a right to call yourself Jupiter, because you have established a right to call the same woman both sister and wife.

XXXV. And since you find fault with me for this, that you assert that I am accustomed to speak too boastfully of myself, I ask, who ever heard me speak in this way, or speak of myself at all, except when I was compelled, and was doing so of necessity? For if, when robberies, and bribery, and lust are imputed to me, I am accustomed to reply that the country was saved by my prudence, and labour, and personal danger, I ought not to be considered as boasting of my own exploits, so much as refusing to confess what is imputed to me. But if, before these most miserable periods of the republic, nothing else was ever imputed to me, except the cruelty of my conduct at that time when I warded off destruction from the republic, what will you say? Ought I when accused in this manner, not to have replied at all, or to have replied in an abject tone? But I have always thought it for the interest of even the republic itself, that I should uphold by my language the propriety and glory of that most noble exploit which I performed by the authority of the senate, with the consent of all virtuous men, for the safety of my country; especially when I am the only person in this republic who have been able to say on oath, in the hearing of the Roman people, that this city and this republic had been saved by my exertions. That accusation of cruelty has long since been extinguished, because men see that I was regretted, and demanded and sent for back by the wishes of all the citizens, not as a cruel tyrant, but as a most merciful parent. Another charge has risen up. That departure of mine from the city is attacked, which accusation I cannot reply to without the greatest credit to myself. For what, O priests, ought I to say? That I fled from a consciousness of guilt? But that which was imputed to me as a crime, not only was not a crime, but was the most glorious action ever performed since the birth of man. That I feared the sentence of the people? But not only was there no trial at any time before the people, but if there had been, I should have departed with redoubled glory. That the protection of the good was wanting to me?

It is false. That I was afraid of death? That is an assertion disgraceful to those who make it.

XXXVI. I am therefore compelled to say that which I would not say if I were not compelled. (For I have never said anything at all in the way of extolling myself for the sake of gaining praise, but only with a view to repel an accusation.) I say, therefore, and I say it with the loudest voice I can command, when the inflamed violence of all the profligate citizens and conspirators, a tribune of the people being their leader, the consuls being their instigators, the senate being beaten down, the Roman knights being terrified, the whole city being in suspense and anxiety, was making an attack, not so much on me as, through me, on all good men,—I say that I then saw that if I conquered, there would be but little of the republic left, and if I were conquered, none at all. And when I had decided that this would be the case, I lamented indeed my separation from my unhappy wife, the desolate state of my most beloved children, the distress of my most affectionate and excellent brother, who was away, and the sudden ruin of a family which had seemed so thoroughly established; but still I preferred to all these considerations the safety of my fellow-citizens, and I preferred that the republic should rather fall, if fall it must, through the departure of one man, than through the slaughter of every one. I hoped (as indeed happened) that I, though overthrown, might be raised again by gallant men who were still alive; but I expected that if I perished, involving all virtuous men in my fall, I could not by any possibility be recovered. I felt, indeed, O priests, a great and incredible pain; I do not deny it; nor do I pretend to that wisdom which some expected of me, who said that I was too much dispirited and cast down. Could I, when I was torn from such a number and variety of enjoyments, (which I pass over, because even now I cannot speak of them without tears,) deny that I was a human being, and repudiate the common feelings of our nature? But in that case I should neither call that action of mine praiseworthy, nor should I say that any service had been done to the republic by me, if I had only given up, for the sake of the republic, those things which I could bear the loss of with calmness; and that firmness of the mind, resembling that hardness of body, which, even when it is burnt,

does not feel it, I should consider insensibility rather than virtue.

XXXVII. To encounter voluntarily such great grief of mind, and by oneself to endure, while the city is standing those things which, when a city is taken, befal the conquered citizens; to see oneself torn from the embrace of one's friends, one's houses destroyed, one's property plundered; above all, for the sake of one's country, to lose one's country itself, to be stripped of the most honourable favours of the Roman people, to be precipitated from the highest rank of dignity, to see one's enemies in their robes of office demanding to conduct one's funeral before one's death has been properly mourned;—to undergo all these troubles for the sake of saving one's fellow-citizens, and this with such feelings that you are miserable while absent, not being as wise as those philosophers who care for nothing, but being as attached to one's relations and to oneself as the common feelings and rights of men require;—that is illustrious and godlike glory. For he who with a calm spirit for the sake of the republic abandons those things which he has never considered dear or delightful, is not showing any remarkable good-will towards the republic; but he who abandons those things for the sake of the republic from which he is not torn without the greatest agony, his country is dear to that man, and he prefers her safety to his affection for his own relations. Wherefore, that fury may burst itself, and it must hear me say these things since it has provoked me—I have twice saved the republic; both when as consul in the garb of peace I subdued armed enemies, and when as a private individual I yielded to the consuls in arms. Of each piece of conduct I have reaped the greatest reward: I reaped the reward of my first achievement when I saw the senate and all virtuous men, in pursuance of a resolution of the senate, change their garments for the sake of my safety; and that of my subsequent conduct, when the senate, and the Roman people, and all men, whether in a public or a private capacity, decided that without my return the republic would not be safe.

But this return of mine, O priests, depends now on your decision. For if you place me in my house, then I do plainly see and feel that I am restored, which is what all through my cause you have been always labouring to effect by your displays of zeal, by your counsels, and influence, and resolutions;

but if my house is not only not restored to me, but is even allowed to continue to furnish my enemy with a memorial of my distress, of his own wicked triumph, of the public calamity, who is there who will consider this a restoration, and not rather an eternal punishment? Moreover, my house, O priests, is in the sight of the whole city; and if there remains in it that (I will not call it monument of the city, but that) tomb inscribed with the name of my enemy, I had better migrate to some other spot, rather than dwell in that city in which I am to see trophies erected as tokens of victory over me and over the republic.

XXXVIII. Could I have such hardness of mind or such shamelessness of eye, as to be able in that city, the preserver of which the senate has so often unanimously decided that I am, to behold my house thrown down, not by my own private enemy, but by the common foe, and then again built up and placed in the sight of the whole city, that the weeping of the virtuous citizens might know no cessation? The house of Spurius Mælius, who aimed at the kingdom, was razed. What else ensued? The Roman people by the very name of Æquimælium, which they gave the place, decided that what had happened to Mælius was deserved; the punishment inflicted on his folly was approved. The house of Spurius Cassius was destroyed for the same reason; and on the same spot was built the temple of Tellus. The house of Marcus Vaccus[1] was in Vaccus's meadows, which was confiscated and destroyed in order that his crime might be kept alive in people's recollection by the name of the place. Marcus Manlius, when he had beaten back the attack of the Gauls from the Capitoline steep, was not content with the renown of his good deed; he was adjudged to have aimed at regal power, and on that account you see that his house was pulled down and the place covered with two groves. That therefore which our ancestors considered the greatest penalty which could be inflicted on wicked and infamous citizens, am I to undergo and to endure, so as to appear to posterity not to have been the extinguisher of conspiracy and wickedness, but its author and leader? And will the dignity of the Roman people, O priests, be able to support this stain of infamy and inconsis-

[1] Vitruvius Vaccus (as Livy calls him) was the leader of the Fundani in the war between Rome and Privernum. He was taken prisoner in Privernum, and put to death. See Livy, lib. viii. c. 19, 20.

tency, while the senate lives, while you are the chief men of the public council, if the house of Marcus Tullius Cicero appears joined with the house of Fulvius Flaccus by the memory of a punishment publicly inflicted? Marcus Flaccus, because he had acted with Caius Gracchus in a manner opposed to the safety of the republic, was put to death by the sentence of the senate, and his house was destroyed and confiscated; and on the spot Quintus Catulus some time after erected a portico out of the spoils of the Cimbri. But that firebrand and fury of his country, when, under those great generals Piso and Gabinius, he had taken the city, and occupied, and was in entire possession of it, at one and the same time destroyed the memorials of a most illustrious man who was dead, and united my house with the house of Marcus Flaccus, in order that he, after he had crushed the senate, might inflict on him whom the conscript fathers had pronounced to be the saviour of his country, the same punishment which the senate had inflicted on the destroyer of the constitution.

XXXIX. But will you allow this portico to stand on the Palatine Hill, and on the most beautiful spot in the whole city, erected as an everlasting token to keep alive the recollection of all nations and of all ages of the frenzy of the tribunes, of the wickedness of the consuls, of the cruelty of the conspirators, of the calamity of the republic, and of my sufferings? A portico which, out of the affection which you have and always have had for the republic, you ought to wish to pull down, not only by your votes, but, if it were necessary, even by your hands. Unless, perchance, the religious consecration of it by that chastest of pontiffs deters any one.

O that action, which careless men will never cease to laugh at, but which graver citizens cannot hear of without the greatest indignation; has Publius Clodius, who removed religion even out of the house of the Pontifex Maximus,[1] introduced it into mine? Do you, you who are the ministers of the religious ceremonies and sacrifices, admit this man to be an originator and regulator of public religion? O ye immortal gods! (for I wish you to hear these things), does Publius Clodius have the management of your sacred rites? Does he feel a reve-

[1] The Pontifex Maximus was Julius Cæsar; and it was in his house that the mysteries of the Bona Dea were being celebrated when Clodius got access to it. On which account Cæsar divorced his wife Pompeia.

rent awe of your divine power? Is he a man who thinks that all human affairs are regulated by your providence? Is he not mocking the authority of all those eminent men who are here present? Is he not abusing your authority, O priests? Can any expression of religion escape or fall from that mouth? of religion, which with that same mouth you have most foully and shamefully violated, by accusing the senate of passing severe degrees about religion.

XL. Behold, behold, O priests, this religious man, and if it seems good to you, (and it is only the duty of virtuous priests,) warn him that there are some fixed limits to religion; that a man ought not to be too superstitious. Why was it necessary for you, O fanatical man, with an old woman's superstition, to go to see a sacred ceremony which was being performed at another person's house? And how was it that you were possessed with such weakness of mind as to think it not possible for the gods to be sufficiently propitiated, unless you intruded yourself into the religious ceremonies of women? Whom of your ancestors did you ever hear of, of those men who were attentive to their private religious duties, and who presided over the public priesthoods, who were present when a sacrifice was being offered to the Bona Dea? No one; not even that great man who became blind: from which it may be easily seen that in this life men form many erroneous opinions; when he, who had not knowingly seen anything which it was impious to see, lost his eye-sight; but in the case of that fellow, who has polluted the ceremonies, not only by his presence, but also by his incestuous guilt and adultery, all the punishment due to his eyes has fallen on the blindness of his mind. Can you, O priests, avoid being influenced by the authority of this man, so chaste, so religious, so holy, so pious a man, when he says that he, with his own hands, pulled down the house of a most virtuous citizen, and with the same hands consecrated it to the gods?

What was that consecration of yours? "I had carried a bill," says he, "to make it lawful for me to act." What? had you not inserted this clause in it, that if there was anything contrary to what was right in the bill, it should be invalid? Will you then, O priests, by your decision, establish the point that it is right that the home of every one of you, and your altars, and your hearths, and your household

gods, should be at the mercy of the caprice of the tribunes? that it is right for any one, not only to throw down the house of that man whom he may have chosen to attack with a body of excited men, and may have driven away by violence,—which is an act of present insanity, like the effect of a sudden terror,—but for him to bind that man and property for all future time by the everlasting obligation of religion?

XLI. I indeed, O priests, have always understood that in undertaking religious obligations the main thing is to interpret what the intention of the immortal gods appears to be. Nor is piety towards the gods anything but an honourable opinion of their divine power and intentions, while you suppose that nothing is required by them which is unjust or dishonourable. That disgrace to the city could not find one single man, not even when he had everything in his power, to whom he could adjudge, or deliver, or make a present of my house; though he himself was inflamed with a great desire for that spot and for the house, and though, on that account alone, that excellent man had brought in that exceedingly just bill of his to make himself master of my property, yet even in the height of his madness he did not dare to take possession of my house, with the desire of which he had been so excited. Do you think that the immortal gods were willing to remove into the house of that man to whose labour and prudence it was owing that they still retained possession of their own temples, dismantled and ruined as it was by the nefarious robbery of a most worthless man? There is not one citizen in this numerous people, out of that polluted and blood-thirsty band of Publius Clodius, who laid hands on a single article of my property, or who did not in that storm defend it as if it had been his own. But they who caught the infection and polluted themselves with any partnership in the plunder, or in the purchase of anything, were not able to escape every sort of condemnation, whether public or private. Of this property then, of which no one touched a single thing without being accounted in every one's opinion one of the wickedest of men, did the immortal gods covet my house? Did that beautiful Liberty of yours turn out my household gods and the family divinities of my hearth, in order to be established there herself by you, as if in a conquered country? What is there more holy, what is there more

carefully fenced round with every description of religious respect, than the house of every individual citizen? Here are his altars, here are his hearths, here are his household gods: here all his sacred rites, all his religious ceremonies are preserved. This is the asylum of every one, so holy a spot that it is impious to drag any one from it.

XLII. And on this account that man's madness is the more to be rejected by your ears; who has not only attacked in a manner contrary to all religion those things which our ancestors intended to be safe and hallowed among us, as guarded by the sanction of religion, but has even made use of the name of religion to overturn them.

And what goddess is she whom you have established there? She ought indeed to be the good goddess; since she has been consecrated by you. "She is Liberty," says he. Have you then established her in my house whom you have driven out of the whole city? Did you, after you had denied that your colleagues,—men invested with the highest power,—were free; after you had closed all access to the temple of Castor against every one; after you had ordered in the hearing of the Roman people, this most illustrious man, of a most noble family, who has received the greatest honours from the Roman people, a priest, and a man of consular rank, a citizen of singular gentleness and modesty of character, (a man of whom I cannot sufficiently wonder how you can dare to look him in the face,) to be kicked and trampled on by your attendants; after you had driven him out of the city without being condemned, having proposed a most tyrannical privilegium against him; after you had confined the first man in the whole earth to his house; after you had occupied the forum with armed bands of profligate men;—did you then place the image of Liberty in that house, which was of itself a proof of your most cruel tyranny and of the miserable slavery of the Roman people? Was he the man whom Liberty ought, of all men in the world, to have driven from his house, whose existence was the only thing that prevented the whole city from coming under the power of slaves?

XLIII. But from whence was that Liberty brought? for I sought for her diligently. She is said to have been a prostitute at Tanagra. At no great distance from Tanagra a marble image of her was placed on her tomb. A certain man

of noble birth, not altogether unconnected with this holy priest of Liberty, carried off this statue to decorate his ædileship. He had in truth cherished the idea of surpassing all his predecessors in the splendour of his appointments. Therefore he brought away to his own house, like a prudent man as he was, all the statues and pictures, all the decorations of any sort, that remained in the temples and public places, out of all Greece and out of all the islands, for the sake of doing honour to the Roman people. After he understood that he might give up the ædileship, and still be appointed prætor by Lucius Piso the consul, provided he had any competitor whose name began with the same[1] letter as his own, he stowed away what he had prepared for his ædileship in two places, partly in his strong-box, and partly in his gardens. He gave the statue which he had taken from the prostitute's tomb to that fellow, because it was much more suited to such people as he is than to Public Liberty. Can any one dare to profane this goddess, the statue of a harlot, the ornament of a tomb, carried off by a thief, and consecrated by a sacrilegious infidel? Is it she who is to drive me from my house? Is she the avenger of this afflicted city? Is she to be adorned with the spoils of the republic? Is she to be a part of that monument which has been erected so as to be a token of the oppression of the senate, and to keep alive for ever the recollection of this man's infamy?

O Quintus Catulus! (Shall I appeal rather to the father, or to the son? The memory of the son is fresher, and more closely connected with my exploits.) How greatly were you mistaken when you thought that I should find the greatest possible reward—a reward, too, becoming every day greater—in this republic! when you said that it was impossible for there to be at the same time in this city two consuls hostile to the republic. Two have been found who gave over the senate bound hand and foot to a frantic tribune; who, by edicts and positive commands, prohibited the conscript fathers from entreating the people and coming to it as suppliants on my behalf; who looked on while my house was being sacked and plundered; who ordered the damaged relics of my property to be carried off to their own houses.

[1] In voting at the election of magistrates, the ballot tickets given to the voters were only marked with the initial of each candidate's name.

I come now to the father. You, O Quintus Catulus, chose the house of Marcus Fulvius, though he was the father-in-law of your own brother, to be the monument of your victories, in order that every recollection of that man who had embraced designs destructive of the republic should be entirely removed from the eyes and eradicated from the minds of men. If, when you were building that portico, any one had said to you that the time would come when that tribune of the people, who had despised the authority of the senate and the opinion of all virtuous men, should injure and overthrow your monument, while the consuls were not looking on only, but even assisting in the work, and should join it to the house of that citizen who as consul had defended the republic in obedience to the authority of the senate; would you not have answered that that could not possibly happen, unless the republic itself was previously overthrown?

XLIV. But remark the intolerable audacity of the man, and at the same time his headlong and unbridled covetousness. That fellow never thought of any monument, or any religion; he wished to dwell splendidly and magnificently, and to unite two large and noble houses. At the same moment that my departure deprived him of all pretence for bloodshed, he was begging Quintus Seius to sell him his house; and when he refused to do so, he threatened that he would block up all his lights. Postumus declared that as long as he was alive that house should never belong to Clodius. That acute young man took the hint from his own mouth, as to what was best for him to do; and in the most open manner he took the man off by poison. He bought the house, after wearying out all the other bidders, for almost half as much again as he thought it really worth. What is my object in making this statement. That house of mine is almost entirely empty; scarcely one-tenth part of my house has been added to Catulus's portico. The pretence was a promenade, and a monument, and that Tanagræan lady Liberty, (all Roman liberty having been entirely put down). He had set his heart upon a portico with private chambers, paved to the distance of three hundred feet, with a fine court surrounded by a colonnade, on the Palatine Hill, commanding a superb view, and everything else in character, so as far to surpass all other houses in luxury and splendour. And that scrupulous man, while he was both

buying and selling my house at the same moment, still, even in a time of such darkness as that, did not venture to give in his own name as the purchaser. He put up that fellow Scato, a man whose virtue it was, no doubt, that had made him poor; so poor that among the Marsi, where he was born, he had no house in which he could take refuge from the rain; and yet he said now that he had purchased the finest house on the Palatine Hill. The lower part of the house he assigned not to his own Fonteian family, but to the Clodian family which he had quitted; but of all the numerous family of Clodius, no one applied for any share in his liberality except those who were utterly destitute from indigence and wickedness.

XLV. Will you, O priests, sanction this universal and unprecedented tyranny of every sort, this impudence and audacity and covetousness? "Oh," says he, "a priest was present." Are you not ashamed, when the matter is being discussed before the priests, to say that a priest was present, not the college of priests? especially when, as tribune of the people, you had power to summon them and even to compel their attendance. Be it so. You did not call in the whole college. Well. Which of the college was it who was present? For he had vested that authority in one individual which belongs to all of them; however, the age and rank of the man invest him with additional dignity. There was need also of knowledge; and although they were all of them learned men, still no doubt age gives them still more experience. Who then was it who was present? "The brother," says he, "of my wife." If we ask what was his authority, although he is of such an age that he cannot as yet have much, still even such authority as a young man can have is to be considered as diminished in his case, by reason of his near connexion with and relationship to you. But if we ask what knowledge he has, who could have less than he who had only come into the college a few days before? And he was the more bound to you by your recent kindness to him, inasmuch as he had seen himself, the brother of your wife, preferred by you to your own brother. Although in that matter you took care that your brother should not be able to accuse you.

Do you then call that a dedication, to which you were not able to invite the college of pontiffs, or any single priest dis-

tinguished by honours conferred on him by the Roman people; nor even any other young man, though you had some most intimate friends in the college? He only was present, if indeed he was present, whom you yourself instigated, whom his sister entreated, and whom his mother compelled to be so.

Take care now, O priests, what decision you give in this cause of mine, concerning the fortunes of all the citizens. Do you think that the house of every single citizen can be consecrated by the word of a priest, if he takes hold of a door-post and says something or other? But those dedications, and those religious ceremonies respecting temples and shrines, were instituted by our ancestors to do honour to the immortal gods, without inflicting any misfortune on their fellow-citizens. A tribune of the people has been found, who, assisted by the forces of the consuls, has rushed with all the violence of insanity on that citizen, whom, after he had been beaten down, the republic itself raised up again with its own hands.

XLVI. What next? Suppose any one like that fellow,—for there will not be wanting men who will be willing to imitate him,—should by violence oppress some one who does not resemble me, to whom the republic does not owe as much as it does to me, and should dedicate his house by the agency of one priest; will you determine by your authority that a deed done in that manner ought to stand? Will you say, "What priest will such a man be able to find?" What? Cannot a tribune of the people be himself a priest also at the same time? Marcus Drusus, that most illustrious tribune of the people, was a priest also. Therefore, if he had taken hold of a door-post of the house of Quintus Cæpio his enemy, and had uttered a few words, would the house of Cæpio have been dedicated to the gods? I say nothing here about the privileges of the priesthood, nor about the language of the dedication itself; I say nothing about religion, or religious ceremonies; I do not deny that I am ignorant of those matters, of which I should conceal my knowledge, even if I were acquainted with them, that I might not appear troublesome to others, and over curious to you; although many particulars of your usages do escape, and often reach the ears of the laity. I think, for instance, that I have heard that at the dedication of a temple, a door-post must be taken hold of. For the door-post is there where the entrance to the temple and its

folding-doors are. But no one ever took hold of the posts of a promenade in dedicating that; but if you have dedicated a statue or an altar, that cannot be moved from its place afterwards without impiety. But you will not be able now to allege this, since you have said that the priest did lay hands on the post.

Although, why do I say anything about the dedication? or why do I discuss your right and the religious features of the case, contrary to my original intention?

XLVII. But, even if I were to allow that everything had been done with the regular forms of expression, according to ancient and established usages, I should still defend myself by the common law of the republic. When, after the departure of that citizen, to whose single exertions the senate and all good men had so often decided that the safety of the state was owing, you, with the aid of two most wicked consuls, were keeping down the republic which was groaning under the oppression of your most shameful robberies; when you had dedicated, with the countenance of some obscure priest, the house of that man who was unwilling that the country which had been preserved by him should perish on any pretence connected with him; could the republic when it had recovered itself endure that? Once, O priests, gave an opening for such religious acts as this, and you will very soon find no escape at all for any one's property. If a priest has laid his hand on a door-post, and has transferred expressions intended for the honour of the immortal gods to the injury of the citizens, will the holy name of religion avail to procure the ratification of such an injury, and yet will it not avail if a tribune of the people consecrates the goods of any citizen with a form of words no less ancient and almost equally solemn? But Caius Atinius, within the recollection of our fathers, consecrated the property of Quintus Metellus, who, as censor, had expelled him from the senate; (your grandfather, O Quintus Metellus, and yours, O Publius Servilius, and your great-grandfather, O Publius Scipio;) placing a little brazier on the rostra and summoning a flute-player to assist him. What then? Did that frenzy of a tribune of the people, derived from some precedents of extreme antiquity, do any injury to Quintus Metellus, that great and most illustrious man? Certainly not. We have seen a tribune of the people do the same thing to Cnæus

Lentulus the censor. Did he then at all bind the property of Lentulus to any peculiar sanctity?

But why should I speak of other men? You yourself, I say, with your head veiled, having summoned an assembly, having placed a brazier on the spot, consecrated the property of your dear friend Gabinius, to whom you had given all the kingdoms of the Syrians, and Arabians, and Persians. But if nothing was really effected at that time, why should my property be affected by the same measures? If, on the other hand, that consecration was valid, why did that abyss of a man, who had swallowed up with you all the blood of the republic, raise a villa as high as the heavens on my Tusculan estate, out of the funds of the public treasury? And why have I not been allowed to look upon the ruins of my property,—I, who am the only person who prevented the whole city from being in a similar condition?

XLVIII. I say nothing about Gabinius. Why? Did not Lucius Munius,[1] the most fearless and most excellent of all men, consecrate your property by your own precedent? And if, because you yourself are concerned, you say that that action ought not to be ratified, did you in that splendid tribuneship of yours establish laws which, the moment that they were turned against yourself, you repudiated, though you made use of them to ruin other people? If that consecration be legal, then what is there in your property which can be applied to other than holy uses? Or has a consecration no power, while a dedication draws with it the sanctions of religion? What then was the meaning of your summoning that flute-player to be a witness? What was the object of your brazier? What became of your prayers? What was the meaning of all your old-fashioned expressions? Did you wish to lie, to deceive, to abuse the divine reverence due to the immortal gods, in order to strike terror into men? For if that act is once ratified,—I say nothing about Gabinius,—most certainly your house and whatever else you have is consecrated to Ceres But if that was a joke of yours, what can be more impure than you who have polluted every sort of religion by lies and adulteries? "Well, I confess," says he, "that in the case of Gabinius I did behave wickedly." You

[1] Some editions read Mummius.

see now that the punishment which was established by you with reference to another has been turned against yourself. But, O man, O you who are the very model of every possible crime and wickedness, do you deny with respect to me that which you admit in the case of Gabinius,—a man the immodesty of whose childhood, the lust of whose youth, the disgrace and indigence of whose subsequent life, the open robberies of whose consulship, we have seen,—a man to whom even calamity itself could not happen undeservedly? And do you say that that was a more solemn act which you performed with one young man alone for your witness, than it would have been if you had had the whole assembly in that character? "Oh," says he, "a dedication is an act which carries the greatest possible quantity of sanctity with it."

XLIX. Does not Numa Pompilius appear to be speaking to you? Learn his speech by heart, O priests, and flamens. Do you too, O king of the sacrifices, learn of the man of your own family: although, indeed, he has quitted that family; but still learn from a man entirely devoted to religious observances, and just, and deeply skilled in all questions of religion. What? in the case of a dedication do not people inquire who says such and such a thing, and what he says, and how? Do you so confuse and mix up these matters, that whoever chooses can dedicate whatever he chooses, and in whatever manner he chooses? Who were you who performed the dedication? By what right did you do so? By what law? According to what precedent? By what power? When and where had the Roman people appointed you to manage that business? For I see that there is an old tribunitian law, which forbids any one to consecrate any house, land, or altar, without the order of the Roman people. Quintus Papirius, who proposed this law, did not perceive nor suspect that there would be danger lest hereafter the houses or possessions of citizens who had not been condemned might be consecrated. For that could not lawfully be done; nor had any one ever done such a thing; nor was there any reason why a prohibition should be issued, the effect of which appeared likely to be not so much to deter people from an action as to remind them of it. But because buildings were consecrated,—I do not mean the houses of private persons, but those which are called sacred buildings,—and because lands were conse-

crated, not in such a way that any one who chose might consecrate our farms, but that a general might consecrate lands taken from the enemy; and because altars were erected, which carried with them a degree of sanctity to the place in which they were consecrated; he forbade all these things to be done unless the people ordered them. And if your interpretation of these edicts be that they were framed with reference to our houses and lands, I make no objection. But I ask, what law was passed that you should consecrate my house? where this power was given to you? and by what right you did it? And I am not now arguing about religion, but about the property of all of us; nor about the sacerdotal law, but about the common law.

L. The Papirian law forbids any building to be consecrated without the command of the people. Grant that that law refers to our houses, and not to the public temples. Show me one word of consecration in that law of yours—if it is a law, and not merely an expression of your wickedness and cruelty. But if, then, at the time of that shipwreck of the republic, everything necessary had occurred to you, or if the man who drew that law for you at the time of that general conflagration of the state had not been making contracts with the Byzantine exiles and with the royal ambassadors, but had his mind at leisure to attend to (what I will not call the ordinances, but) the monstrous papers which he was drawing, then you would have done what you wanted, if not in fact, at all events as far as regular legal language went. But at one and the same time bonds for money were being drawn, treaties with provinces were being entered into, titles of kings were being put up for sale, the numbering of all the slaves was going on over the whole city street by street, enemies were being reconciled, new commands were being given to the Roman youth, poison was being prepared for that unhappy Quintus Seius, designs were being formed for assassinating Cnæus Pompeius, the bulwark and protector of the empire, and to prevent the senate from having any power, and to cause the good to mourn for ever, and to reduce the captive republic, by the treachery of the consuls, to a state of subjection to the violence of the tribunes. When such numerous and such important designs were all on foot, it is no wonder, especially while you were both in such a state of frenzy and

blindness, that many things escaped both his notice and yours.

But take notice now, what the effect of this Papirian law is in such a case as this; not such a case as you bring forward, full of wickedness and frenzy. Quintus Marcius the censor had made a statue of Concord, and had erected it in a public place. When Caius Cassius the censor had transported it into the senate-house, he consulted your college, and asked whether there was any reason why he should not dedicate that statue and the senate-house to Concord.

LI. I beseech you, O priests, compare man with man, the one time with the other, this case with that case. The one man was a censor of the greatest moderation and of the highest character; the other was a tribune of the people, of preeminent wickedness and audacity. That period was one of tranquillity, when the people enjoyed a full measure of liberty, and the senate all its legitimate authority; but your time was a time when the liberty of the Roman people was oppressed, and when the authority of the senate was destroyed. The proposed measure was one full of justice, wisdom, and dignity. For the censor, to whose power (though you have abolished that) our ancestors chose to commit the decision respecting the dignity of each member of the senate, wished the statue of Concord to be in the senate-house, and wished also to dedicate the senate-house to that goddess. It was a noble intention, and one worthy of all praise. For he thought that by that measure he was enjoining that opinions should be delivered without party spirit or dissension, if he bound the place itself and the temple of public counsel by the religious reverence due to the goddess Concord. You, when you were keeping down the enslaved and oppressed city by the sword, by fear, by edicts, by privileges, by bands of abandoned men constantly present, and by the fear of the army which was absent, and by threats of bringing it up, and by the assistance of the consuls, and by your nefarious agreement with them, erected a statue of Liberty in a mocking and shameless spirit, rather than with even any pretence to religion. He was dedicating a thing in the senate-house, which he was able to dedicate without any inconvenience to any one. You have erected an image not of public Liberty, but of licentiousness, on what I may call the blood and bones of that citizen

who of all others has deserved best of the republic. And moreover he referred his design to the sacred college: to whom did you refer yours? If you deliberated at all, if you had anything which you wished to expiate, or any domestic sacrifice which you desired to institute, still according to the ancient practice of other men you should have referred the matter to the priests. When you were beginning a new temple in the most beautiful spot in the city, with some wicked and unheard of object, did you not think that you ought to refer the matter to the public priests? But if you did not think it desirable to consult the whole college of priests, was there no single one of them who seemed to you a suitable man (of those who are eminent among all the citizens for age and honour and authority) for you to communicate your intention about the dedication to him? The truth was, not that you despised, but that you were afraid of their dignity.

LII. Could you have dared to ask Publius Servilius or Marcus Lucullus, (men by the assistance of whose wisdom and authority I as consul snatched the republic out of your hands, out of your jaws,) with what words or with what ceremony you could consecrate the house of a citizen? (that is my first point;) and in the next place, of that citizen, to whom the chief of the senate, to whom all ranks of men, to whom all Italy, to whom every nation upon earth, bore testimony that he had saved this city and empire? What would you say, O you most wicked and mischievous disgrace to the city? "Come forward, come forward, Lucullus, Servilius, while I dedicate the house of Cicero. Come, stand before me, and take hold of the door-post." You are, in truth, a man of extraordinary audacity and impudence, but still your eyes, and countenance, and voice would have failed you while those men who, by their dignity, upheld the character of the Roman people and the authority of the empire, were striking terror into you by their dignified language, and saying that it would be impious for them to be present at your frantic deeds, and at such wicked and parricidal attacks on the country. And when you saw this, then you betook yourself to your kinsman,—not that he was selected by you, but that he was left you by the rest. And yet I believe that he,—if he is really descended from those men who, it is traditionally reported, learnt their sacred ceremonies from Hercules himself,

after he had completed his labours,—would not have been so cruel with respect to the distress of a brave man, as with his own hands to place a tomb on the head of a man still living and breathing; as he either actually said and did nothing at all, and bore this as a punishment for the rashness of his mother, that he lent his presence though mute, and his name to this sin; or, if he did say anything in a few faltering words, and if he did touch the door-post with trembling hand, at all events he did nothing regularly or solemnly, nothing according to proper usages or established forms. He had seen Murena, his stepfather, the consul elect, in company with the Allobroges, bring to me when I was consul the proofs of the conspiracy for the general destruction. He had heard from him that he had twice received safety from me, once as an individual, and a second time in common with the whole body of citizens. Who is there, then, who can think that this new priest, performing this his first religious ceremony, and uttering these his first official words since his admission to the priesthood, would not have felt his tongue grow mute, and his hand grow torpid, and his mind become weakened and fail through fear; especially when out of all that numerous college he saw neither king, nor flamen, nor priest, and was compelled against his will to become a partner in another's wickedness, and was enduring the most terrible punishment of his most disgraceful relationship?

LIII. But to return to the question of the vindication of the public rights, which the priests themselves have always adapted not only to their own ceremonies, but also to the commands of the people. You have a statement in your records, that Caius Cassius the censor consulted the pontifical college about dedicating the statue of Concord, and that Marcus Æmilius, the Pontifex Maximus, answered him on behalf of the college, that, unless the Roman people had appointed him by name to superintend that business, it did not appear to them that the statue could properly be consecrated. What more? When Licinia,—a vestal virgin, a woman of the highest rank, and invested with the most holy of all priesthoods,—in the consulship of Titus Flamininus and Quintus Metellus, had dedicated an altar, and a little chapel, and a cushion at the foot of the sacred rock; did not Sextus Julius the prætor refer that matter to this college, in

obedience to the authority of the senate? when Publius Scævola, the Pontifex Maximus, answered on behalf of the college, "that what Licinia, the daughter of Caius, had dedicated in a public place without the authority of the people, did not appear to be holy." And with what impartiality and with what diligence the senate annulled that act, you will easily see from the words of the resolution of the senate. Read the resolution of the senate.

[*The resolution of the senate is read.*]

Do not you see that a commission is given to the prætor of the city, to take care that that which she had consecrated should not be accounted holy? and that, if any letters had been engraved or inscribed upon it, they should be removed? Shame on the times, and on their principles! Then the priests forbade the censor, a most holy man, to dedicate a statue to Concord in a temple which had not been duly consecrated. And after that the senate voted that that altar which had been consecrated on a most venerable spot, should be taken down in obedience to the authority of the priests, and did not permit any memorial of writing to exist as a relic of that dedication. You, O storm ravaging your country,—you whirlwind and tempest, dispelling peace and tranquillity,—did you hope that the republic would endure what you (in the shipwreck of the state, when darkness was spread over the republic, when the Roman people was overwhelmed, when the senate was overturned and expelled,) pulled down and built up? what you, after having violated every feeling of religion, still polluted under the name of religion? that it would endure the monument of the destruction of the republic which you erected in the house of this citizen who is now speaking, and in the city which he had preserved by his own exertions and dangers, to the disgrace of the knights and the grief of all virtuous men; that it would endure the inscription which you had placed there after having erased the name of Quintus Catulus, one moment longer than the time that it was absent from these walls, from which it had been driven at the same time that I myself was?

But if, O priests, you decide that no man who had a right to do so by law performed this dedication, and that nothing was dedicated which lawfully might be; then why need I prove that third point which I originally proposed to esta-

blish; namely, that he did not dedicate it with those forms and words which such ceremonies require?

LIV. I said at the beginning, that I was not going to say anything about your peculiar science; nor about the sacrifices, nor about the recondite laws of the priests. The arguments which I have hitherto advanced about the right of dedication, have not been drawn from any secret description of books, but are taken from common sources, from things openly done by the magistrates and referred to the sacred college, from resolutions of the senate, and from the law. Those inner mysteries, what ought to be said, or enjoined, or touched, or taken hold of, are still your own. But if it were proved that all these things had been done in a manner equal to the knowledge of Coruncanius, who is said to have been the most experienced of priests; or if that great man Marcus Horatius Pulvillus, who, when many men out of envy endeavoured to hinder his dedication by false pretences about religion, resisted them, and with the greatest firmness dedicated the Capitol, had himself presided at such a dedication as this, still I say that accuracy of religious observance would not hallow a wicked act; much less can that act have any validity which an unskilful young man, a new priest, influenced by the prayers of his sister and the threats of his mother, ignorant and unwilling, without colleagues, without books, without any adviser or assistant,[1] is said to have performed by stealth, with trembling heart and faltering tongue; especially when that impure and impious enemy of all religion, who in defiance of all that is right or holy had often been as a woman among men, and a man among women, completed the business in so hurried and disorderly a manner, that neither his senses, nor his voice, nor his language, had any consistency in them.

LV. It was then reported to you, O priests, and after that it became a common topic of conversation, how he, with preposterous language, with ill-omened auspices, at times interrupting himself, doubting, fearing, hesitating, pronounced and

[1] "The Latin word is *fictor*, and the *fictores* were among the regular attendants of the priests; their office appears to have been, when there was a scarcity of victims, or when the worshippers could not afford living animals, to make sham figures in flour and paste, or wax: they also made the cakes which were offered."—Grævius.

did everything in a manner wholly different from that which you have recorded as proper in your books. It is, indeed, not very strange that, in doing an act of such wickedness and such insanity, even his audacity could not wholly repress his fear. In truth, if no robber was ever so savage and inhuman, as, when he had plundered temples, and then, having been excited by dreams or some superstitious feelings, consecrated some altar on a desert shore, not to shudder in his mind when compelled to propitiate with his prayers the deity whom he has insulted by his wickedness; what do you suppose must have been the agitation of mind of that plunderer of every temple, and of every house, and of the whole city, when he was consecrating one single altar to avert the vengeance due to his numberless acts of wickedness? He could not possibly (although the insolence of power had elated his mind, and although he was armed by nature with incredible audacity) fail to blunder in his proceedings, or to keep constantly making mistakes, especially when he had a priest and teacher who was compelled to teach before he had learnt himself. There is great power, not only in the divinity of the immortal gods, but also in the republic itself. When the immortal gods saw the guardian and protector of their temples driven away in a most wicked manner, they were unwilling to quit their temples and to remove into his house. Therefore they alarmed the mind of that most insensible man with fear and anxiety. But the republic, although that was banished at the same time with myself, was still constantly present to the eyes of its destroyer, and from his excited and kindled frenzy was constantly demanding my restoration and its own. What marvel then is it, if he, urged on by the insanity of fear and drawn on headlong by wickedness, was neither able properly to perform the ceremonies which he had begun, nor to utter one single word in due order with proper solemnity?

LVI. And as this is the case, O priests, recal now your attention from this subtle argument of ours to the general state and interests of the republic, which you have before now had many gallant men to assist you in supporting, but which in this cause you are upholding on your own shoulders alone. To you the whole future authority of the senate, which you yourselves always led in a most admirable manner during the discussion of my case; to you that most glorious agita-

tion of Italy, and that thronging hither of all the municipal towns; to you the Campus Martius, and the unanimous voice of all the centuries, of which you were the chiefs and leaders; to you every company in the city, every rank of men, all men who have any property or any hopes, think that all their zeal for my dignity, all their decisions in my favour, are not only entrusted, but put wholly under your protection. Lastly, the immortal gods themselves, who protect this city and empire, appear to me to have claimed the credit of my return, and of the happiness which it has diffused, as due to the power and judicial sentence of their priests, in order to make it evident to all nations and to all posterity that I had been restored to the republic by divine agency. For this return of mine, O priests, and this restoration, consists in recovering my house, my possessions, my altars, my hearths, and my household gods. And if that fellow with his most wicked hands tears up their dwellings and abodes, and, with the consuls for his leaders, as if the city were taken, has thought it becoming to destroy this house alone, as if it were the house of its most active defender, still those household gods, those deities of my family, will be by you replaced in my house at the same time as myself.

LVII. Wherefore, O I pray and entreat thee, O thou great God of the Capitol, thee whom the Roman people hath styled, on account of thy kindnesses to us, All Good, and, on account of thy might, All Powerful; and thee, O royal Juno; and thee, O guardian of the city, O Minerva, thee who hast at all times been my assistant in my counsels, and the witness of my exertions; and ye too, ye who above all others have claimed me back and recalled me, ye, for the sake of whose habitations most especially it is that I am engaged in this contest, O ye household gods of my fathers, and of my family; and ye too, who preside over this city and this republic, ye do I entreat, ye from whose spires and temples I once repelled that fatal and impious flame; thee too do I supplicate, O Vesta, whose chaste priestesses I have defended from the rage and frenzy and wickedness of men, whose renowned and eternal fire I would not suffer either to be extinguished in the blood of the citizens, or to be confused with the conflagration of the whole city; I entreat you all, that,—if at that almost

fata. crisis of the republic I exposed my life, in defence of your ceremonies and temples, to the rage and arms of abandoned citizens; and if, at a subsequent time, when the destruction of all good men was aimed at through my ruin, I invoked your aid, I recommended myself and my family to your protection, I devoted myself and my life, on condition that if, both at that moment, and previously, and in my consulship, disregarding all my own advantage, all my own interests, and all reward for my exertions, I strove with all my anxiety and thoughts and vigilance for nothing but the safety of my fellow-citizens, I might be allowed some day or other to enjoy my country restored to me; but if my counsels had been of no service to my country, then, that I might endure everlasting misery, separated from all my friends;—I may be allowed to think this devotion of my life accepted and approved by the gods, when I am by your favour restored to my home. For at present, O priests, I am not only deprived of my house, which you are at present inquiring into, but of the whole city, to which I appear to be restored. In the most frequented and finest part of the city, look to that (I will not say monument, but) wound of the country. And as you must see that that sight is to me one which is more to be detested and avoided than death itself, do not, I entreat you, allow that man by whose return you have thought that the republic too would be restored, to be deprived not only of the ornaments suited to his dignity, but even of his part in the city.

LVIII. I am not moved by the plundering of my property, nor by the razing of my houses, nor by the devastation of my farms, nor by the booty most cruelly taken by the consuls out of my possessions. I have always considered these as perishable and fleeting gifts of fortune and of the times, and not as proofs of virtue or genius; and they are things, too, of which I have never thought it becoming to wish for plenty and abundance, so much as for moderation in enjoying them, and patience if deprived of them. In truth, the moderate amount of my family property very nearly corresponds to my necessities; and I shall leave a sufficiently ample patrimony to my children in the name and memory of their father. But I cannot without great discredit to the republic, and great

shame and misery to myself, continue deprived of my house, which has been taken from me by wickedness, and, under pretence of religion, built up again with even more impiety than it was pulled down.

Wherefore, if you consider that my return is pleasing and acceptable to the immortal gods, to the senate, to the Roman people, to all Italy, to the provinces, to foreign nations, and to yourselves, who have always taken the lead in and exercised a principal influence over all measures connected with my safety, I beg and entreat you, O priests, now, since it is the will of the senate that you should do so, to place me, whom you have restored by your authority and zeal and votes to my country, with your own hands in my house.

# THE SPEECH OF M. T. CICERO RESPECTING THE ANSWERS OF THE SOOTHSAYERS.

## ADDRESSED TO THE SENATE.

### THE ARGUMENT.

This speech was spoken towards the close of the year after the last speech, but it follows it in nearly all editions, as it relates in some degree to the same subject. In the early part of the summer many prodigies were reported to have happened in the neighbourhood of Rome. And the senate consulted the soothsayers as to the cause of them, and as to the means of averting their consequences. The soothsayers made answer, that the solemn shows and plays had been negligently exhibited; that sacred places had been treated as profane; that ambassadors had been illtreated and slain; that good faith and oaths had been disregarded, and ancient and secret sacrifices neglected and profaned. That these prodigies had been sent as warnings by the gods, lest the Romans should bring evil on themselves and on their country by continuing their disorderly conduct and dissensions. That therefore the evils must be amended, or removed as far as possible, and supplications made to Jupiter, Saturn, Neptune, and the other gods.

After this answer had been received, Clodius, who was now ædile, called the people together, and made them a speech to prove that the evils which had especially offended the gods were the tyrannical conduct of Cicero, and the restoration of his house, after it had been consecrated to the service of religion. Cicero replied to this harangue the next day in the senate, arguing that all the offences which could have excited the displeasure of the gods were much more fairly imputable to Clodius than to him; and after exculpating himself, and dwelling on the outrages of which Clodius had notoriously been guilty, he exhorted all citizens of all classes to lay aside their mutual animosities, as the only way of regaining the favour of the gods and their former prosperity.

I. YESTERDAY, O conscript fathers, when I was greatly moved by the thoughts of your dignity, and of the great attendance of the Roman knights to whom a senate was given, I thought myself bound to check the shameless impudence of Publius Clodius, when he was hindering the cause of the publicans from being proceeded with by the most foolish possible ques-

tions, and was studying to save Publius Tullio the Syrian, and was, even before your eyes, selling himself to him, to whom, indeed, he had already been entirely sold. Therefore I checked the man in his frenzy and exultation, the very moment that I gave him a hint of the danger of a public trial; and by two half-uttered words, I bridled all the violence and ferocity of that gladiator.

But he, ignorant what sort of men the consuls were, pale and fuming with rage, burst on a sudden out of the senate-house, with some broken and empty threats, and with those denunciations with which he used to terrify us in the time of Piso and Gabinius. And when I began to press upon him, as he was departing, I received the greatest reward of my exertions by all of you rising up at the same time with me, and by all the publicans thronging round me to escort me. But that senseless man stopped on a sudden out of countenance, colourless, and voiceless; then he looked back; and, as soon as he beheld Cnæus Lentulus[1] the consul, he fell down almost on the threshold of the senate-house; from the recollection, I imagine, of his dear friend Gabinius, and from regret for Piso. And why need I speak at all of his unbridled and headlong fury? He cannot be wounded by me with more severe language than he was on the instant, being crushed and overwhelmed at the very moment of his acting in that manner by Publius Servilius. And even if I were able to equal the extraordinary and almost divine energy and dignity of that man, still I cannot doubt that those weapons which our enemy hurled at him would appear less powerful and less sharp than those which the colleague of his father aimed at him.

II. But still I wish to explain the principles of my conduct to those men who thought that I was carried away yesterday by my indignation, and that, out of passion, I made a wider digression than the deliberate calmness of a philosopher allowed. I did nothing in anger, nothing from not being able to restrain my temper, nothing which I had not maturely considered and determined on a long time before. For I, O conscript fathers, have always professed myself an enemy to those two men who were bound to have defended, and were

[1] This is not the same Lentulus as had been consul the preceding year. This was Cnæus Cornelius Lentulus Marcellinus; the former consul was Publius Cornelius Lentulus Spinther.

able to have preserved both me and the republic; and who, though they were called to the performance of their duty as consuls by the very ensigns of their office, and to the preservation of my safety, not only by your authority but even by your prayers, first of all deserted, then betrayed, and last of all opposed me; and, having received the rewards of their nefarious covenant, wished utterly to overwhelm and destroy me together with the republic; and who, during the time of their magistracy and command, bloody and fatal that it was, were neither able to defend the walls of our allies from chastisement, nor to inflict chastisement on the cities of the enemy; but who bore along into all my houses and lands, razing, and conflagration, and destruction, and depopulation, and devastation, to the great enriching of themselves with my plunder.

Against these furies and firebrands, with these destructive monsters and pests, which have been (I may almost say) desolating this empire, I do say that I have undertaken inexpiable war; and yet, even that is not as great as my sufferings and those of my relations require, though it may be enough to satisfy your indignation and that of all virtuous men.

III. But my hatred towards Clodius is not greater this day than it was then, when I knew that he was scorched, as it were, by those most holy fires, and that he had escaped in female attire from the house of the Pontifex Maximus, after attempting an act of most atrocious licentiousness. Then, I say, then I perceived, and foresaw long beforehand, how great a tempest was being raised, how great a storm was threatening the republic. I saw that that ill-omened wickedness, that that intolerable audacity of a young man, mad, nobly born, and disgraced as he was, could not be hindered from breaking through the bounds of tranquillity; that that evil would certainly break out some day or other to the destruction of the state, if it were allowed to remain unpunished. There has not been much since to add to my detestation of that man. For he has not done anything against me out of hatred to me, but out of hatred to strictness, out of hatred to dignity, out of hatred to the republic. He has not insulted me more than he has the senate, or the Roman knights, or all good men, or the whole of Italy. Lastly, he has not behaved more wickedly towards me than he has towards the immortal gods. In truth, he has polluted those gods with his im-

piety whom no one before ever did. Towards me his disposition has been the same as that of his dear friend Catiline would have been, if he had been victorious. Therefore, I never thought it necessary for me to prosecute him, any more than that blockhead, whose very nation we should be ignorant of, if he did not himself say that he was a Ligurian. For why should I pursue this animal, this beast, bribed by the food and acorns thrown him by my enemy? a fellow, who, if he had only sense to know to what wickedness he has bound himself, would be, I doubt not, most wretched; but if he is not aware of it, there is some danger lest he may save himself by the excuse of stupidity.

There is also this consideration which weighs with me; that, according to universal expectation, that man seems devoted and marked out as the victim of that most gallant and most illustrious man Titus Annius; from whom it would be a scandalous thing for me to snatch the credit which is destined for, and already openly promised to him, when it is owing to his exertions that I myself have recovered my own dignity and safety.

IV. In truth, as that great man, Publius Scipio, appears to me to have been born for the overthrow and destruction of Carthage, he being the only man who, at last, as it were by a special decree of destiny, did overthrow it after it had been besieged, attacked, undermined, and almost taken by many generals; so Titus Annius appears to have been born, and to have been given to the republic, by a sort of divine munificence as it were, for the express purpose of repressing, and extinguishing, and utterly destroying that pest of the state. He alone has discovered the way not only of defeating but also of fettering an armed citizen who was driving the citizens away, some by the sword, some by stones, was confining others to their houses, and alarming the whole city, the senate-house, the forum, and all the temples with bloodshed and conflagration. I will never, with my own free will, take out of the hands of this man, being so good a man as he is, and one who has deserved so well of me and of his country, that criminal of all men in the world, whose enmity he has not only encountered, but has even sought for, out of a regard for my safety. But if, even now that he is entangled in all the dangers of the laws, surrounded by the hatred of all virtuous men, and

hemmed in on all sides by the expectation of punishment which cannot be long delayed, still, hesitating and hampered as he is, he persists in rushing on, and making attacks upon me, I will resist him, and gaining the consent, or, perhaps, the assistance of Milo, I will frustrate his endeavours; as I did yesterday, when, while he was threatening me in dumb show, as I was standing near him, I just said one word about the beginning of legal proceedings and a trial. He sat down. He did not say a word. Suppose he had brought a charge against me, as he had threatened, I should have instantly taken steps to have him summoned to appear before the prætor in three days. And let him restrain himself with the idea that, if he is content with those acts of wickedness which he has already committed, he is already dedicated to Milo; but if he aims any dart against me, that then I shall immediately employ all the weapons of the courts of justice and of the laws.

And a little time ago, O conscript fathers, he held an assembly, and made a speech which was directed wholly against me. And I will tell you the argument and sentiment which ran through the whole of his speech. And when you have been sufficiently amused at the fellow's impudence, I will give you the details of everything that then took place.

V. Publius Clodius, O conscript fathers, made a long speech about religious observances, and sacrifices, and ceremonies. Publius Clodius, I say, complained that the sacrifices and religious rites were neglected, profaned, and polluted. It is no wonder if this seems to you an absurdity. Indeed the very assembly which he himself had convened laughed at the idea of a man, who has been pierced, as he himself is in the habit of boasting, with two hundred resolutions of the senate against him, every one of which was passed against him because of matters connected with religion,—of that fellow who carried his adulteries to the shrine of the Good Goddess herself, and who profaned those sacred rites which may not be seen without impiety by the eyes of a man even unintentionally, not only by the view of a man, but by lust and wickedness, complaining in a public assembly about the neglect of religion. Therefore they are now expecting another speech from him on the subject of chastity. For what difference does it make whether, when just driven from the most holy of altars, he makes complaints of the state of the sacrifices and religious observances;

o whether, having just left his sister's bed-chamber, he speaks in defence of modesty and chastity? In his harangue he recited the lately received answer of the soothsayers about the noises which have been heard; in which among many other things it is stated, (as you have heard yourselves,) that holy and sacred places had been treated as common. Under that head he said that my house was intended, which had been consecrated by that holiest of pontiffs, Publius Clodius. I am delighted at not only having a reasonable pretext for, but being even under an absolute necessity of speaking about this prodigy, which I am not sure that I may not call the most important one that has for many years been reported to this body. For you find that, by every part of this prodigy and of this answer, we have been warned, I may almost say by the voice of the all-good and all-powerful Jupiter himself, of the wickedness and frenzy of that man, and of the immense dangers which are impending over the state. But first of all I will clear up the objections made on the score of religion in the case of my own house, if I am able to do so truly, and without leaving the least doubt in any one's mind; but if the very slightest scruple on the subject exists in any one's mind, I will obey the prodigies sent by the immortal gods, and comply with what is required by the reverence due to them, not only with a patient but even with a willing mind.

VI. But what house is there in the whole city so clear and free from all suspicion of being a consecrated building as this? Although your houses, O conscript fathers, and those of all the other citizens, are, for much the greater part of them, free from all religious obligation, yet my house is the only one in the whole city which has been pronounced to be so by the decision of all the tribunals. For I appeal to you, O Lentulus, and to you, O Philippus. After this reply was received from the soothsayers, the senate decreed that you should refer the question of hallowed and consecrated spots to this order of the senate. Can you put any question to them concerning my house? which (as I have said) is the only one in the whole of the city which has been pronounced by every tribunal in it to be free from every sort of religious obligation; which at first my enemy himself, even in the time of that storm and nocturnal darkness which was overwhelming the republic, when he had set down all his other wicked actions with that

foul pen of his dipped in the mouth of Sextus Clodius, did not mark with one single letter indicating any religious liability And in the second place, the Roman people, whose power is supreme in all matters in the comitia centuriata, and by the suffrage of every age and every rank of men, ordered it to remain in the same condition in which it had previously been.

Afterwards, O conscript fathers, not because the matter was doubtful, but in order to cut off every argument from this furious man, if he chose to remain any longer in this city which he was anxious to destroy, you passed a decree that a reference should be made to the college of pontiffs as to the religious liability of my house. What obligation can there possibly be from our greatest doubts and most serious religious apprehensions, as to which we may not be relieved by the answer and dictum of Publius Servilius or Marcus Lucullus alone? In all matters concerning the public sacrifices, or the great games, or the ceremonies of the household gods, and of Vesta, the mother of the city, or even concerning that great sacrifice itself which is performed for the safety of the Roman people, and which since the first foundation of Rome has never been profaned except by the wickedness of this single holy guardian of religion, whatever three pontiffs have decided, has at all times appeared to the Roman people, and to the senate, and to the immortal gods themselves, sufficiently holy, sufficiently august, sufficiently religious. But Publius Lentulus being both consul and pontiff, and Publius Servilius, and Marcus Lucullus, and Quintus Metellus, and Marcus Glabrio, and Marcus Messala, and Lucius Lentulus, the priest of Mars, and Publius Galba, and Quintus Metellus Scipio, and Caius Fannius, and Marcus Lepidus, and Lucius Claudius, the king of the sacrifices, and Marcus Scaurus, and Marcus Crassus, and Caius Curio, and Sextus Cæsar, the priest of Jupiter, and Quintus Cornelius, and Publius Albinovanus, and Quintus Terentius, the lesser[1] pontiffs, having investigated

[1] Originally the number of pontiffs was four, or, including the Pontifex Maximus, five. In the year B.C. 300 the Ogulnian law raised the number from four to eight; in the year B.C. 81 Sylla increased the number to fifteen, including the Pontifex Maximus; and after him Julius Cæsar increased the number to sixteen. Besides these there were other pontiffs distinguished as *minores*, of whom three are mentioned here; the nature of whose office seems rather uncertain; but

the case after it had been argued before them on two separate occasions, in the presence of a great number of the noblest and wisest of the citizens, all unanimously pronounced my house free from all religious obligation.

VII. I say that so numerous a meeting of the college has never decided on any subject, not even concerning the rights or life of a vestal virgin, ever since the establishment of sacred ceremonies, though their antiquity is the same as that of the city itself; although when an investigation into any crime is taking place it is of consequence that as many as possible should be present. For the interpretation of a law given by the priests is on such a footing that it has the same force as a decision of the judges. An explanation of what is required by religion can be properly given by one single experienced priest; but in a case of a trial for life, such a proceeding would be harsh and unjust. Nevertheless, you will find this to be the case, that a greater number of pontiffs were assembled when they decided on the question concerning my house, than had ever met on any question concerning the ceremonies of the vestal virgins. The next day the senate in a very full house, when you, O Lentulus, being the consul elect, made the motion, and Publius Lentulus and Quintus Metellus, the consuls, put it to the senate, when all the pontiffs who belonged to this order were present, and when those who had precedence, from the distinctions which had been conferred on them by the Roman people, had made many speeches concerning the decision of the college, and when all of them had assisted in drawing up the decree,—the senate, I say, voted that my house appeared, according to the decision of the pontiffs, to be free from all religious liability. Is this then the place which of all others the soothsayers appear to intend to speak of as sacred, which is the only one of all private buildings in the whole city which has this argument to advance in support of its rights, that it has been adjudged not to be sacred by those very men who preside over all sacred things?

However, refer the matter to them, as you are bound to do

it appears probable that it was a name of late introduction, and applied to the secretaries of the pontiffs when the real pontiffs had begun to neglect their duties, and to leave the greater part of them to be performed by their secretaries. *Vide* Smith, Dict Ant. v *Pontifex*.

according to the resolution of the senate. Either the investigation will be allotted to you who were the first to pronounce an opinion respecting this house, and who have pronounced it free from all religious liability; or the senate itself will decide, which has already decided in the fullest possible house, that one single priest alone dissenting; or else, what will certainly be done, it will be referred back to the pontiffs, to whose authority, integrity, and prudence our ancestors entrusted all sacred and religious observances, whether private or public. What then can these men decide different from what they have already decided? There are many houses in this city, O conscript fathers; I do not know whether they are not nearly all held by thoroughly good titles, but still they are only private titles,—titles derived from inheritance, from prescription, from purchase, or from mortgage. But I assert that there is no other house whatever equally fenced round by private title and incontestable rights, and at the same time by every sort of public law of the highest authority, both human and divine. For in the first place it was built by the authority of the senate, with the public money; and in the second place it has been fenced round and fortified against the impious violence of this gladiator by numerous resolutions of the senate.

VIII. At first a commission was given to those same magistrates in the preceding year, to whom at times of the greatest peril the whole republic is usually recommended, to take care that I was to be allowed to proceed in building without any hindrance from violence. Afterwards, when that fellow had brought devastation on my estate with stones, and fire, and sword, the senate voted that those who had acted in that manner were liable to be proceeded against by the laws concerning violence which are in force against those who have attacked the whole republic. But when you put the question, O you best and bravest of consuls within the memory of man, the same senate in a very full house decreed, that whoever injured my house would be acting against the interests of the republic. I say that there never were so many resolutions of the senate passed about any public work, monument, or temple, as about my house, the only house since the first foundation of the city which the senate has thought ought to be built at the public expense, released from all religious

obligation by the pontiffs, defended by the magistrates, and put under the protection of the judges, who were to punish all who injured it. On account of his immense services to the republic, a house at Velia was given by a public vote to Publius Valerius. But my house was restored to me on the Palatine Hill. He had a spot of ground given him. I had walls also and a roof. He had a house given to him which he was to defend by his rights as a private citizen; but I had one which all the magistrates were ordered to protect with the public force of the city. And if I had all this owing to my own exertions, or if I had received it from any other persons except you, I would not mention it before you, lest I might appear to be boasting too much. But as all these things have been given me by you, and as they are now being attacked by the tongue of that man by whose hand they were formerly overthrown, when you restored them with your own hands to me and to my children, I am not speaking of my own actions but of yours; nor am I afraid lest this public mention of all your kindness to me should appear to be not so much grateful as arrogant.

Although, if indeed a certain indignation which I cannot help feeling were to lead me, who have exerted myself so much in the cause of the public safety, at times to speaking somewhat boastfully when refuting the aspersions of wicked men, who would not excuse me for so doing? For I did see yesterday some one murmuring: and people said that he declared that he could not endure me, because, when I was asked by that foul traitor to his country to what city I belonged, I answered, with the approval of you and of the Roman knights also, that I belonged to a city which could not do without me. He, I imagine, groaned at this. What, then, was I to answer? (I ask that very man who cannot endure me.) That I was a Roman citizen? It would have been a truly learned answer. Should I have held my tongue? That would have been a betrayal of my own cause. Can any man when it is attempted to excite odium against him with respect to important affairs, reply with sufficient dignity to the abuse of his enemy without some praise of himself? But, no doubt, he himself, when he is attacked, not only answers as well as he can, but is even glad to be prompted by his friends and to have an answer suggested to him.

IX. But since I have now said enough respecting my own case, let us see now what it is that the soothsayers say. For I confess that I have been greatly moved both by the magnitude of the prodigies, and by the solemnity of the answer, and by the unanimous and consistent language of the soothsayers. Nor am I a man who—though I may perhaps appear to some men to be more addicted to the study of literature than the rest of those are who are occupied about state affairs as much as myself—at all incline to derive delight from or to pursue those branches of learning which have a tendency to divert and deter our minds from the study of religion. But in the first place, I have our ancestors as my leaders and tutors in paying proper respect to religion,—men whose wisdom appears to me to have been so great, that those men are sufficiently, and more than sufficiently prudent, who are able—I will not say to equal their prudence, but to be thoroughly aware how great it was; who thought that the stated and regular ceremonies were provided for by the establishment of the Pontificate, that due authority for the performance of all actions was to be derived from the auspices, that the ancient prophecies of our destinies were contained in the books of the prophets of Apollo, and the explanations of prodigies in the system of the Etrurians; and this last is of such weight, that within our own recollection they have predicted to us in no obscure language, first of all those fatal beginnings of the Italian war, and after that the imminent danger and almost destruction of the time of Sylla and Cinna, and very lately this recent conspiracy for burning the city and destroying the empire. In the next place, I knew that the most learned and the wisest men have both said many things and have left behind them many written books concerning the divine power of the immortal gods. And although I see that those books are written with a godlike eloquence, still they are such that our ancestors appear to have taught those things to the writers, and not to have learnt of them. In truth, who is there so senseless as either, when he looks up to heaven, not to feel that there are gods, or to think that those things are done by chance which are done with such wisdom, that scarcely any one by any amount of skill can comprehend their order and necessary dependence on each other? or, when he has arrived at the knowledge that there are gods, not to understand that all this

mighty empire has been originated, and increased, and preserved by their divine authority? Let us, O conscript fathers, think as highly of ourselves as we please; and yet it is not in numbers that we are superior to the Spaniards, nor in personal strength to the Gauls, nor in cunning to the Carthaginians, nor in arts to the Greeks, nor in the natural acuteness which seems to be implanted in the people of this land and country, to the Italian and Latin tribes; but it is in and by means of piety and religion, and this especial wisdom of perceiving that all things are governed and managed by the divine power of the immortal gods, that we have been and are superior to all other countries and nations.

X. Wherefore, not to say any more about a doubtful matter, give, I pray you, your thoughts and attention, and do not lend your ears alone to the language of the soothsayers: "Because a noise and roaring has been heard in the Latin district." I say nothing of the soothsayers, I say nothing of that ancient system, given, as men report, to Etruria by the immortal gods themselves; but cannot we ourselves be soothsayers here? "A certain obscure noise, and a horrible rattling of arms, has been heard in a neighbouring and suburban district." Who is there of all those giants, whom the poets relate to have waged war against the immortal gods, so impious as not to confess that by this novel and mighty commotion the gods are foreshowing and predicting something important to the Roman people? Concerning that matter it is written down that entreaties are to be addressed to Jupiter, Saturn, Neptune, Tellus, and the gods of heaven. Well, I hear what gods have been offended and to whom atonement is due; but I want to know on account of what offences committed by men they have been offended. "On account of the games having been carelessly exhibited and polluted." What games? I appeal to you, O Lentulus; for the sacred cars and chariots, the singing, the sports, the libations, and feasts of the public games belong to your priesthood; and I appeal to you, O pontiffs, to whom those who prepare the banquet for the all-good and all-powerful Jupiter report it if anything has been neglected or done improperly, and if you give sentence that it shall be so, those ceremonies are celebrated anew and repeated over again. What games are they which have been exhibited without due diligence? By what wickedness, by what sort of

crime have they been polluted? You will answer on behalf of yourself, and of your colleagues, and of the college of pontiffs, that none of these things have been treated contemptuously through the carelessness of any one, or polluted by any wickedness, but that all the solemnities and practices of the games have been attended to with a proper observance of all necessary things, and with the strictest performance of all the usual ceremonies.

XI. What games, then, are they which the soothsayers say have not been performed with due diligence, and have been polluted? Those of which the immortal gods themselves and the blessed mother Cybele chose you—you, O Cnæus Lentulus, by the hands of whose ancestor she was originally received—to be a spectator. And unless you had chosen to be a spectator of the Megalesia on that day, I do not know whether we should have been allowed to be alive and to complain of these things. For an enormous multitude of slaves in a state of great excitement, collected out of all the streets by this religious ædile, burst in on a sudden upon the stage from all the archways and doors at a given signal. Your virtue,—yours, I say, O Cnæus Lentulus,—was at that crisis shown to be equal to that formerly displayed by your ancestor as a private individual. The senate standing up, and the Roman knights and all virtuous men, followed you, and your name, and your command, and your voice, aspect, and authority, when he had handed over the senate and people of Rome, hampered by the dense body in which they were sitting, chained as it were to the spectacle, and hindered by the crowd and narrow space, to a multitude of slaves and buffoons.

Shall we say that, if a morris-dancer stops, or a flute-player has on a sudden ceased to play, or if a boy[1] with both father and mother alive has ceased to touch the ground, or has lost his hold of the sacred car, or of the reins, or if an ædile has used a wrong word or made the slightest mistake, then the games have not been duly celebrated, and those mistakes are forced to be expiated and the minds of the immortal gods are appeased by their repetition; and yet if the games are suddenly changed from a scene of joy to one of terror,—if they have been, not interrupted, but broken up and put an

[1] It is inferred from this passage that the boys assisting at these games might not be orphans.

and to,—if those days of festival turned out nearly fatal to the whole city, through the wickedness of that man who wished to turn the games into a time of grief,—shall we doubt what games that noise warns us have been polluted? And if we wish to recollect those things which have been handed down to us traditionally about each of the gods, we have heard that this mighty Mother, whose games were thus violated and polluted, and turned almost to a massacre and to the destruction of the city, does roam over the fields and through the groves with a certain degree of noise and roaring.

XII. She, then, she it is, who has displayed to the Roman people these tokens of wickedness, and revealed to them these indications of danger. For why should I speak of those games which our ancestors ordered to be performed and celebrated on the Palatine Hill, in front of the temple, in the very sight of the mighty Mother, on the day of the Megalesia?[1] which are in their institution and in the manner in which they are celebrated, above all other games chaste, solemn, and holy; in which games that great man Publius Africanus the elder, in his second consulship, gave for the first time the senate a place in front of the seats belonging to the people. Why need I tell how that foul pestilence polluted these games; when if any freeman came near them, either as a spectator or from some motive of religion, he was driven back by force; and no matron approached them, because of the number and violence of the slaves? And so these games,—the reverence paid to which is so great that the goddess did not come to this city without having been sent for from the most distant countries,—which are the only games which have not even a Latin name, so that by their very name the religion is declared to have been a foreign one, and imported hither, and to have been undertaken in the name of the mighty Mother,—these games, I say, were celebrated by slaves, and had slaves alone for the spectators, and in every part, in this man's ædileship, were the Megalesia of slaves. O ye immortal gods! How could you speak more plainly to us if you were living

[1] The *Megalesia* were the great festivals in honour of Cybele, celebrated in April, on the anniversary of the day when her statue was brought from Pessenus. They lasted six days, and were among the most important of all the festivities of the sort which were held at Rome *Vide* Smith, Dict. Ant. v. *Megalesia*.

among and associating with us? You show us and plainly tell us that those games were profaned. What can be mentioned more deformed, polluted, altered and perverted, than for the whole body of slaves, as if they had been liberated by the permission of the magistrates, to be turned loose into one theatre, and set as guards over another, so that one body of spectators might be exposed to the power of slaves, and that the other might consist entirely of slaves? If during the games a swarm of bees had come on the stage, we should think it necessary to send for the soothsayers out of Etruria; and shall we all see on a sudden such vast swarms of slaves let loose upon the Roman people, blocked up and shut in, and not be moved by that? And perhaps, in the case of a swarm of bees, the soothsayers would warn us from the written books of the Etruscans to guard against the slaves. That then which we should guard against, if indicated by some disjointed prodigy admitting of divers interpretations, shall we not be afraid of when it is its own prodigy, and when the danger is in that very thing from which danger is dreaded? Were such the Megalesia which your father celebrated? Did your uncle celebrate them in such a manner as this? And then he makes mention to me of his family, when he would rather celebrate the games after the fashion of Athenio or Spartacus, than like Caius or Appius Claudius. When these great men were celebrating games, they ordered all the slaves to depart from the theatre. But you turned slaves into one, and turned free men out of the other. Therefore they, who formerly used to be separated from free men by the voice of the herald, now, at your games, separated free men from themselves not by their voice, but by force.

XIII. Did not even this occur to you, being a priest so well acquainted with the Sibylline oracles, that our ancestors derived these games from the Sibylline books? if those books are yours, which you consult with imperious intentions, and read with profane eyes, and handle with polluted hands. Formerly, then, by the advice of this prophetess, when Italy was wearied by the Punic war and harassed by Hannibal, our ancestors imported that sacred image and those sacred rites from Phrygia, and established them at Rome, where they were received by that man who was adjudged to be the most virtuous of all the Roman people, Publius Scipio Nasica, and

by the woman who was considered the chastest of the matrons, Quinta Claudia; the old-fashioned strictness of whose sacrifice on that occasion your sister is considered to have imitated in a wonderful manner. Did, then, neither your ancestors, connected as they were with these religious ceremonies, nor the priesthood itself, by which all these religious observances were established, nor the curule ædileship, which above all things is accustomed to uphold this worship, influence you to abstain from polluting those most holy games with every sort of crime, and polluting them with infamy, and involving them in guilt?

But why do I wonder? when, having taken a bribe, you ravaged Pessinus itself, the habitation and home of the mother of the gods, and sold to Brogitarus—a fellow half Gaul, half Greek, a profligate and impious man, whose agents, while you were tribune, used to pay you the money for your share of the work in the temple of Castor—the whole of that place and the temple; when you dragged the priest from the very altar and cushion of the goddess; when you perverted those omens which all antiquity, which Persians, and Syrians, and all kings who have ever reigned in Europe and Asia have always venerated with the greatest piety; which, last of all, our own ancestors considered so sacred, that though we had the city and all Italy crowded with temples, still our generals in our most important and most perilous wars used to offer their vows to this goddess, and to pay them in Pessinus itself, at that identical principal altar, and on that spot and in that temple.

And when Deiotarus was protecting this temple in the most holy manner, with the deepest feelings of religion—Deiotarus, of all allies the most faithful to this empire, and the most devoted to our name,—you gave it to Brogitarus, as I have said before, having sold it to him for a sum of money. And yet you order this Deiotarus, who has been repeatedly declared by the senate worthy of the name of king, and adorned with the testimony of many most illustrious generals in his favour, to be styled king together with Brogitarus. But one of them has been called king by the decision of the senate through my instrumentality; Brogitarus has been called king by you for money. And I will think him a king, indeed, if he has any means of paying you what you

have trusted him with on his note of hand. For there are many royal qualities in Deiotarus; this was the most royal of all, that he gave you no money; that he did not repudiate that portion of your law which agreed with the decision of the senate, namely that he was a king; that he recovered Pessinus, which had been impiously violated by you and stripped of its priest and its sacrifices, in order to maintain it in its accustomed religion; that he does not suffer the ceremonies which have been received as handed down from the most remote antiquity, to be polluted by Brogitarus; and that he prefers to let his son-in-law be deprived of your liberality, rather than to allow that temple to lose the ancient reverence due to its religious character.

But to return to these answers of the soothsayers, the first of which is that respecting these games; who is there who does not confess that the whole of that answer and prophecy was delivered with reference to that fellow's games?

XIV. The answer about sacred and holy places comes next. Oh, the marvellous impudence of the man! do you dare to make mention of my house? Entrust your own to the consuls, or the senate, or the college of pontiffs; and mine, as I have said before, has been declared by all these three decisions to be free from all religious liability. But in that house which you keep possession of, after having slain Quintus Seius, a Roman knight and most excellent man, in the most open manner, I say that there was a shrine and altars. I will prove and establish this fact by the registers of the censors, and by the recollection of many individuals. Only let this question be discussed, (and it must be referred to you by virtue of that resolution of the senate which has lately been passed,) and I have plenty to say on the subject of religious places. When I have spoken of your house,—in which, however, a chapel has been built up in such a way that another built it, and you have only got to pull it down,—then I will see whether it is necessary for me to speak also of other places. For some people think that it belongs to me to open the armoury of the temple of Tellus. They say that it is not long ago that it was open, and I recollect it myself. Now they say that the most holy part of it, and the place entitled to the greatest reverence, is occupied by a private vestibule. There are many considerations which influence me,—

namely, this, that the temple of Tellus is put particularly under my care; and that he who took away that armoury said that my house, which was declared free by the decision of the pontiffs, had been adjudged to his brother. I am influenced also at this time of dearness of provisions, of barrenness of the lands, and of scarcity of the crops, by the reverence due to Tellus; and all the more, because, on account of this same prodigy, an atonement is said to be due to Tellus. Perhaps we are speaking of old stones; although, if this is not laid down in the civil law, still by the law of nature and the common rights of nations the principle has been established, that mortals cannot acquire a prescriptive right to anything as against the immortal gods.

XV. But we will pass over all things of old date. Shall we also pass over those things which are done at the present time; which we see ourselves? Who knows not that Lucius Piso at this very time has been removing a great and most holy chapel of Diana on the Cœliculan hill? Men who live close to that spot are in court. There are many even belonging to this body, who once a-year have regularly performed the sacrifices of their family in that very chapel, in their appointed place. And do we ask what places the immortal gods are regretting; what it is they are meaning, of what it is that they are speaking? Are we ignorant that some most holy chapels were undermined, blocked up, knocked down, and defiled in the most unseemly possible manner? Were you able to render my house the property of the gods? With what feelings? You have lost all feeling. With what hand? With that with which you pulled it down. With what voice? With that with which you ordered it to be set on fire. By what law? By one which you did not venture to propose even at the time when you were doing everything with impunity. With what cushion? That which you polluted with your adulteries. With what image? That which you took off from a harlot's tomb and placed on the monument of a general. What has my house which is connected with anything religious, except that it touches the wall of an impious and sacrilegious man? Therefore that none of my people may be able unintentionally to look into your house, I will raise the roof higher; not in order that I may look down upon you, but that you may not be able to see that city which you were desirous to destroy.

XVI. But let us now examine the rest of the clauses of the answers of the soothsayers.—"That ambassadors have been slain contrary to all divine and human law." What is this? I see here a mention of the deputies from Alexandria; and I cannot refute it. For my feelings are, that the privileges of ambassadors are not only fenced round by human protection, but are also guarded by divine laws. But I ask of that man, who, as tribune, filled the forum with judges whom he took out of the prisons,—by whose will every dagger is now guided and every cup of poison dispensed,—who has made a regular bargain with Hermarchus of Chios,—whether he is at all aware that one most active adversary of Hermarchus, of the name of Theodosius, having been sent as ambassador to the senate from a free city, was assassinated with a dagger? and I know to a certainty that that cannot have appeared less scandalous to the immortal gods than the case of the Alexandrians. Nor am I now attributing every action of this sort to you alone. There would be greater hope of safety if there were no other wicked man but you; but there are more, and on this account you feel more confidence, and we almost distrust the protection of the law. Who is there who is not aware that Plato, a man of high character and high rank in his own country, came from Orestis, which is a free part of Macedonia, to Thessalonica, as an ambassador to our general, as he called himself? and this great general of ours, being angry at not being able to extort money from him, threw him into prison, and sent his own physician to him, who in a most infamous and barbarous manner cut the veins of an ambassador, an ally, a friend, and a freeman. He did not wish his own forces to be made bloody by crime; but he polluted the name of the Roman people with such guilt that it cannot be expiated by any means but his own punishment. What sort of executioner must we think that this man has in his train, when he uses even his physicians not to procure health but to inflict death?

XVII. But let us read what follows. "That good faith and oaths have been disregarded." What this means by itself, I cannot easily explain; but from that which follows I suspect that it refers to the manifest perjury of your judges, from whom, some time ago, the money which they had received would have been taken away, if they had not entreated the protection of the senate. And this is the reason why I

imagine that they are the persons alluded to, because I lay it down as a fact, that that is the most remarkable and notorious perjury ever committed in this city, and yet that you yourself are not threatened with the punishment of perjury by those men with whom you conspired.

And I see that in the answers of the soothsayers this is added: "That the ancient and secret sacrifices have been performed with less than due diligence, and have been polluted." Are they the soothsayers who say this, or the gods of our country and our household gods? I suppose there are many persons to whom a suspicion of this guilt attaches;—who but this one man? Is it mentioned obscurely what sacrifices have been polluted? What can be expressed in a plainer, more dignified, or more solemn manner? "Ancient and secret." I say that Lentulus, a dignified and eloquent orator, did not, when he was accusing you, make use of any expressions more frequently than these, which now are extracted from the Etruscan books, and turned against and applied to you. In truth, what sacrifice is there so ancient as this, which we have received from the kings, and which is contemporary with the city itself? But what is so secret as that which excludes not only all curious eyes, but even all accidental ones? which not only no wickedness, but which even no unintentional chance can penetrate? That sacrifice no one, ever since the world began, has ever profaned, no one has ever approached, no one has ever disregarded, no man has ever thought of beholding without horror, before Publius Clodius. It is performed by the vestal virgins; it is performed on behalf of the Roman people; it is performed in the house of a supreme magistrate; it is performed with incredible solemnity; it is performed to that goddess whose very name it is not lawful for men to know, and whom that fellow calls Good, because she has pardoned him such enormous wickedness.

XVIII. She has not pardoned you, believe me. No; unless, perchance, you think yourself pardoned because the judges dismissed you, after they had squeezed and drained everything out of you, acquitted by their decision, condemned by all the rest of the citizens; or because you have not been deprived of your eyes, as is, according to the common belief, the consequence of such impiety. For what man ever intentionally

beheld those sacred rites before you, so as to enable any one to know what punishment followed that guilt? Could the blindness of your eyes be a greater injury to you than that blindness of your lust? Do not even you feel that those winking eyes of your ancestor[1] were more desirable for you than these glowing eyes of your sister? But, if you observe carefully, you will see that though you have as yet escaped the punishment of men, you have not escaped that of the gods. Men have defended you in a most shameful affair; men have praised you though most infamous and most guilty; men, for a bribe, have acquitted you by their decision, though you all but confessed your guilt; men have felt no indignation at the injuries inflicted on themselves by your lust; men have supplied you with arms, some wishing them to be used against me, and others afterwards intending them to be employed against that invincible citizen. I will quite admit all the kindnesses which men have shown you, and that you need not wish for greater. But what greater punishment can be inflicted on man by the immortal gods than frenzy and madness? unless, perhaps, you think that those persons, whom in tragedies you see tortured and destroyed by wounds and agony of body, are enduring a more terrible form of the wrath of the immortal gods than those who are brought on the stage in a state of insanity. Those howlings and groans of Philoctetes are not so pitiable (sad though they be) as that exultation of Athamas, or that dream of those who have slain their mother. You, when you are uttering your frantic speeches to the assembly—when you are destroying the houses of the citizens—when you are driving virtuous men from the forum with stones—when you are hurling burning firebrands at your neighbours' houses—when you are setting fire to holy temples—when you are stirring up the slaves—when you are throwing the sacred rites and games into confusion—when you see no difference between your wife and your sister—when you do not perceive whose bed it is that you enter—when you go ramping and raging about—you are then suffering that punishment which is the only one appointed by the immortal gods for the wickedness of men. For the infirmity of our bodies is of itself liable to many accidents; moreover, the body itself is often destroyed by some very trivial cause; and

[1] Appius Claudius, surnamed Cæcus, or the Blind.

the darts of the gods are fixed in the minds of impious men. Wherefore you are more miserable while you are hurried into every sort of wickedness by your eyes, than you would be if you had no eyes at all.

XIX. But since enough has been said of all these offences which the soothsayers say have been committed, let us see now what these same soothsayers say that we are being warned of at this time by the immortal gods. They warn us "to take care that bloodshed and danger be not brought upon the senators and chief men of the state, through the discord and dissension of the nobles; and that our senators do not become disheartened from being deprived of support, by which the provinces may fall under the power of a single master, and our armies be defeated, and a great loss of power ensue." All these are the words of the soothsayers; I am not adding anything of my own. Who, then, of the nobles is it who is causing this discord? The same man: and that not by any force of his own genius or wisdom, but by some blundering of ours; which he—for it was not very much concealed—easily perceived. For this consideration makes the present distress of the republic the more shameful, that even by him it is not afflicted in such a way that it may seem to fall like a brave man in battle, having received honourable wounds in front from a gallant foe.

Tiberius Gracchus overturned the constitution of the state; a man of such great force of character, and eloquence, and dignity, that he fell short in no respect of the surpassing and eminent virtue of his father, and of his grandfather, Africanus, except in the fact of his revolting from the senate. Caius Gracchus followed in his steps. How great was his genius! how great his energy! how impetuous his eloquence! so that all men grieved that all those good qualities and accomplishments were not joined to a better disposition and to better intentions. Lucius Saturninus himself was so furious and almost insane a man, that he was an admirable leader,—perfect in exciting and inflaming the minds of the ignorant. For why should I speak of Publius Sulpicius? whose dignity, and sweetness, and emphatic conciseness in speaking was so great that he was able by his oratory to lead even wise men into error, and virtuous men into pernicious sentiments. To be battling with these men, and to be daily struggling with them

for the safety of the country, was a very annoying thing to those men who were at that time the governors of the republic, but still that annoyance had a certain sort of dignity in it.

XX. But as for this man, about whom I am now saying so much, O ye immortal gods! what is he? what is his influence? what is there about him to give so great a city, if it does fall, (may the gods avert the omen!) the comfort of at least seeming to have been overthrown by a man? a fellow who, from the moment of his father's death, made his tender age subservient to the lusts of wealthy buffoons; when he had satiated their licentiousness, then he turned to the domestic seduction of his own sister; then, when he had become a man, he devoted himself to the concerns of a province, and to military affairs, and suffered insults from the pirates; he satisfied the lusts even of Cilicians and barbarians: afterwards, having in a most wicked manner tampered with the army of Lucius Lucullus, he fled from thence, and at Rome, the moment of his arrival there, he began to compound with his own relations not to prosecute them, and received money from Catiline to prevaricate in the most shameless manner. From thence he went into Gaul with Murena; in which province he forged wills of dead people, murdered wards, and made bargains and partnerships of wickedness with many. When he returned from Gaul, he appropriated to himself all that most fruitful and abundant source of gain which is derived from the Campus Martius, in such a manner that he (a man wholly devoted to the people!) cheated the people in a most scandalous manner, and also (merciful man that he is!) put the canvassers of the different tribes to death at his own house in the most cruel manner. Then came his quæstorship, so fatal to the republic, to our sacrifices, to our religious observances, to your authority, and to the public courts of justice; in which he insulted gods and men, virtue, modesty, the authority of the senate, every right both human and divine, and the laws and the tribunals of the country. And this was his first step; this (alas for the miserable times and for our senseless discords!) was the first step of Publius Clodius towards the conduct of the affairs of the republic; this was the path by which he first began to approach and mount up to his present boast of being a friend of the people. For

the unpopularity arising from the treaty at Numantia, at the making of which he had been present as quæstor to Caius Mancinus the consul, and the severity displayed by the senate in repudiating that treaty, were a constant source of grief and fear to Tiberius Gracchus; and that circumstance alienated him, a brave and illustrious man, from the wisdom of the senators. And Caius Gracchus was excited by the death of his brother, by affection for him, by indignation, and by the greatness of his own mind, to seek to exact vengeance for the slaughter of a member of his family. We know that Saturninus was led to confess himself a friend of the people out of indignation, because at a time of great dearness of provisions, the senate removed him while he was quæstor from the superintendence of the corn market, which belonged to him by virtue of his office, and appointed Marcus Scaurus to manage that business. And it was the breeze of popularity which carried Sulpicius further than he intended, after he had set out in a good cause, and had resisted Caius Julius when seeking to obtain the consulship contrary to the laws.

XXI. All these men had a reason,—not an adequate one, indeed, (for no one can have an adequate reason for proving a bad citizen to the republic,) but still they had a serious reason, and one connected with some indignation of mind not unbecoming to a man. Publius Clodius came out as a popular character from saffron gowns, and turbans, and woman's slippers, and purple bands, and stomachers, and singing, and iniquity, and adultery. If the women had not caught him in this dress, if he had not been allowed to escape by the indulgence of the maid servants, from a place which it was impious for him to enter, the Roman people would have lost their devoted friend, the republic would have been deprived of so energetic a citizen. It is in consequence of this insane conduct, amid our dissensions, for which we are by these recent prodigies admonished by the immortal gods, that one of the patricians has been taken from their number to be made a tribune of the people, in direct violation of the laws. That which, the year before, his brother Metellus and the senate, which even then was unanimous, had refused, and in the most rigorous manner rejected with one voice and one mind, Cnæus Pompeius being the first to declare his opinion; (so greatly, after the dissensions of the nobles of which we are now

reminded, were circumstances disturbed and altered ;) that which his brother when consul opposed being done,—which his kinsman and companion, a most illustrious man, who had refused to speak in his favour when he was accused, had utterly prevented,—was now effected for him, owing to the dissensions of the nobles, by that man as consul, who, of all others, was bound to be his greatest enemy ; and he said that he had done it by the advice of that man whose authority no one could repent having followed. A most shameful and grievous firebrand was thrown into the republic. Your authority was aimed at ; and the dignity of the most honourable orders in the city, and the unanimity of all virtuous men, and in short, the entire constitution of the state. For these things were certainly attacked when that flame kindled at that time was directed against me, who had been the principal investigator of these matters. I bore the brunt of the attack, and I alone suffered on behalf of my country ; but still I bore it so that you, while you were surrounded by the same flames, saw me wounded first, and burning, as it were, in your defence.

XXII. The dissensions were not appeased ; but the unpopularity of those men, by whom we thought that our cause was espoused, even increased. So, after a time, the very same men being the movers, and Pompeius the chief man, who roused Italy willing to be roused, and the Roman people which regretted me, and you who demanded me back, to take measures for my safety, employing not only his authority but even his prayers, I was restored. Let there be an end of discord, let us at last find rest from our long dissensions. No, that pest will not allow it ; he summons these assemblies, he throws everything into confusion and disorder, selling himself sometimes to one party, sometimes to another ; and yet not in such a manner that any one thinks himself the more praiseworthy for being praised by him ; though at the same time they are glad that those whom they do not like, are abused by him. And I do not marvel at this fellow ; for what else can he do ? I do marvel at those wise and respectable men ; in the first place, that they so easily allow any illustrious man who has deserved well of the republic to be attacked by the voice of a most profligate man ; in the second place, that they think, (it would be a most disastrous thing for themselves if the fact

were so,) that the real glory and dignity of any one can be impaired by the abuse of an abandoned and worthless man; and lastly, that they do not see, what, however, they do seem to me to have some suspicion of, that those frantic and desultory attacks of his may some day or other be turned against themselves. And it is owing to this undue alienation of some persons from others that those arrows now stick in the republic which, as long as they stuck in me alone, I bore,—with pain, indeed, but still not as thinking them of any great importance. Could that fellow, if he had not first given himself up to those men whose minds he thought were alienated from your authority,—if he had not, admirable authority that he is! extolled them to the skies with his panegyric,—if he had not threatened that he would let loose the army of Caius Cæsar, (though in that he spoke falsely, but no one contradicted him,) that he would, I say, set on that army with hostile standards against the senate-house,—if he had not cried out that he was doing what he was by the assistance of Cnæus Pompeius, and at the instigation of Marcus Crassus,—if he had not declared (the only word of truth that he spoke) that the consuls had united their cause with him;—could he, I say, ever have been so cruel an enemy to me or so wicked a disturber of the republic?

XXIII. After that, when he saw you recovering your breath after your fear of bloodshed, when he saw your authority rising again above the waves of that slavery, and the recollection of and regret for me getting more vivid, then he began on a sudden to sell himself to you, though with the most treacherous design. Then he began to say, both here in this house and in the assemblies of the people, that the Julian laws had been passed in opposition to the auspices; among which laws was that lex curiata on which the whole of his tribuneship depended, though he was too frantic to see that. He brought forward that most fearless man Marcus Bibulus. He asked him whether he had not always been observing the heavens when Caius Cæsar was carrying those laws? He replied, that he always had been observing them at that time. He asked the augurs whether laws which had been passed under these circumstances had been duly passed? They said, such a proceeding was irregular. Some people, virtuous men, and men who had done great service to me, began to extol him; utterly ignorant, I imagine, of the lengths to which his

madness could carry him. He proceeded further. He began to inveigh against Cnæus Pompeius, the originator, as he was accustomed to boast, of all his designs. He gained great popularity in same people's eyes. But then, when he had become elated by the hope that he might be able—as he had by his abominable wickedness crushed, as he fancied, him who, though in the garb of peace, had proved the suppressor of domestic war—to put down also that great man who had been the conqueror of our foreign wars and foreign enemies, then was seized in the temple of Castor that wicked dagger which was nearly the destroyer of this empire. Then he, against whom no enemy's city had ever long continued shut,—he, who had always broken through all straits, trampled on all heights, crushed, by his energy and valour, the opposing weapons of every foe, was himself besieged at home; and, by the counsels which he adopted, relieved me from the reproaches cast on my timidity by some ignorant people. For if it was miserable rather than disgraceful to Cnæus Pompeius, that bravest of all men who have ever been born, not to be able to go abroad in the sight of men, and to be secluded from all public places, as long as that fellow was tribune of the people, and to put up with his threats, when he said in the public assembly that he wished to build a second piazza in Carinæ,[1] to correspond to the one on the Palatine Hill; certainly, for me to leave my house was grievous as far as my own private grief was concerned, but glorious if you look only at the interests of the republic.

XXIV. You see, then, that this fellow, when, as far as his own efforts went, he had been long since overthrown and crushed, was aroused again by the mischievous discords of the nobles; and the first beginnings of his fury were upheld by those who at that time appeared alienated from you. It is by these detractors and enemies that the remainder of the acts of his tribuneship have been defended, even since that tribuneship was over. They are the men who resisted that pest

[1] *Carinæ* was the name of one of the finest streets in Rome. It is mentioned as such by Virgil, (Æn. viii. 361)—

"Passimque armenta videbant
Romanoque foro, et lautis mugire Carinis."

And in that street was Pompey's house.

being removed from the republic; they prevented his being prosecuted; they resisted his being reduced to the condition of a private citizen. Is it possible, that any virtuous men could have cherished in their bosom, and have taken pleasure in, that poisonous and deadly viper? By what bribe were they cajoled? I wish, say they, that there should be some one in the assembly to disparage Pompeius. Can he disparage him by his abuse? I wish that that great man, who has contributed so greatly to my safety, may receive what I say in the same spirit as I say it. At all events, I will say what I feel. I declare to God, that there was no time that fellow appeared to be detracting so much from his exceeding dignity as when he was extolling him with the most extravagant praises. Was Caius Marius, I pray you, more illustrious when Caius Glaucia was praising him, or when he became angry afterwards and abused him? Or, was this madman, who has been so long rushing headlong on punishment and destruction, more foul-mouthed and shameless when accusing Pompeius than he had been when reviling the whole senate? But I do marvel, that, though the former conduct may have been pleasing to angry men, the other course should not have been odious to such good citizens. But, lest this should any longer please excellent men, let them just read this harangue of his, of which I speak: in which, shall I say, he extols, or rather debases Pompeius? Undoubtedly he extols him, and says, that he is the only man in the city worthy of the glory of this empire; and hints that he is an exceedingly great friend of his, and that they are entirely reconciled. And although I do not exactly know what he means, yet I am sure that, if he were a friend to Pompeius, he would not praise him. For, if he were his greatest enemy, what could he do more to diminish his credit? Let those, who were glad that he was an enemy to Cnæus Pompeius, and who, on that account, winked at his numerous and enormous crimes, and who sometimes even accompanied his unbridled and furious acts of frenzy with their applause, observe how quickly he has turned round. For now he is praising him; he is inveighing against those men to whom he previously sold himself. What do you suppose he will do if a door to reconciliation with him should become really open to him, when he is so eager to spread a belief in such a reconciliation?

XXV. What other dissensions among the nobles can I suppose are pointed out by the immortal gods? For by this expression Publius Clodius is surely not meant, nor any one of his gang or of his counsellors. The Etruscan books have certain names which may fit some of that class of citizens. "Worthless men, rejected candidates," as you shall presently hear, they call them, whose minds and estates are ruined, and utterly alienated from the general welfare. Wherefore when the immortal gods warn us of the discords of the nobles, they speak of the dissensions between illustrious citizens who have deserved well of the republic. When they predict danger and slaughter to the chief men, they leave Clodius safe enough, a man who is as far from the chief men as he is from virtuous or holy men. It is for you and for your safety, O most illustrious and most virtuous citizens, that they see that it behoves them to consult and to provide. Slaughter of the chief men is indicated; that is added which must inevitably follow the death of the nobles. We are warned to take care that the republic does not fall under the absolute dominion of a single individual. And even if we were not led to this fear by the warning of the gods, still we ourselves, of our own accord, by our own senses and conjectures, should be forced to entertain it. For there is not usually any other termination to dissensions between eminent and powerful men, except either universal destruction, or the domination of the victorious party, or regal power. Lucius Sylla, a most noble and gallant consul, quarrelled with Caius Marius, a most illustrious citizen. Each of these men, when defeated, fell so completely that the conqueror became a king. Cinna quarrelled with his colleague Octavius. To each of these men prosperity gave kingly power, and adversity brought death. The same Sylla became victorious a second time. And that time, beyond all question, he exercised regal power, though he re-established the republic. There is at this moment a hatred not concealed but implanted deeply, and burnt as it were into their minds, subsisting between men of the very highest rank. The chief men of the state are at variance. Every occasion is eagerly caught at. That party which is not so powerful as the other is nevertheless waiting for some change of fortune and for some favourable opportunity. That party which without dispute is the more powerful, is still perhaps at times afraid of the

designs and opinions of its enemies. Let this discord be banished from the state. In a moment all those dangers which are foreshown by these prodigies will be banished. In a moment that serpent which is at present lurking about here will emerge and be brought to light, and will be strangled, and crushed, and die.

XXVI. For the soothsayers warn us to take care that the republic is not injured by secret designs. What designs are more secret than those of that man who dared to say in the public assembly, that a suspension of the courts of justice ought to be proclaimed; that the jurisdiction of the judges ought to be interrupted, and the treasury shut, and all trials put an end to? Unless perhaps you think that all this confusion and overthrow of the constitution could occur to him all on a sudden, while in the rostrum, and that he was not speaking after mature deliberation. The man is full of wine, lust, and sleep,—full of the most inconsiderate and insane rashness; but still it was in his nocturnal vigils, and in a numerous company, that that suspension of justice was planned and concocted. Remember, O conscript fathers, that your ears were being experimented on by that expression, and that a most mischievous road was being made to them by accustoming you to hear it.

These words follow: "That more honour must not be given to worthless citizens and rejected candidates." Let us see who are the rejected candidates; for I will show you afterwards who are the worthless citizens. But still all men must allow that this expression suits that man above all others who is beyond all question the most worthless of all mortals. Who, then, are the rejected candidates? Not, I imagine, they who some time or other have failed to attain some honour more by the fault of the city than by their own. For that is a thing which has frequently happened to many most excellent citizens and most honourable men. Those are the rejected candidates meant, whom, when they were proceeding to the most violent measures, when they were preparing exhibitions of gladiators contrary to the laws, when they were bribing in the most open manner, not only strangers, but even their own relations, their neighbours, the men of their own tribe, townspeople and countrymen, all rejected. We are warned not to confer any additional honours on these men. It ought to be

a very acceptable admonition that they give us; but still the Roman people itself, of its own accord, without any warning on the part of the soothsayers, has provided against this evil. O you worthless men, beware; and there is a great multitude of you; but still this man is the leader and chief of the whole band. In truth, if any poet of splendid genius were to wish to bring on the stage one most worthless man, deformed with all sorts of imaginary vices collected from all quarters, he would not, I pledge myself, be able to discover one disgraceful quality which did not exist in this man, and he would pass over many which are deeply implanted and firmly rooted in him.

XXVII. In the first place nature attaches us to our parents, and to the immortal gods, and to our country. For at one and the same time we are brought forth to the light, and we are strengthened so as to grow by the breath of heaven which we feel around us, and we are established in a certain abode as citizens and free men. That fellow has jumbled in confusion the name of his parents, and his family sacrifices, and the memory of his family, and his family itself, by the assumption of the name of Fonteius. He has with unpardonable wickedness thrown into confusion the fires of the gods, their thrones, and tables, their secret hearths in the inmost recesses of the house, and sacrifices which were previously secret, and not only unseen by men, but even unheard-of by them; and besides all this he has set fire to the temple of those goddesses by whose aid people come to bring assistance in the case of other fires.

Why should I mention his country? when in the first place by violence and arms, and dread of personal danger, he drove away from the city and from all the protection afforded him by his country that citizen whom you had decided over and over again to have been the saviour of his country. In the second place, having overthrown the companion of the senate, as I have always said, but its leader as he used to call him, he by violence, bloodshed, and conflagration, threw into confusion the senate itself, the mainstay of the general safety and of the public good sense; he abolished two laws, the Ælian and Fufian laws, which were of especial advantage to the state; he extinguished the censorship; he took away the power of intercession; he abolished the auspices; he armed

the consuls, the companions of his wickedness, with the treasury, and provinces, and an army; he sold the kings who were in existence, and he called men kings who were not so; he drove Cnæus Pompeius to his house with violence and arms; he overthrew the monuments of our generals; he threw down the houses of his enemies; he inscribed his own name on your monuments. The wicked deeds which have been done by him to the injury of his country are innumerable. Why need I tell what he has done to individual citizens, whom he has slain? Why need I count up the allies whom he has plundered? or the generals whom he has betrayed? or the armies with which he has tampered? Why need I mention what enormous wickednesses they are which he has been guilty of towards himself, and towards his own relations? Who ever showed less mercy to the camp of an enemy than he has shown to every part of his own person? What ship in a public river was ever so open to all men as his youth was? What spendthrifts ever lived in so unrestrained a manner with prostitutes as he did with his own sisters? In short, what enormous Charybdis could the poets ever describe or ever imagine, capable of swallowing down such whirlpools as the plunder of the Byzantines and Brogitari which that fellow has sucked down? or what Sylla with such conspicuous and hungry hounds as the Gellii, and Clodii, and Titii with which you see that fellow devouring the rostrum itself?

Wherefore, and that is the last sentence in the answers of the soothsayers, "Beware that the constitution of the republic be not changed." In truth it is only with difficulty, even if we prop it up on all sides, that the constitution, already undermined and resting on all our shoulders, will be able to be kept together.

XXVIII. This state was once so firm and so vigorous that it could withstand the indifference of the senate, or even the assaults of the citizens. Now it cannot. There is no treasury. Those who have contracted for the revenues do not enjoy them; the authority of the chief men has fallen; the agreement between the different orders of the state is torn asunder; the courts of justice are destroyed; the votes are all arranged and divided so as to be under the power of a few; the courage of the virtuous citizens, formerly ready at a

nod from our order, exists no longer. Henceforth in vain will you look for a citizen who will expose himself to unpopularity for the welfare of his country. We can then preserve even this state of things which now exists, such as it is, by no other means than by unanimity; for although we may become better off, that cannot even be hoped for as long as he is unpunished. And if we are to be worse off than we are, there is but one step slower, that of death or slavery. And the immortal gods themselves warn us against allowing ourselves to be thrust down into that abyss, since all human counsels have long since failed.

And I, O conscript fathers, should not have undertaken this speech, so melancholy and so serious; not but that owing to the honours conferred on me by the Roman people, and to the numberless distinctions which you have heaped upon me, I am both bound and able to support this character and to play this part; but still, when every one else was silent I should willingly have remained silent too. All this speech which I have made has not proceeded from my authority, but from my regard for the general religion. My words have, perhaps, been too many, but the whole sentiment has proceeded from the soothsayers. And either you ought never to have referred the prodigies which have been reported to you to them at all, or else you must be influenced by their answers.

But if other more ordinary and more trifling occurrences have often influenced us, shall not the express voice of the immortal gods influence every one's mind? Do not think that really possible, which you often see in plays, that some god descending from heaven can approach the assemblies of men, and abide on earth, and converse with men. Consider the description of noise which the Latins have reported. Remember that prodigy also, which has not as yet been formally reported, that at almost the same time a terrible earthquake is said to have taken place in the Picenian district, at Potentia, with many other terrible circumstances;—these things which we foresee you will fear as impending over the city. In truth, this ought almost to be considered as the voice and speech of the immortal gods, when the world itself and the air and the earth tremble with a certain unusual agitation, and prophecy to us with an unprecedented and incredible sound.

On this emergency we must appoint atonements and prayers as we are ordered; but it is easy to address prayers to those beings who of their own accord point out to us the path of safety. Our own internal quarrels and dissensions must be terminated by ourselves.

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## THE SPEECH OF M. T. CICERO IN DEFENCE OF CNÆUS PLANCIUS.

### THE ARGUMENT.

Cnæus Plancius had been quæstor in Macedonia when Cicero fled thither from Rome, and had been at that time of the greatest assistance to him. He had now been chosen ædile, but was accused by a disappointed candidate, Marcus Laterensis, of bribery and corruption; and Cicero (though there had been a good deal of coldness between them of late, as Plancius, when tribune of the people, had very much altered towards him, and shown an inclination to take the part of his adversaries) defended him in the following speech.

The speech appears to have been spoken in the year A. U. C. 699. Plancius was acquitted.

I. When, O judges, I saw that, on account of the eminent and singular good faith of Cnæus Plancius, shown in taking care of my safety, so many excellent men were favourers of his cause, I felt no ordinary pleasure, because I saw that the recollection of what happened at the time of my necessities was pleading for him whose kindness had been my preservation. But when I heard that men, some of whom were my enemies, and others of whom were envious of me, favoured this accusation, and that the very same thing was now adverse to the interests of Cnæus Plancius in this trial, which had been advantageous to him in his canvass, I was grieved, O judges, and was very indignant at the idea of his safety being endangered for the sole reason that he by his benevolence, and energy, and vigilance had protected my safety and my life. But now, O judges, the sight of you, and the fact of such men as you being the judges, strengthens and refreshes my mind, when I look upon and behold each individual of you; for in all this number I see no one to whom my safety has not been dear, no one who has not acted with the greatest

kindness towards me, no one to whom I am not under eternal obligations from the recollection of their services. Therefore I do not fear that the care shown by Cnæus Plancius for my safety will be any injury to him with those men who themselves have wished above all things to see me in safety; and, O judges, it has more frequently come into my mind that it is a strange thing that Marcus Laterensis, a man who has shown the greatest regard for my dignity and safety, should have picked out this man of all the world to institute a prosecution against, than that I have any ground to fear lest he should appear to you to have had good reason for doing so.

Although I do not assume so much, or claim so much importance for myself, O judges, as to think that Cnæus Plancius is entitled to impunity on account of his kindness towards me. If I do not display to you that his life is most upright, his habits most virtuous, his good faith unimpeachable,—if I do not prove him to be a man of perfect temperance, piety, and innocence, I will not object to your punishing him; but if I establish that he has every quality which may be expected in the character of a virtuous man, then I will beg of you, O judges, to grant, at my entreaty, your pity to that man, through whose pity it is that I myself have been preserved in safety. In truth, in addition to the labour which I am devoting to this cause, in a greater degree than I think necessary in other trials. I have this anxiety also, that I have not only to speak on behalf of Cnæus Plancius, whose safety I am bound to defend equally with my own, but on behalf of myself also, since the prosecutors have said almost more about me than they have about the merits of the case, and about the real defendant.

II. Although, O judges, if they have found any fault in me which is not connected with the case of my present client, I am not much disturbed about that; for I am not afraid that, because it is a very rare thing to meet with grateful men, on that account it can really be considered as a charge against me when those men say that I am too grateful. But as for the points that have been urged by them, when they have said either that the services done me by Cnæus Plancius were of less importance than I make them out to be; or that if they were ever so great, still they ought not to have that weight with you which I considered them entitled to; these

points, O judges, must be touched on by me with moderation, indeed, lest I should give any offence myself; and not until I have fully replied to the accusations brought against him, lest my client should seem to have been defended not so much by his own innocence, as by the recollection of his conduct at the time of my necessity.

But, considering how plain and simple my case is, O judges, the line to be taken by me in defending it is exceedingly difficult and slippery. For if it were merely necessary for me to argue against Laterensis, yet even this would be a very vexatious thing, considering our great friendship and intimacy; for it is an old principle of genuine and real friendship, such as subsists between him and me, that friends should always have the same wishes; nor is there any surer bond of friendship than an agreement in and community of designs and wishes. But the most annoying circumstance to me in the case is, not that I have merely to argue against him, but much more, that I have to argue against him in a cause in which it seems impossible to avoid drawing some comparison between the parties themselves. For Laterensis asks, and presses this point above all others, in what virtue, in what sort of renown or worth Plancius is superior to himself. And so, if I admit his high qualifications,—and he has plenty of them, and important ones too,—I must not only run the risk of Plancius losing this dignity which he has obtained, but he must submit also to the suspicion of bribery. If I speak of my client as superior to him, then my speech will be considered insulting, and I shall be supposed to say, (as he puts the question himself,) that Laterensis was surpassed by Plancius in real worth. And so I must either hurt the feelings of a man who is a great friend of mine, if I follow the line taken by the prosecutor, or else I must abandon the safety of one who has behaved to me with the greatest kindness.

III. But I, O Laterensis, will confess that I should be conducting this cause in a most blind and headlong manner, if I were to say that you could be surpassed in worth by either Plancius, or any one else. Therefore I will discard that comparison to which you invite me, and will proceed to those arguments to which the cause itself naturally conducts me. What? Do you think that the people is judge of a man's worth? Perhaps it is sometimes. I wish indeed it were so

always. But it is very seldom the case, and if it ever is, it is so when the question is concerning the election of those magistrates to whom it considers that its own safety is entrusted. At the less important comitia honours are gained by the diligence and influence of the candidates, and not by those high qualities which we see exist in you. For, as to what concerns the people, that man must always be an incompetent judge of worth who either envies any one or favours any one, although you cannot, O Laterensis, point to any good quality in yourself, as peculiarly entitled to praise, which Plancius has not in common with you.

But all this shall be discussed presently. At present I am only arguing about the right of the people, which both can and sometimes does pass over worthy men; and it does not follow because a man has been passed over by the people who ought not to have been, that he who has not been passed over is to be condemned by the judges. For if that were the case, the judges would have that power which the senate itself could not maintain in the times of our ancestors,—namely, that of being correctors of the comitia: or a power which is even more intolerable than that; for at that time a man who had been elected did not enter upon the duties of his office if the senators had not approved of his election; but now it is required of you to correct the judgment of the Roman people by the banishment of the man who has been elected by them. Therefore, although I have entered upon the cause by a door which I did not wish to open, still I seem to hope, O Laterensis, that my speech will be so far removed from all suspicion of being intended to give you offence, that I may rather reprove you for bringing your own dignity into an unreasonable contest, than attempt myself to disparage it by any injurious expressions on my part.

IV. Do you think your temperance, your industry, your attachment to the republic, your virtue, your innocence, your integrity, and your exertions disregarded and despised and trampled on, just because you have not been made ædile? See, O Laterensis, how greatly I differ from you in opinion. If, I declare to God, there were only ten virtuous, and wise, and just, and worthy men in this state who had pronounced you unworthy of the ædileship, I should think that decision a much more unfavourable one to you than this has been, on account

of which you fear that this may seem to be the opinion of the people. For in the comitia the people does not invariably act in obedience to its judgment; but it is usually influenced by interest, or it yields to entreaties, and it elects those by whom it has been canvassed with the greatest assiduity. And lastly, if it does proceed according to its judgment, still it is not led to form that judgment by any careful selection, or by wisdom, but more frequently by impulse, and what I may even call a sort of precipitation. For there is no wisdom in the common people, no method, no discrimination, no diligence; and wise men have at all times considered the things which the people may have done necessary to be endured, but not at all invariably necessary to be praised. So that when you say that you ought to have been elected ædile, it is the people you are finding fault with, and not your competitor. Allow that you were more worthy than Plancius, (though that point I will contest with you presently, though without at all disparaging your pretensions or character;)—still, allow that you were more worthy, yet it is not your competitor by whom you have been defeated, but the people by whom you have been passed over, that is in fault.

And in this affair you ought to recollect that at all comitia, and especially at those held for the election of ædiles, it is the party spirit of the people, and not their deliberate judgment, which bears sway; that their votes are coaxed out of them, not extorted by merit; that the voters are more apt to consider what obligations they themselves are under to each individual, than what benefits the republic has received at his hands. But if you insist on it, that it is their deliberate judgment, then you must not annul it, but bear it. The people has decided wrongly. Still it has decided. It ought not to have decided so. Still it had the power. I will not bear it. But many most illustrious and wise citizens have borne it. For this is the inalienable privilege of a free people, and especially of this the chief people of the world, the lord and conqueror of all nations, to be able by their votes to give or to take away what they please to or from any one. And it is our duty,—ours, I say, who are driven about by the winds and waves of this people, to bear the whims of the people with moderation, to strive to win over their affections when alienated from us, to retain them when we have won them,

to tranquillize them when in a state of agitation. If we do not think honours of any great consequence, we are not bound to be subservient to the people; if we do strive for them, then we must be unwearied in soliciting them.

V. I proceed now to take on myself the part of the people, so as to argue with you in their language rather than in my own. If the people then could meet you, and speak with one voice, it would say this—"I, O Laterensis, have not preferred Plancius to you; but, as you were both equally virtuous men, I have conferred my favours on him who entreated me for them, rather than on him who had not solicited me with any great humility." You will reply, I suppose, that you relied on your high character, and the antiquity of your family, and did not think it necessary to canvass very laboriously. But the people will remind you of its own established principles, and of the precedents of its ancestors. It will say that it has always chosen to be asked for these honours, and to be solicited eagerly. It will tell you that it preferred Marcus Seius, a man who was unable to keep even his dignity as a knight undamaged by an adverse decision in a court of justice, to a man of the highest rank, most unimpeachable, and most eloquent, Marcus Piso. It will tell you that it preferred to Quintus Catulus, a man of the most illustrious family, a most wise and admirable man, I will not say Caius Seranus a most foolish man, for nevertheless he was a noble; nor Caius Fimbria, a new man, for he was a magnanimous man and a wise counsellor; but Cnæus Mallius, a man not only of no rank or family at all, but utterly destitute of virtue and ability, and of contemptible and sordid habits of life. —"My eyes," says the people, "looked in vain for you when you were at Cyrene; for I should have preferred reaping the benefit of your virtue myself to letting your companions have it all to themselves; and the more it was an object to me to do so, the more did you keep aloof from me. At all events, I did not see you. Then you deserted and abandoned me, though thirsting for your virtue; for you had begun to offer yourself as a candidate for the tribuneship of the people at a time which was especially in need of your eloquence and virtue; and when you abandoned your canvass for that office, if you intimated by so doing that in such a stormy time you could not take the helm, I had reason to doubt your courage;

but if you did so because you did not then choose to assume so much responsibility, then I had grounds for questioning your attachment to me. But if the truth was, as I rather believe, that you reserved yourself for other times, I too," the Roman people will say, "have now recalled you to the time for which you had of your own accord reserved yourself. Offer yourself, then, now for that magistracy in which you can be of great use to me. Whoever the ædiles are, I shall have the same games prepared for me; but it is of the greatest consequence who are the tribunes of the people. Either, then, give me those exertions of yours which you encouraged me to hope for, or, if your heart is most set on what is of the least consequence to me, how can you expect that I will give you the ædileship, especially when you ask for it with such indifference? But if you wish to gain the most distinguished honours, as most suited to your worth, then learn, I pray you, to solicit them of me with a little more earnestness."

VI. This is what the people says to you. But what I say to you, O Laterensis, is this: that the judge has nothing to do with inquiring why you were defeated, as long as you were not defeated through bribery. For if, as often as any man is passed over who ought not to have been passed over, the man who has been elected is to be condemned, there will no longer be any reason for canvassing the people at all. There will be no reason in waiting for the polling, or for addressing entreaties to the magistrates, or for the final declaration of the state of the poll; the moment that I see who are standing, I shall say—"This man is of a consular family; that man is of a prætorian one; I see that all the rest are of equestrian rank; they are all without stain, all equally virtuous and upright men: but it is necessary that the distinctions of rank should be observed; that the prætorian family should yield to the consular; and that the equestrian body should not contend with a prætorian house." There is an end to all eagerness for any candidate, an end to all voting; there are no longer any contests; the people has no longer any liberty of choice in electing magistrates; there is no anxiety to see how the votes will be given; nothing will ever happen, (as is so often the case,) contrary to the general expectation; there will be for the future no variety in the comitia. But if it is constantly happening that we marvel why some men have been

elected, and why some men have not; if the Campus Martius and those waves of the comitia, like a deep and wide sea, swell in such a manner, as if through some tide or other, that they approach one party and recede from another; why, when the impulse of party spirit is so great, and when so much is done with precipitation, are we to seek for any rational explanation, any deliberate intention or any system in such a case?

Do not then, O Laterensis, insist on my drawing any comparison between you. In truth, if the voting tablet is dear to the people, which shows the countenances of men, while it conceals their intentions, and which gives them the liberty of doing whatever they please, while they can promise whatever they are asked, why do you require that to be done in a court of justice which is not done in the Campus Martius?—This man is more worthy than that man. It is a very grave assertion to make. What then is it more reasonable to say? Say this, (and this is the question, this is sufficient for the judge)—This is the man who has been elected. Why should he have been elected rather than I? Either I do not know, or I do not choose to say, or lastly, (which, however, would be a very vexatious thing to me to say, and yet I ought to be able to say with impunity), he ought not to have been. For what would you gain if I were to have recourse to this last defence, that the people had done what it chose, and not what it ought to have done?

VII. What will you say, if, besides, I defend the act of the people, O Laterensis, and prove that Cnæus Plancius did not creep by underhand means to that honour, but that he arrived at it by the regular course which has at all times been open to men born in this equestrian rank of ours; can I, by this argument expunge from your speech the comparison between you two, which cannot be handled without an appearance of insult, and can I thus bring you at last to the merits of the case itself and of your accusation? If, because he is the son of a Roman knight, he ought to have been inferior to you, all the rest who were candidates at the same time with you were the sons of Roman knights. I say no more: but this I do wonder at, why you should be angry with this man above all the rest who was the furthest removed from you. In truth, if, at any time, as is sometimes the case, I am pushed about in the crowd, I do not find fault with

that man who is on the very crown of the Via Sacra, when I am pushed up against the arch of Fabius; but with him who falls against me and pushes me. But you are not angry with Quintus Pedius, a very gallant man; nor with Aulus Plotius,[1] whom I see here, a most accomplished citizen, and my own intimate friend; but you think yourself defeated by him who has also defeated them, rather than by those who were nearest yourself in the number of votes, and who therefore pressed more immediately on you.

But, nevertheless, you compare yourself with Plancius, in the first place as to your race and family, in which he is beaten by you. For why should not I confess what cannot be denied? But he is not more inferior to you in this respect than I was to my competitors, both on other occasions, and when I was a candidate for the consulship. But beware lest these very particulars for which you look down upon him may have told in his favour. For let us make the comparison in this way—You are descended from a consular family on both sides. Have you any doubt then that all those who favour the nobility of birth, who think that the finest of all things, who are influenced by the images and great names of your ancestors, all voted for you as ædile. I myself have not a doubt of it. But if the number of those who are thus devoted to high birth is not very large, is that our fault? In truth, let us go back to the head and origin of each of your families.

VIII. You are of that most ancient municipal town of Tusculum, from which many of our consular families are derived, among which is also the Juventian family; there have not so many families of that rank proceeded from all the other municipal towns put together. Plancius comes from the prefecture of Atina; certainly a less ancient and distinguished abode, and not so near to the city. How much difference do you think this ought to make in standing for an office? In the first place, which people do you suppose are most eager to support their own fellow-citizens; the people of Atina, or those of Tusculum? The one, (for this is a matter with which I may easily be well acquainted, on account of my neighbourhood to them,) when they saw the

[1] Aulus Plotius was, however, the other ædile elect, as Plancius's colleague.

father of this most accomplished and excellent man, Cnæus Saturninus, elected ædile, and afterwards, when they saw him elected prætor, were delighted in a most extraordinary manner, because he was the first man who had ever brought a curule honour, not only into that family, but even into that prefecture. But I never understood that the others (I suppose because that municipality is crammed full of consuls, for I know to a certainty that they are not an ill-natured people) were particularly delighted at any honour obtained by their fellow-citizens. This is our feeling, and it is the feeling of our municipal towns. Why should I speak of myself, or of my brother? The very fields,—I might almost say, the very hills themselves,—supported us in the pursuit of our honours. Do you ever see any man of Tusculum boast of that great man, Marcus Cato, the first man in every sort of virtue, or of Tiberius Coruncanius, though a citizen of their own municipal town, or of all the Fulvii? No one ever mentions them. But if ever you fall in with a citizen of Arpinum, you are forced, whether you will or no, perhaps, to hear something about us, but at all events something about Caius Marius. In the first place, then, Plancius had the ardent zeal of his fellow-citizens in his favour; you had no more than was likely to exist among men who are by this time surfeited with honours. In the next place, your fellow-citizens are indeed most admirable men, but still they are very few in number if they are compared with the people of Atina. The prefecture to which Plancius belongs is so full of the bravest men, that no city in all Italy can be pronounced more populous. And that multitude you now behold, O judges, in mourning attire and in distress addressing its supplications to you. All these Roman knights whom you see here, all these ærarian tribunes, (for we have sent the common people away from this court, though they were all present at the comitia,)—how much strength, how much dignity did they not add to my client's demand of the ædileship? They did not give him only the aid of the Terentian tribe, of which I will speak hereafter, but they added dignity to him, they kept their eyes fixed upon him, they attended him with a solid, and vigorous, and unceasing escort; and even now my own municipal town is greatly interested in his cause, from the sort of connexion which the fact of their being neighbours to him engenders.

IX. Everything which I am saying about Plancius, I say having experienced the truth of it in my own case. For we of Arpinum are near neighbours of the people of Atina. It is a neighbourhood to be praised, and even to be loved, retaining the old-fashioned habits of kindness for one another: one not tainted with ill-nature, nor accustomed to falsehood, not insincere, nor treacherous, nor learned in the suburban, or shall I say, the city artifices of dissimulation. There was not one citizen of Arpinum who was not anxious for Plancius, not one citizen of Sora, or of Casinum, or of Aquinum. The whole of that most celebrated district, the territory of Venafrum, and Allifæ, in short, the whole of that rugged mountainous faithful simple district, a district cherishing its own native citizens, thought that it was honoured itself in his honour, that its own consequence was increased by his dignity. And from those same municipalities Roman knights are now present here, having been sent by the public authority, commissioned to bear evidence in his favour; nor is their anxiety in his behalf now inferior to the zeal which they displayed then. For, in truth, it is a more terrible thing to be stripped of one's goods than not to attain a dignity.

Therefore, although the other qualifications, O Laterensis, those which your ancestors bequeathed to you, were more conspicuous in you than in him; yet, on the other hand, Plancius had an advantage over you not only in the zeal of his municipality, but in that of his whole neighbourhood. Unless, indeed, the neighbourhood of Tusculum to Lavicum, or Gabii, or Bovillæ was any use to you; municipal towns in which you can now hardly find a single citizen to bear a part in the Latin holidays. I will add, if you like, that which you consider is even an objection to him, that his father is a farmer of the revenues. And who is there who does not know what a great assistance that body of men is to any one in seeking for any honour? For the flower of the Roman knights, the ornament of the state, the great bulwark of the republic is all comprehended in that body. Who is there, then, who can deny that that body showed extraordinary zeal in aiding Plancius in his contest for honour? And it was very natural that they should, because his father is a man who has for a long time been the head of the company of farmers; and because he was exceedingly beloved by his fellows of that

company; and because he canvassed them with the greatest diligence; and because he was entreating them in favour of his son; and because it was notorious that Plancius himself had both in his quæstorship and tribuneship done many kindnesses to that body; and because in promoting him they thought that they were promoting themselves, and consulting the welfare and dignity of their children.

X. Something, moreover, (I say it timidly, but still I must say it,)—something we ourselves contributed to his success; not, indeed, by our riches, not by any invidious exertion of influence, not by any scarcely endurable stretch of power, but by the mention of his kindness to ourselves, by our pity for him, and by our prayers in his behalf. I appealed to the people; I went round the tribes, and besought them; I entreated even those who, of their own accord, offered themselves to me, who volunteered their promises. He prevailed, owing to the motive which I had for soliciting them, not owing to my interest. Nor, if a most honourable man, to whom there is nothing which may not deservedly be granted at his entreaty, failed, as you say, in obtaining something which he desired, am I arrogant if I say that I did prevail? For, to say nothing of the fact that I was exerting myself in behalf of a man who had great influence himself, that solicitation is always the most agreeable which is the most closely connected with previous obligations and friendship. Nor, indeed, did I ask for him in such a manner as to seem to request it because he was my intimate friend, because he was my neighbour, because I had always been on terms of the greatest intimacy with his father; but I asked as if I were soliciting on behalf of one who was as it were my parent, and the guardian of my safety. It was not my interest, but the cause which prompted my requests, which was so influential. No one rejoiced at my restoration, no one grieved at my injury, to whom the pity shown me by this man was not acceptable. In truth, if, before my return, good men in numbers, of their own accord, offered their services to Cnæus Plancius when he was a candidate for the tribuneship, do not you suppose that, if my name, while I was absent, was a credit to him, my entreaties, when I was present, must have been serviceable to him? Are the colonists of Minturnæ held in everlasting honour because they saved Caius Marius from the sword of civil war and from the hands of wicked men, because

they received him in their houses, because they enabled him to recruit his strength when exhausted with fasting and with tossing on the waves, because they furnished him with means for his journey, and gave him a vessel, and, when he was leaving that land which he had saved, followed him with tears and prayers, and every good wish? And do you wonder that his good faith and merciful and courageous disposition was a credit to Cnæus Plancius, who, whether I was expelled by violence, or yielded from a deliberate plan of conduct, received me, assisted me, protected me, and preserved me for these citizens, and for the senate and people of Rome, that they might be able at a subsequent time to restore me?

XI. These circumstances which I have been mentioning might in truth have been sufficient to throw a veil over the vices of Cnæus Plancius. Do not then wonder that, in such a life as I am proceeding to describe, they should have been such numerous and great helps to him in the attainment of honour; for this is he, who, when quite a young man, having gone with Aulus Torquatus into Africa, was beloved by that most dignified and holy man, so worthy of every description of praise and honour, to as great a degree as the intimacy engendered by being messmates, and the modesty of a most pure-minded youth, allowed. And if he were present he would affirm it no less zealously than his cousin who is here present, and his father-in-law, Titus Torquatus, his equal in every sort of glory and virtue, who is indeed connected with him in the closest bonds of relationship and connexion; but these obligations of affection are so strong that those other reasons for intimacy drawn from relationship appear insignificant. He was in Crete afterwards as the comrade of Saturninus, his relation, as a soldier of Quintus Metellus, who is here present; and as he was most highly approved of by them, and is so to this day, he has a right to hope that he will be approved of by every one. In that province Caius Sacerdos was the lieutenant,—how virtuous, how consistent a man! and Lucius Flaccus,—what a man, what a citizen was he! and they, by their zeal in his behalf, and by their evidence, declare what sort of man they think Plancius. In Macedonia he was a military tribune: in that same province he was afterwards quæstor. In the first place, Macedonia is so attached to him, as these men, the chief men of their respective cities, state

it to be; who, though they were sent with another object, still, being moved by his unexpected danger, give him their countenance, sitting here by his side, and put forth all their exertions in his behalf; if they stand by him, they think that they shall be doing what is more acceptable to their fellow-citizens, than if they attend strictly and solely to their embassy, and to the commission that was entrusted to them. But Lucius Appuleius considers him so excellent a man, that by his attentions and kindness to him, he has gone beyond that principle of our ancestors which enjoins that prætors ought to consider themselves as standing in the light of parents to their quæstors. He was a tribune of the people, not perhaps as violent as those men whom you naturally extol, but certainly such an one, that if all had at all times been like him, a violent tribune would never have been wished for or regretted.

XII. I say nothing of those things which if they are less brought on the stage than others, still at all events are always praised when they do come to light; for instance, how he lives among his own relations; in the first place with his father, (for in my opinion filial affection is the foundation of all the virtues,) whom he venerates as a god, (and indeed a parent does not stand in a very different relation to his children,) but loves as a companion, as a brother, as a friend of his own age. Why should I speak of his conduct to his uncle? to his connexions? to his relations? to this Cnæus Saturninus whom you see in court, a most gallant man? And you may judge how desirous this man was of his attaining honour, when you see how he partakes of his grief. Why should I speak of myself? for I seem to myself, now that he is in danger, to be put on my own defence too. Why should I speak of all these virtuous men whom you see in court, with their garments changed for mourning robes? But these are all solid and well marked proofs, O judges; these are evidences of integrity, not coloured by forensic artifice, but deeply dyed with the indelible marks of truth. All that running about and caressing of the people is very easy work; it is looked at at a distance, not taken into the hand and examined; it makes a fine show if you do not get too near and shake it.

I say, then, that this man is adorned with every high quality, both such as are eminent abroad and amiable at

home. I admit that he was inferior to you in some points, such as those of name and family; but in others I assert that he was superior to every one within the recollection of the present generation, in the zeal of his fellow-citizens, and neighbours, and of the companies of farmers in his behalf; equal to any one in virtue, integrity, and modesty; and yet do you wonder at his being elected ædile?

Do you try to defile the brilliancy of such a life as this with those imputations? You impute adulteries to him which no one can recognise, not only by having ever heard any one's name mentioned, but even by having heard a suspicion breathed against him. You call him twice-married, in order to invent new words, and not only new accusations. You say that some one was taken by him into his province to gratify his lust; but that is not an accusation, but a random lie, ventured on from the expectation of impunity. You say that an actress was ravished by him. And this is said to have happened at Atina, while he was quite young, by a sort of established licence of proceeding towards theatrical people, well known in all towns. O how elegantly must his youth have been passed, when the only thing which is imputed to him is one that there was not much harm in, and when even that is found to be false. He released some one from prison illegally. The man you allude to was discharged out of ignorance,—discharged, as you know, at the request of an intimate friend and a most virtuous young man; and the same man was arrested subsequently again. And these, and no others, are all the faults which you can discover to attribute to him throughout the whole of his life, while at the same time you affect to doubt his virtue, and religion, and integrity.

XIII. "But his father," says the prosecutor, "ought to be considered an objection to the son." O what a harsh expression, how unworthy of your honesty, O Laterensis! To say that in a capital trial, that in a contest where all his fortunes are at stake, a father ought to be an objection to his son in the eyes of such men as these judges! when even if he were ever so mean, or ever so sordid, still, by the mere name of father, he would have weight with mild and merciful judges; would have weight, I say, because of the common feelings of all men, and through the sweet recommendation of nature. But as that Cnæus Plancius is a Roman knight, whose rank

as such is of that antiquity that his father, his grandfather, and all his ancestors were Roman knights before him, and in a most flourishing prefecture[1] occupied the highest position both for rank and influence; secondly, as he himself while serving in the legions under Publius Crassus as general, enjoyed a character of the highest respectability among a number of most accomplished men, Roman knights; as he was after that the chief man among his fellow-citizens, a most incorruptible and upright judge in many causes, a promoter of many companies, and president of some;—if not only no fault has ever been found with him, but if the whole of his conduct has been universally praised; shall we still be told that such a father shall be an objection to a most honourable son, when he would be able by his authority, or, if not, by his interest, to protect a less honourable man, or one entirely unconnected with him? "He has at times," says he, "said some very harsh things." Perhaps he may have spoken rather freely. "But that speaking freely, as you term it," says he, "is not to be borne." Are then those men to be borne who complain that they cannot bear the freedom of a Roman knight? Where are our old customs? Where is our equality of privileges? Where is that ancient liberty, which, having been overwhelmed by civil disasters, ought by this time to be raising its head, and to be at last recovered and assuming a more erect attitude again? Need I recount the abuse directed by the Roman knights against even the noblest men, or that of the harsh, ferocious, unbridled expressions of the farmers against Quintus Scævola, a man superior to all others in genius, justice, and integrity?

XIV. Granius, the crier, replied to the consul Publius Nasica in the middle of the forum, when he, after a suspension of all judicial proceedings had been proclaimed, as he was returning home, had asked Granius "why he was sad; was it because all the auctions were postponed?" "Rather," said he, "be-

[1] "In some Italian towns there was a *præfectus juri dicundo*. He was in the place of, and not coexistent with, *duumviri*. The *duumviri* were originally chosen by the people, but the *præfectus* was appointed annually in Rome, and sent to the town called a *præfectura*, which might be either a *municipium* or a *colonia*; for it was only in the matter of the *præfectus* that a town called a *præfectura* differed from other Italian towns. Arpinum is called both a *municipium* and a *præfectura*."—Smith, Dict. Ant. p. 259, v. *Colonia*, q. v.

cause they have sent back the ambassadors." The same man made this answer to a tribune of the people, Marcus Drusus a most influential man, but one who was causing great disturbances in the republic. When Drusus had saluted him, as is the fashion, and had said, "How do you do, O Granius?" he replied, "I should rather ask, O Drusus, what are you doing?" And he often reproved with impunity the designs of Lucius Crassus and Marcus Antonius, with still harsher witticisms. At present the state is to such a degree oppressed by your arrogance, that the freedom of laughing in which a crier used to be indulged, is more than is now allowed to a Roman knight in making lamentations. For what expression was ever used by Plancius which was not dictated by grief rather than by insult? And what did he ever complain of, except at times when he was protecting his companions or himself from injury? When the senate was hindered from making a reply to a representation of the Roman knights,—a thing which was invariably given even to enemies,—that injury was a great grief to all the farmers of the revenue; and that indignation this man did not care to conceal. Their common feelings may perhaps have been disguised by others; but the sentiments which my client shared with the rest, he revealed more plainly than the rest both by his countenance and by his language.

Although, O judges, (for thus much I know of my own knowledge,) many things are attributed to Plancius which were never said by him. In my own case, because I sometimes say something, not from any deliberate intention, but either in the heat of speaking, or because I have been provoked; and because, as is natural, among the many things which I say in this manner, something comes out at times, if not excessively witty, still perhaps not altogether stupid, the consequence is, that whatever any one else says people say that I have said. But I, if it is anything clever, and worthy of a well-educated and learned man, have no great objection; but I am very angry when the sayings of other men are attributed to me, which are utterly unworthy of me. For, because he was the first person to give his vote for the law concerning the farmers, at the time when that most illustrious man the consul gave that privilege to that order of men by a vote of the people, which, if he could have done it, he would have given them by a vote of the senate; if it be a crime in him

to have given his vote for it, I ask what farmer was there who did not vote for it? If the charge be that he was the first to vote, is that the fault of chance, or of the man who proposed the law? If it was the effect of chance, then there can be no crime in what happened by chance. If it was by the choice of the consul, then it adds to the renown of Plancius, that he was considered the chief man of his order by so illustrious a man.

XV. But let us at last come to the merits of the case; in which, under cover of the Licinian law, which relates to treating,[1] you have embraced all the laws relating to bribery. Nor have you had any other object in view in dwelling on this law, except the power which it gave you of selecting your judges. And if this sort of tribunal is an equitable one in any other case except that of bribing the tribes, I do not understand why, in this one description of prosecution alone, the senate has allowed the tribes from which the judges are taken to be selected by the prosecutor, and has not given the same power of selection in other cases also. In actual prosecutions for bribery, it has directed the tribunal to be formed by each party striking off judges alternately; and though it omitted no other species of severity to the defendant, still it thought it ought to omit this. What? Is the reason of this conduct still obscure? was it not mooted when that matter was discussed in the senate, and argued most abundantly by Hortensius yesterday, who carried all the senate with him? This, then, was our opinion, that if he had bribed any tribe by means of this hospitality,—which the treating would be called by people more solicitous to give it a respectable name than a true one;—if he had, I say, corrupted any tribe by disgraceful bribery, he must be known to have done so by the men who belonged to that tribe above all others. Accordingly, the senate thought that when those tribes were selected as the judges of the accused person, which he was said to have corrupted by bribery, they would serve both as witnesses of the truth and as judges. It is altogether a very severe sort

[1] The Latin word is *sodalitium*. "Especially a feasting club; at these parties conspiracies were frequently hatched, and so they obtained a bad name. Cic. Planc. 15."—Riddle, Lat. Dict. in voc. "*Lex Licinia* was specially directed against the offence of *sodalitium*, or the wholesale bribery of a tribe by gifts and treating."—Smith, Dict. Ant. p. 36, v. *Ambitus*.

of tribunal; but still, if either his own tribe, or one with which he was especially connected, was proposed to a man as that which was to judge him, it could hardly be refused.

XVI. But in this case, O Laterensis, what tribes did you select? The Terentian tribe, I suppose. That certainly was an equitable proceeding, and certainly one that was expected, and it was quite worthy of your wisdom and firmness. The tribe of which you keep crying out that Plancius had been the seller, and corrupter, and briber; that tribe, especially since it consists, as it does, of most virtuous and highly respectable men, you ought to have chosen. Did you choose the Voltinian tribe? for you have taken it into your head to connect some charge or other with that tribe. Why, then, did you not select that tribe? What had Plancius to do with the Lemonian tribe? What had he to do with the Ufentian? or with the Crustumine? for as for the Mæcian tribe, you selected that to be one, not to judge, but to be rejected. Have you any doubt, then, O judges, that Marcus Laterensis selected you on his own judgment, having regard not to the spirit of the law, but to some hope which he had himself formed with reference to the state? Have you any doubt that when he avoided selecting those tribes among which Plancius had extensive connexions, the reason was that he judged that they had been won over by legitimate attention and kindness, not corrupted by bribery? For what reason can he allege why that power of selection given to the prosecutor is not a measure of great severity towards the defendant, if it is adopted without the consideration which determined us to pass such a law? Are you to choose out of all the people either those who are personal friends of your own, or personal enemies to me, or men whom you consider inexorable, inhuman and cruel? Are you, without my knowing, or suspecting, or dreaming of such a step, to choose your own connexions and those of your friends, personal enemies to me and to my counsel? And are you to add to them those whom you think by nature harsh and unfriendly to all the world? And are you then to produce them all of a sudden, so that I see the bench of judges who are to try me before I can form the least idea who they are going to be? And are you to compel me to plead my cause, one in which all my fortunes are at stake, before those men, without having the power of rejecting even five, which was

a privilege allowed to the last man who was put on his trial by the decision of the judges themselves? For it does not follow because Plancius has lived in such a manner as never wilfully to offend any one, or because you have made such a mistake as unintentionally to select such men that we find we are come before judges, and not before executioners, that on that account that selection, if looked at by itself, is not a severe measure.

XVII. Was it not lately the case that some most illustrious citizens would not endure the idea of a judge selected by the prosecutor, (when, out of a hundred and twenty-five judges, the chief men of the equestrian order, the defendant rejected seventy-five, and retained fifty,) and preferred throwing the whole business into confusion, to obeying that law and complying with those terms? And shall we put up with judges chosen not out of the select body of judges, but out of the whole people, and not proposed to us with a power of striking off the obnoxious ones, but appointed by the prosecutor in such a way that we have no power to object to a single one?

I am not now complaining of the injustice of the law, but I am showing that your conduct is at variance with the spirit of the law; and I not only should not complain of the severity of that proceeding, if you had acted as the senate intended and as the people decreed, and had proposed to him as judges his own tribe, and those which he had paid attentions to; but, if you had given him those men as judges who ought also to have served as witnesses, I should think him acquitted at once. And even now my opinion is not very different. For when you proposed these tribes, you showed plainly that you preferred having judges who were unknown rather than such as were known; you evaded the intention of the law; you discarded every principle of justice; you preferred enveloping the case in obscurity to throwing light upon it. "The Voltinian tribe was corrupted by him." "He had bought the Terentian tribe." What could he say then before men of the Voltinian tribe, or before his own tribesmen, if they were his judges? Ay, what rather could you say yourself? What judge of all the number could you find who might be a silent witness of those matters, or which of them could you summon as such? In truth, if the defendant himself were to propose the tribes which were to furnish his judges, Plancius perhaps

would have proposed the Voltinian tribe on account of his neighbourhood to and connexion with it; but most unquestionably he would have proposed his own. And if he had had to propose the president of the court, whom would he have been more likely to propose than this very Caius Alfius, who is the president, to whom he ought to be thoroughly well known, his own neighbour, a man of his own tribe, a most respectable and upright man? Whose impartiality and desire for the safety of Cnæus Plancius, which, without the least suspicion of being influenced by any covetous motives, he makes no concealment of, declares plainly enough that my client had no reason to avoid having men of his own tribe for judges, when you see that a man of his own tribe for president was a most desirable thing for him.

XVIII. Nor am I now finding fault with your prudence in not giving him those tribes to which he was best known, but I am proving that the intention of the senate was disregarded by you. In truth, which of all these men would listen to you? Or what could you say? Could you say that Plancius was guilty of the depository of the money to be used in bribery? Men's ears would reject the assertion. No one would endure it. All would turn away from it. That he was a very acceptable man to the tribes? They would hear that willingly. We ourselves should not be afraid to allow that. For do not think, O Laterensis, that the effect of those laws which the senate has thought fit to establish concerning bribery has been to put an end to the recommendation of candidates, to attentions being paid to electors, or to personal influence. There have always been virtuous men who have been anxious to have influence among the men of their own tribe. Nor, indeed, has our order ever been so harsh towards the common people, as to be unwilling to have it courted by moderate liberality on our part. Nor are our children to be forbidden to pay attention to the men of their own tribe, or to show regard for them, or to canvass them on behalf of their friends, or to expect a similar service from them when they are themselves candidates for any office. For all these things are only acts of mutual kindness and politeness, and are sanctioned by ancient customs and precedent. That was our own conduct when the occasions of our ambition required it; and such we have seen to be the course of most illustrious men; and even

at the present day we see many men alive to the necessity of keeping up their interests. It was the dividing the men of a tribe into decuries, the classification of the whole people, and the attempt to bind men's votes by bribes, that provoked the severity of the senate, and the energetic indignation of all good men. Allege this, prove this, direct your attention to this point, O Laterensis, that Plancius divided the tribes into decuries, that he classified the people, that he was an agent with whom money was deposited, that he promised money, that he distributed it; and then I shall wonder at your not having chosen to use the weapons which the law has armed you with. For with judges taken from the men of our own tribe, I need not say we could not, if those things were true, bear their severity, but we could not even look them in the face. But, after having avoided this line of conduct, and declined having those men for judges, who, as they must have had the most certain knowledge of such conduct, were bound to feel the greatest indignation at it, what will you say before those men who silently ask of you why you have imposed this burden upon them; why you have chosen them above all men; why you prefer having them to proceed by guesswork, rather than those men to decide who had means of knowing the truth?

XIX. I, O Laterensis, say that Plancius himself is a popular man, and that he had to assist him in his canvass many men eager in his cause, who were also popular men. And if you call them agents to treat people, you are polluting a kind and zealous friendship, by a very insidious name. But if, because they are popular, you think them on that account objects for prosecution, then do not wonder that you yourself, after repudiating the friendship of popular men, failed in attaining what your real worth demanded for you.

But now, as I prove that Plancius was a popular man in his tribe, because he has been kind to many of them, because he has been security for many of them, because he has procured employment for many of them by means of the authority and interest of his father, and because he has bound the whole prefecture of Atina to himself by all the kindness displayed by himself, by his father, and by his ancestors; I call on you to prove in an equally convincing manner, that he was an agent for receiving money to be spent in bribery; that he

was himself a briber; that he classified the people; that he divided the tribes into decuries. And if you cannot, do not deny our order the exercise of a legitimate liberality; do not think that popularity is a crime; do not enact a punishment to be inflicted for courteous attentions.

And accordingly, as you were forced to hesitate about this charge of corrupting a tribe by means of treating, you had recourse to a general accusation of bribery. And in examining this, let us, if you please, cease awhile to contend in vulgar and random declamation. For I will argue with you in this way. Do you choose any one tribe you please, and prove, as you are bound to do, what agent received the money for corrupting it, and who distributed the money among the men of the tribe. And if you cannot do that, which in my opinion you will not even begin to attempt, I will show you the means to which he owes his success. Is not this a fair challenge? Do not you like to proceed in this manner? Can I come to closer quarters, as they say, or can I meet you on a fairer field? Why are you silent? Why do you conceal your intentions? Why do you seek to shirk off? Again and again I press upon you, and keep close to you; I pursue you, I ask for, I even demand some definite accusation. Whatever tribe, I say, you select, whose votes Plancius received, you show, if you can, any flaw in that one instance. I will then show you by what means he really did gain its vote, and the principle shall be exactly the same in his case, and, O Laterensis, in yours. For as you, if I were to ask you, may be able to explain to me through whose influence it was that you gained the affection of these tribes who voted for you, so do I assert that I will explain to you, our adversary, the means by which we gained the vote of any tribe you choose to inquire about.

XX. But why do I argue in this manner? Just as if Plancius had not already been elected ædile in the former comitia. Which comitia were begun to be held by the consul, a man in every respect of the very highest authority, and the author of those very laws concerning bribery. And besides, he began to hold them very suddenly, contrary to any one's expectation; so that, even if any one had formed the design of committing bribery, he would never have had time to manage it. The tribes were summoned; the votes were

given; counted up, declared. Plancius was by far the highest of all on the poll.[1] There neither was nor could there be any suspicion of bribery. Is it not the case that the one prerogative century carries such weight with it that no one has ever gained the vote of that, but what he has been declared consul either at that very comitia, or at all events consul for the year? And yet do you wonder that Plancius was elected ædile when it was not a small portion of the people, but the whole people that had declared their good-will towards him? when it was not a portion of one tribe, but the whole comitia which were prerogative comitia in his behalf?

And at that time if you, O Laterensis, had been inclined, or if you had thought it consistent with your gravity to do what many men of high birth have often done, who, having gained a great many fewer votes than they had expected, afterwards, when the comitia had been adjourned, have prostrated themselves, and, with broken spirits and in a humble tone, had addressed supplications to the Roman people, I do not question but that the whole multitude would have turned towards you. For nobility, especially when upright and innocent, has never, when appearing as a suppliant, been rejected by the Roman people. But if your personal dignity and character for magnanimity was, as it ought to have been, of more importance to you than the ædileship, then, since you have that which you preferred, do not regret that which you thought of less consequence. I myself, in truth, have always striven most zealously, in the first place, to be worthy of honour; in the second place, to be considered so. The third consideration with me, though with most men it is the first, has been the honour itself; but that is a thing which ought to be acceptable to those men in whose case the Roman people has conferred it on them as a testimony to their worth, and not as a favour granted to their assiduity in canvassing for it.

XXI. You ask also, O Laterensis, what answer you can make to the images of your ancestors; how you are to excuse yourself to that most accomplished and excellent man your

[1] Cicero, in his oration against Rullus, shows that the votes were given twice over at elections for magistrates, the *comitia tributa* being twice held for that object.

deceased father? Never think about those things. Take care rather lest that querulousness and excessive grief of yours be reproved by those men of consummate wisdom. For your father saw that Appius Claudius, a most noble man, even in the lifetime of his own father, a most influential and most illustrious citizen, Caius Claudius, failed in his endeavour to obtain the ædileship, and yet that he was afterwards elected consul without a repulse. He saw that a man most closely connected with himself, a most illustrious citizen, Lucius Volcatius, and he saw that Marcus Piso too, having both sustained a slight defeat in the matter of the ædileship, received afterwards the very highest honours from the Roman people. But your grandfather could tell you also of the rejection of Publius Nasica, when he stood for the ædileship, though I am sure that a greater citizen has never existed in this republic; and of Caius Marius too, who was twice rejected when a candidate for the ædileship, and yet was seven times made consul; and of Lucius Cæsar, and of Cnæus Octavius, and of Marcus Tullius; every one of whom we know were beaten for the ædileship, and were elected consuls afterwards.

But why am I hunting up instances of men having failed as candidates for the ædileship, when it is an office which has often been discharged in such a way that the people appeared to have been doing a kindness to the men who had been passed over. Lucius Philippus, a man of the highest birth and most distinguished eloquence, failed in his election as military tribune. Caius Cælius, a most illustrious and admirable young man, was beaten for the quæstorship. Publius Rutilius Rufus, Caius Fimbria, Caius Cassius, Cnæus Orestes, all stood in vain for the tribuneship of the people. And yet we know that every one of these men were afterwards made consuls. And your father and your ancestors will of their own accord tell you this; not with the object of comforting you, nor to excuse you from any fault which you fear that you must seem to have been guilty of, but with a view of encouraging you to persevere in that course which you have followed from your earliest youth. No credit, believe me, O Laterensis, has been lost by you. Lost, do I say? I declare solemnly, if you were to come to a right appreciation of what has happened, an especial testimony has been borne to your virtue.

XXII. For think not that there was not a great impression made by the circumstances of your offering yourself as a candidate for that office from all competition for which you subsequently withdrew, rather than swear to a particular thing. You then, being quite a young man, declared plainly what were your sentiments about public affairs: speaking more boldly, indeed, than some men who had already attained the honours of the state, and more undisguisedly than regard to your ambition, or to your age, required. And, therefore, among the people who disparaged your pretensions, you must not think that there were none who had taken offence at the intrepid spirit which you then displayed; who were able, perhaps, to keep you, incautious as you were, from arriving at that rank, but will never be able to move you when you are on your guard and watchful against them.

Have these arguments had any influence with you? "Have you any doubt," says he, "that a coalition was entered into against me, when you see that Plancius and Plotius gained the votes of the majority of the tribes?" But could they have acted in concert if the tribes did not give their votes in concert? But some of the tribes gave almost the very same number of votes for each of them. Yes, when at the preceding comitia those two had been already almost elected and declared. Although even that fact would not necessarily involve any suspicion of a coalition. For our ancestors would never have established a rule of casting lots for the ædileship, if they had not seen that it was possible that the competitors should have had an equal number of votes. And you say that at the preceding comitia the tribe of the Anio was given up by Plotius to Pedius, and the Terentian tribe by Plancius to you; but now, that they are taken away from both Pedius and you, lest they should run the contest too fine. What a probable story it is, that before the inclination of the people was ascertained, those men, who you say had already joined their forces, should have thrown away their own tribes in order to assist you, and that the same men should afterwards have been close and stingy, when they had tried and found out how strong they were. They were afraid, I suppose, of a close contest. As if the matter could come to a close point, or as if there could be any danger. But, nevertheless, do you bring the same charge against Aulus Plotius, a most accom-

plished man? or do you admit that you have only attacked the man who never requested you to spare him?[1] For as for your having complained that you had more witnesses concerning the case of the Voltinian tribe, than you had received votes in that tribe, you show by that, either that you are bringing forward those men as witnesses who passed you over because they had taken a bribe, or else that you could not get their votes though they were paid nothing for them.

XXIII. But as for that charge about the money which you say was seized in the Flaminian Circus, it made a great noise while the matter was recent, but now it has got quite cold. For you have never explained what money that was, nor what were the tribes which were to receive it, nor who was to distribute it to them. And he, indeed, who was then impeached on this account, being brought before the consuls, complained that he had been shamefully treated by your partisans. For if he acted as the distributor of the money, particularly for that man whom you were prosecuting, why was he also not prosecuted by you? Why did you get some appearance of a decision having been already come to in this cause by his conviction? But the fact is, that you have no proofs to advance, nor do you place the slightest reliance on any. It is quite another motive and another consideration which has induced you to cherish the hope of crushing this man. You have great resources; very extensive influence; many friends, many eager partisans, many favourers of your credit: many are envious of my client; to many too his father, a most excellent man, appears to be too great a stickler for the freedom and privileges of the equestrian order. Many too are the common enemies of every defendant: men who always give their evidence on trials for bribery and corruption in such a way as if they could influence the minds of the judges by their evidence, or as if it were pleasing to the Roman people, and as if, on that account, they would the more easily attain that dignity which they are desirous of. But you shall not see me, O judges, contending with those men in my former fashion; not because it is right for me to shirk anything which the safety of Plancius requires, but because it is neither necessary, that I should follow up that argument with my voice,

[1] Orellius and all editors consider this passage corrupt, and correct it in different ways.

which you already see with your mind; and because those very men whom I see already as witnesses, have deserved so well of me, that you ought to take upon your own prudence the task of reproving them, and to excuse my modesty from that task.

This one thing I beg and entreat of you, O judges, both for the sake of this man whom I am defending, and out of regard to the common danger; not to think that the fortunes of innocent men are to be placed at the mercy of reports which people falsely pretend that they have heard, or of vague and uncertain conversation. Many friends of the prosecutor, some men, too, who are personal enemies of ours, many general and universal calumniators, and men who envy everybody, have invented heaps of things. But there is nothing which travels so fast as slander; nothing is more easily sent abroad, nothing is received more rapidly, nothing is spread more extensively. Nor will I, if you can ever trace the origin of a calumny, ever require you to disregard it or conceal it. But if anything gets abroad without a head, or if there be any report of such a nature that no author of it can be found; if he who has heard it appears to you either so careless as to have forgotten where he heard it; or if he knows his authority to be so insignificant that he is ashamed to confess that he recollects who he is,—then I do beg of you not to let that common expression, "I heard that * * * *," injure an innocent man upon his trial.

XXIV. But I come now to Lucius Cassius, my own intimate friend, and I have not as yet made any complaint about that Juventius whom that young man, accomplished in every virtue and in every branch of polite learning, mentions in his speech, and says that he was the first man of the common people who was ever made a curule ædile. And with reference to that case, if, O Cassius, I were to reply to you that the Roman people knew nothing of that fact, and that there is no one who can tell us anything about him, especially now that Longinus is dead, you would not wonder, I imagine, when I myself, who am not at all inclined to neglect the study of antiquity, confess that I first heard of this fact in this place, from your mouth. And since your oration was very elegant and very ingenious, worthy both of the learning and modesty of a Roman knight, and since you were listened to by these

men with such attention as did great honour both to your abilities and to your character as a gentleman and a scholar, I will reply now to what you said, of which the greater part concerned me myself, and in which the very stings, if you did put out any in your reproof of me, were still not disagreeable to me.

You asked me whether I thought that the road to the attainment of honours had been easier to me, the son of a Roman knight, than it would be to my son, who was now of a consular family. But, although I would rather that all good fortune fell to his lot than to my own, still I have never wished for him that the road to honour might be more easy to him than I have found it myself. Moreover, lest he should by chance think that I have procured him honours myself rather than pointed out to him the path by which he might arrive at them, I am accustomed to read him this lesson, (although his age is not exactly the age to attend to instruction,) which the great son of Jupiter is represented teaching his children,—

> "Men must always be vigilant; there are many snares in the path of virtuous men."

You know the rest, do not you?

> "That which many men envy * * * *"[1]

Which that wise and ingenious poet wrote, not in order to excite those boys who were no longer in existence to toil and the desire of glory, but to encourage us and our children in such pursuits. You ask what more Plancius could have got if he had been the son of Cnæus Scipio. He could not have been made an ædile more than he is; but he would have gained this, that he would not be so much envied. In truth, the degrees of honour are equal in the case of the highest and the lowest citizens; but the glory of arriving at them is unequal.

XXV. Who of us would call himself equal to Marcus Carius, or to Caius Fabricius, or to Caius Duilius? Who reckons himself a match for Atilius Calatinius, or for Cnæus and Publius Scipio, or for Africanus, Marcellus, or Maximus? And yet we have arrived at the same degree of rank that they

[1] This is a fragment of Attius from his play of Philoctetes; see also the oration for Sextus, cap. xlviii.

did. In truth, in virtue there are many steps; so that he is the most eminent in renown, who is the superior in virtue. The summit of the honours conferred by the people is the consulship. And by this time nearly eight hundred men have obtained that. And of this eight hundred, if you examine carefully, you will find hardly one tenth of the number worthy of such a preeminence. But yet no one ever went on as you do. "Why is that man made consul? What could he have got more if he had been Lucius Brutus, who delivered the city from the tyranny of the kings?" He could have got no higher rank certainly, but he would have much more glory. And in the same manner, therefore, Plancius has been made quæstor, and tribune of the people, and ædile, just as much as if he had been a man of the highest rank by birth; but a countless number of other men, born in the same rank as he, have also attained these honours. You speak of the triumphs of Titus Didius, and Caius Marius; and ask what there is like these exploits in Plancius. As if those men whom you are speaking of obtained their magistracies because they had triumphed, and did not on the contrary triumph after having performed great achievements, because those magistracies were entrusted to them. You ask what campaigns he has served; when he was a soldier in Crete, while Metellus, who is here in court, was commander-in-chief, and military tribune in Macedonia; and when he was quæstor he only abstracted just so much time from his attention to his military duties as he thought it better to devote to protecting me.

You ask whether he is an eloquent man. At all events, what is the next best thing to being so, he does not think himself one. "Is he a lawyer?" As if there were any one who complains that he has given him a false answer in a point of law. For all such acts as that are open to criticism in the case of men who, after they have professed an acquaintance with them, are unable to satisfy people's expectations; not in the case of men who confess that they have never paid any attention to those pursuits. What is usually required in a candidate is virtue, and honesty, and integrity, not volubility of tongue, or an acquaintance with any particular art or science. As we, when we are procuring slaves, are annoyed if we have bought a man as a smith or a plasterer, and find,

however good a man he may be, that he knows nothing of those trades which we had in view in buying him; but if we have bought a man to give him charge of our property as steward, or to employ him to look after our stock, then we do not care for any other qualities in him except frugality, industry, and vigilance; so the Roman people elects magistrates to be as it were stewards of the republic, and if they are masters of some accomplishment besides, the people have no objection, but if not, they are content with their virtue and innocence. For how few men are eloquent; how few are skilful lawyers, even if you include all those in your calculation who wish to be so! But if no one else is worthy of honour, what on earth is to become of so many most virtuous and most accomplished citizens?

XXVI. You request Plancius to mention any faults of Laterensis. He cannot mention any, unless he thinks him too ill-tempered towards himself. At the same time you extol Laterensis highly yourself. I have no particular objection to your spending a number of words on what has nothing to do with the trial; and to your occupying so much time, while conducting the prosecution, in saying what I, who am the counsel for the defence, can admit without any danger. And I do not only admit that every sort of high quality is to be found in Laterensis; but I even find fault with you, for not enumerating his chief excellences, but descending to look for trifling and insignificant subjects for panegyric. You say "That he celebrated games at Præneste." Well; have not other quæstors done the same? "That at Cyrene he was liberal towards the farmers of the revenue, and just towards the allies." Who denies it? but so many important transactions take place at Rome, that it is difficult for those things which are done in the provinces to get heard of. I have no fear, O judges, of appearing to assume too much credit to myself, if I speak of my own quæstorship. For although I got great credit in it, still I consider that I have been employed since that in the highest offices of the state, so that I have no need to seek for much glory from the credit I gained in my quæstorship; but still I do not fear that any one will venture to say that anybody's quæstorship in Sicily has been either more acceptable to the people, or has gained a higher reputation for the quæstor. Indeed, I can say this with truth,

I too at that time thought that men at Rome were talking of nothing else except my quæstorship. At a time of great dearness, I had sent an immense quantity of corn to Rome. I had been affable to the traders, just to the merchants, liberal to the citizens of the municipal towns, moderate as regards the allies, and in every respect I appeared to have been most diligent in the discharge of every part of my duty. Some perfectly unheard-of honours were contrived for me by the Sicilians: therefore I left my province with the hope that the Roman people would come forward of its own accord to pay me every sort of honour. But, when one day by chance at that time, I, on my road from the province, had arrived in the course of my journey at Puteoli, at a time which great numbers of the wealthiest men are accustomed to spend in that district, I almost dropped with vexation when some one asked me what day I had left Rome, and whether there was any news there. And when I had replied that I was on my road from my province, "Oh ay," said he, "from Africa, I suppose."

XXVII. On this, I, angry and disgusted, said, "No; from Sicily." And then, some one else, with the air of a man who knew everything, said, "What! do not you know that Cicero has been quæstor at Syracuse?" I need not make a long story of it; I gave over being angry, and was content to be considered one of those who had come to Puteoli for the waters. But I do not know, O judges, whether what happened then did not do me more good than if every one had congratulated me. For after I learnt from this that the people of Rome had deaf ears, but very sharp and active eyes, I gave up thinking what men would have said of me; but took care that they should every day see me in their presence: I lived in their sight; I stuck to the forum; neither my porter nor even sleep was allowed to prevent any one from having access to me. Need I say anything about my time which was devoted to business, when even my leisure time was never my own? For the very orations which you say, O Cassius, that you are in the habit of reading when you are at leisure, I wrote on days of festival and on holidays, so that I never was at leisure at all. In truth, I have always thought that saying of Marcus Cato, which he put at the head of his Origines, a splendid and admirable one: "That eminent and great men ought to lay down a regular plan for their leisure

as well as for their business." And, therefore, if I have any credit, I hardly know how much I have; it has all been acquired at Rome, and earned in the forum. And public events have sanctioned my private counsels in such a way, that even at home I have had to attend to the general interests of the republic, and to preserve the city while in the city. The same road, O Cassius, is open to Laterensis, the same path by virtue to glory. And it will be the easier to him, perhaps, on this account: that I have mounted up hither without having any family interest to push me on, and relying solely on myself; but his admirable virtues will be assisted by the recommendation which the virtues of his ancestors supply him with.

However, to return to Plancius, he has never been absent from the city unless any lot which he may have drawn, or some law, or some necessity compelled him to be so. He did not excel in those things in which some men perhaps do; but he did excel in diligence, he did excel in paying attention to his friends, he did excel in liberality. He kept himself before men's eyes; he stood for offices; he has followed at all times that course of life by which, while there is less danger that way of incurring unpopularity, the greatest number of new men have attained the same honours which he has.

XXVIII. For as to what you say, O Cassius,—that I am not under greater obligations to Plancius than I am to all good men, because my safety was equally dear to all of them,—I confess that I am under obligations to all good men. But even those men to whom I am under obligations, good men and virtuous citizens, said at the comitia for the election of the ædiles, that they themselves were under some obligations to Plancius on my account. However, grant that I am under obligations to many people, and among others to Plancius, ought it therefore to make me bankrupt; ought I not rather, when each man's turn comes, to pay them all this debt which I acknowledge, whenever it is demanded? Although, being in debt for money and for kindness are two different things. For the man who pays money, the moment he does so, no longer has that which he has paid; and he who owes is in debt. But the man who shows his gratitude by requiting a kindness, still preserves the feeling; and he who feels it, requites the kindness by the mere fact of his feeling it. Nor shall I cease to be under obligations to Plancius even if I requite his service

to me now; nor should I have been less grateful to him as far as my inclination went, if this trouble had not befallen him. You ask of me, O Cassius, what I could do more for my own brother, who is most dear to me,—what I could do more for my own children, than whom nothing can be more delightful to me, than I am doing for Plancius? And you do not see that the very affection which I feel for them, stimulates and excites me to defend the safety of Plancius too. For they have nothing more at heart than the safety of the man by whom they know that my safety was ensured; and I myself never look on them without recollecting that it is by his means that I was preserved to them, and remembering his great services done to me.

You relate that Opimius was condemned, though he himself had been the saviour of the republic. You add to him Calidius, by whose law Quintus Metellus was restored to the state; and you find fault with my prayers on behalf of Cnæus Plancius, because Opimius was not released on account of his services, nor Calidius on account of those of Quintus Metellus.

XXIX. As for Calidius, I will only state this in answer to you, which I saw myself. That Quintus Metellus Pius, when consul, at the comitia for the election of prætors, for which office Quintus Calidius was standing, addressed supplications to the Roman people, and did not hesitate—though he was consul at the time, and a man of the very highest rank—to call him his patron and the patron of his most noble family. And now I ask of you whether you think that, if Calidius had been on his trial, Metellus Pius, if he had been able to be at Rome, or his father, if he had been alive, would have done for him what I am doing on the trial of Cnæus Plancius? I wish, indeed, that the misfortune of Opimius could be eradicated from men's memories. But it is to be considered as a wound inflicted on the republic, as a disgrace to this empire, as the infamy of the Roman people, and not as a judicial verdict. For what more terrible blow could those judges—if indeed they deserve to be called judges, and not parricides of their country—inflict on the republic, than they did when they drove that man out of the state, who as prætor had delivered the republic from a war waged against it by its neighbours, and as consul, from one carried on against it by its own citizens?

But you say that I make out the kindness done me by Plancius to have been greater than it really was; and, as you say, I exaggerate it in speaking of it—as if I were bound to regulate my gratitude by your estimate, and not by my own. "What great service was it, after all, that he did you? Was it that he did not put you to death?" Say rather that he prevented me from being put to death. And while speaking on this point, O Cassius, you even acquitted my enemies, and said that no plots had been laid by them against my life. And Laterensis advanced the same assertion. Wherefore I will presently say a little more on that head. At present I only ask of you whether you think it was but a slight hatred which my enemies had conceived against me? Did any barbarians ever entertain such savage and cruel feelings against an open enemy? Or do you suppose that there was in those men any regard for fame or any fear of punishment, when you saw them during the whole of that year brandishing their swords in the forum, menacing the temples with conflagration, and disturbing the whole city with their violence? Unless, perhaps, you think that they spared my life because they had no apprehension of my return. Do you think that there was any one so wholly destitute of sense as not to think that, if these men were permitted to live, and if the city and the senate-house were allowed to remain standing, I also ought certainly to be restored if I too remained alive? Wherefore you, being such a man and such a citizen as you are, ought not to say that my enemies were too moderate to attack my life, when the fact is that it was preserved by the fidelity of my friends.

XXX. I will now reply to you, O Laterensis, perhaps less vigorously than I have been attacked by you; and certainly in a manner not more destitute of consideration for, or of friendly feeling towards you, than your manner was towards me. For in the first place, that was rather a harsh thing for you to say, that in what I was saying about Plancius I was speaking falsely, and inventing statements to suit the emergency. I suppose, forsooth, I, like a wise man, planned how I might appear bound to another by the greatest bonds of kindness and gratitude, when I was in reality a free man and under no obligation at all. Why need I have done so? Had I not plenty of reasons besides for defending Plancius? were

not my own intimacy with him, my neighbourhood to him, and my friendship for his father, sufficiently cogent motives? And even if they had not existed, I had reason to fear, I suppose, lest I should be doing a discreditable thing in defending a man of his high respectability and worth. It must have been a very clever idea of mine to pretend that I owed everything to that man who was about to owe everything to me! But this is a thing which even common soldiers do against their will, and they are reluctant to give a civic crown to a citizen, and to confess that they have been saved by any one; not because it is discreditable to have been protected in battle, or to be saved out of the hands of the enemy, (for in truth that is a thing which can only happen to a brave man, and to one fighting hand to hand with the enemy,) but they dread the burden of the obligation, because it is an enormous thing to be under the same obligation to a stranger that one is to a parent. But because others deny kindnesses which they have received, even when they are of less importance, in order not to appear under any obligation, am I on that account speaking falsely, when I say that I am bound to a man by his previous services done to me, for which it is quite impossible for me to make any adequate return? Are you ignorant of this, O Laterensis?—you who, being, as you were, a great friend of mine, and willing to share with me even the danger with which my life was at that time threatened,—when you had escorted me in that hour of my sad and bitter agony and departure from the city, not only with your tears, but also with your courage and your person, and with all your resources,—when you had in my absence defended with all your means, and all your power of protection, my children and my wife, were always pressing this statement upon me, that you willingly allowed and granted that I should employ all my zeal in contributing to the honour of Cnæus Plancius, because you said that the services which he had done me were acceptable to you yourself also.

And is not even that oration, which is the first which I made in the senate after my return, a proof that I am saying nothing new now,—nothing just to meet the emergency? For as in that I returned thanks to very few by name, because it was quite impossible to enumerate all those who had served me, (and it would have been a crime to pass over any

one,) and because I had therefore laid down a rule for myself to name those men only who had been the leaders and standard-bearers, as it were, in our cause; still among them I returned thanks to Plancius by name. Let the oration be read, —which, on account of the importance of the business, was pronounced from a written paper; in which I, cunning fellow that I must have been, gave myself up to a man to whom I was under no very great obligation, and bound myself to the slavery of this duty which I am now discharging by this undying testimony against myself. I do not wish to recite the other things which I committed to writing; I pass them over, that I may not seem to bring them up now on this emergency, or to avail myself of that description of learning which appears to be more suitable to my private studies than to the usages of courts of justice.

XXXI. And you keep crying out, O Laterensis, "How long are you going to keep on saying this? You did no good in the case of Cispius; people have got tired of your entreaties." Will you object to me what I did in the case of Cispius, who had indeed deserved well of me, but whom I defended, having you for a witness in his favour, and at your especial request? And will you say "How long" to a man who you say was unable to obtain what he begged on behalf of Cispius? For to say "How long" to a man who exerted himself for one friend alone, and who did not succeed in his object, is rather like laughing at a person than reproving him: unless, perhaps, I, above all other men, have behaved in such a manner in the courts of justice, have lived in such a manner with those men who are the judges, and among them—unless I am such an advocate of defendants on their trial, and unless I am and always have been such a citizen in the republic, as to deserve to be held up by you as the only person who never ought to obtain anything from the judges by my entreaties.

And then you object to me a tear which I shed at the trial of Cispius. For this is what you said; "I saw your tear." See now how I repent of having given you cause to say so. You might have seen not only a tear, but many tears and weeping and sobbing. Was I to abstain from showing my grief at the danger of a man who was so far moved by the tears of my family in my absence, that he laid aside the enmity which he had conceived against me, and was not only

no opposer of my safety, (as my enemies had expected that he would have been,) but was even a great defender of it? And you, O Laterensis, who then said that my tears were a grateful sight, now wish to found an accusation against me on them.

XXXII. You say that the tribuneship of Plancius did not bring any assistance to my dignity. And in this place, (as you can do with the greatest truth,) you enumerate the godlike services done to me by Lucius Racilius, a most gallant and sensible man. And I never have concealed, and I shall at all times openly assert, that I am under the very greatest obligations to him, as I am to Cnæus Plancius; for he never thought any contest, or any enmity, or any danger even of his life too great for him to encounter for the sake of my welfare, or of that of the republic. And I wish that the Roman people were not prevented by the violence and injustice of wicked men from proving to him their gratitude by their acts, and measuring it by the extent of my own. But if Plancius did not make the same exertions in my favour when he was tribune, you ought to think, not that his inclination was wanting, but that I, being already under such vast obligations to Plancius, was now content with the services of Racilius.

Do you think that the judges will be the less inclined to do anything for my sake, because you accuse me of gratitude? Or, when the senators themselves, in that resolution of the senate which was passed in the monument of Marius,[1] in which my safety was recommended to all nations, returned thanks to Plancius alone, (for he was the only defender of my safety, of all the magistrates or vice-magistrates, to whom the senate thought it proper to return thanks on my behalf,) shall I think that I myself am not bound to show my gratitude to him? And when you see all these things, what do you suppose must be my feelings towards you, O Laterensis? Do you think that there is any danger, or any labour, or any

[1] The decree for Cicero's return was passed in a temple built by Marius, and called on that account Marius's Monument, and this was a circumstance that had specially delighted Cicero, as being in accordance with a dream of his when he first left Rome, in which he fancied that Marius had appeared to him, and had ordered his lictor to conduct him to his monument, telling him that he should find safety there. *Vide* Cic. de Divin. i. 28.

contest of so arduous a nature that I would shun it if it could advance not only your safety, but even your dignity? And I am so much the more, I will not say miserable, (for that is an expression which is inconsistent with the character of a virtuous man,) but severely tried; not because I am under obligations to many people, (for gratitude for kindness received is a very light burden,) but because circumstances often happen, on account of the quarrels of some men who have deserved well of me with one another, which make me fear that it is impossible for me to appear grateful to them all at the same time. But I must weigh in my own scales not only what I owe to each individual, but also of what importance the case is to each person, and what the necessities of each require of me at the particular moment.

XXXIII. What is at stake now on your part is this,—your eager wishes, or even, if you like, your reputation, and the glory of the ædileship. But on the side of Cnæus Plancius, it is his safety, his rights as a Roman and a citizen, which are in peril. You wished me to be safe; he even ensured my safety by his actions. Yet I am torn asunder and rent in pieces by grief—I do grieve that, in a contest where the stakes are so unequal, you should be offended by my conduct; but, I declare most solemnly, I would much rather endanger my own safety on your behalf, than abandon the safety of Cnæus Plancius to your hostility in this contest. In truth, O judges, while I wish to be adorned with every virtue, yet there is nothing which I can esteem more highly than the being and appearing grateful. For this one virtue is not only the greatest, but is also the parent of all the other virtues. What is filial affection, but a grateful inclination towards one's parents?—who are good citizens, who are they who deserve well of their country both in war and at home, but they who recollect the kindness which they have received from their country?—who are pious men, who are men attentive to religious obligations, but they who with proper honours and with a grateful memory acquit themselves to the immortal gods of the gratitude which they owe to them?—what pleasure can there be in life, if friendships be taken away?—and, moreover, what friendship can exist between ungrateful people?—Who of us has been liberally educated, by whom his bringers up, and his teachers, and his governors, and even

the very mute place itself in which he has been brought up and taught, are not preserved in his mind with a grateful recollection?—who ever can have, or who ever had such resources in himself as to be able to stand without many acts of kindness on the part of many friends?—and yet no such acts can possibly exist, if you take away memory and gratitude. I, in truth, think nothing so much the peculiar property of man, as the quality of being bound, not only by a kindness received, but by even the intimation of good-will towards one; and I think nothing so inconsistent with one's idea of a man—nothing so barbarous or so brutal—as to appear, I will not say unworthy of, but surpassed by kindness.

And as this is the case, I will succumb, O Laterensis, to your accusation; and in that very particular in which there cannot by any possibility be any excess,—namely, in gratitude, I will confess that I have gone to excess, since you insist upon it that it is so. And I will entreat you, O judges, to bind that man to you by a kindness, in whom the only fault that those who blame him find with him is that they accuse him of being immoderately grateful. And that ought not to prevail with you so as to make you think lightly of my gratitude, when he said that you were neither guilty men nor litigious men, so that there was the less reason for your allowing me any great influence over you: as if in my intercourse with my friends I did not always prefer that these abilities of mine (if indeed I have any abilities) should be at the service of my friends, rather than they should become necessary to them. In truth, I do venture to say this of myself, that my friendship has been a pleasure to more men than those to whom it has been a protection; and I should greatly repent of my past life, if there was no room in my friendship for any one who was not either a litigious person or a guilty one.

XXXIV. But somehow or other you have repeated over and over again, and have dwelt upon the assertion, that you did not choose to connect this case with the games, lest I, according to my usual custom, should say something about the sacred cars, for the sake of exciting pity; as I had done before in the case of other ædiles. No doubt you got something by this; for you deprived me of an embellishment of my speech. I shall be laughed at now if I make any mention

of the sacred cars, after you have predicted that I should do so. And without the sacred cars what can I find to say? And here you added, too, that this was the reason why I by my law had established the penalty of banishment in cases of bribery, that I might be able to sum up my orations in a way more calculated to excite pity. Does he not, when he says all this, seem to you to be arguing against some teacher of declamation, and not with one who is a pupil, as I may say, of the real toils of the forum? "Yes, for I was not at Rhodes," says he. (He means that I was.) "But I was," says he, (I thought he was going to say, at Vacca,[1]) "twice at Nicæa, in Bithynia." If the place gives a person any handle for finding fault with one, I know not why you should think Nicæa stricter than Rhodes: if we are to examine into the cause, then you were in Bithynia with the greatest credit, and I was at Rhodes with no less. For as to the point on which you found fault with me,—namely, that I had defended too many people,—I wish that you, who are able to do it, and others too, who shirk it, were willing to relieve me of this labour. But the effect of your diligence, who weigh causes so carefully that you reject almost all of them, is that nearly all causes come to me, who am not able to deny anything to men who are in misery and distress.

You reminded me also, since you had been in Crete, that something might have been said against your offering yourself as a candidate; and that I let that opportunity slip. Which of us, then, is more covetous of a smart saying?—I who did not say what might have been said, or you who said it even against yourself? You were fond of saying that you had sent home no letters with accounts of your exploits, because mine, which I had sent to some one or other, had injured me. But I am not aware that they did injure me; I am quite sure that they might have been of service to the republic.

XXXV. But these things are of but little importance; but those points are serious and weighty, that you wish now to find fault with, and in an underhand manner to accuse my departure from the city, which you had often wept over. For you have said that assistance was not wanting to me, but that

[1] Vacca was a town in Spain which had a reputation for a very bad style of oratory, as also had Corduba.

I was wanting to those who were willing to assist me. But I confess that, because I saw that aid was not wanting to me, I did on that account spare that aid; for who is there who does not know what was the state of things at that time,—what danger and what a storm there was in the republic? Was it fear of the tribunes, or was it the frenzy of the consuls which influenced me? Was it a very formidable thing for me to fight with the sword with the relics of those men, whom when they were flourishing with their strength unimpaired, I had defeated without the sword? The basest and most infamous consuls in the memory of man,—as both the beginning of their conduct, and as their recent termination of those affairs, show them to have been, (one of whom lost his army, and the other sold it,)—having bought their provinces, had deserted the senate, and the republic, and all good men. When no one knew what were the feelings of those men who by means of their armies, and their arms, and their riches, were the most powerful men in the state, then that voice, rendered insane by its infamous debaucheries, made effeminate by its attendance on holy altars, kept crying out in a most ferocious manner that both these men and the consuls were acting in concert with him.

Needy men were armed against the rich, abandoned men against the good, slaves against their masters. The senate was with me, even changing its garments in token of the danger; a measure which was adopted by public resolution for no one else except myself in the memory of man. But recollect who were then our enemies with the name of consuls. The only men since the city was built who ever prevented the senate from complying with a resolution of the senate, and who by their edict took away, not indeed grief, from the conscript fathers, but the power of deciding on the reasons for their grief. The whole equestrian order was with me; whom, indeed, that dancing consul of Catiline's used to frighten in the assemblies of the people with menaces of proscription. All Italy was assembled, and terrified with fear of civil war and devastation.

XXXVI. I admit, O Laterensis, that I might have availed myself of these assistants, zealous in my behalf, and in a state of great excitement as they were. But the contest must have been decided not by right, nor by the laws, nor by argument;

for, in truth, that assistance of my own, which has often been placed so readily at the disposal of others, would not, especially in so good a cause, have been wanting to me myself. We must have fought with arms,—ay, with arms, I say; and it would have been destruction to the republic for arms to have been employed by slaves and leaders of slaves for the slaughter of the senate and of the virtuous citizens.

I confess that it would have been a fine thing for the wicked to have been conquered by the good, if I could have seen the end of the victory; (which, in truth, I could not.) For where should I have found to stand by me so brave a consul as Lucius Opimius, or as Caius Marius, or as Lucius Flaccus? under whom, as her leaders, the republic did put down wicked men with armed citizens; or, if I could not get men as fearless as those, yet where could I find men as just as Publius Mucius, who, after Tiberius Gracchus had been slain, defended Publius Scipio, and asserted that the arms which he as a private individual had taken up, had been taken up in strict accordance with the law? We, then, should have had to fight with the consuls. I say no more, except this one thing; I saw that there were formidable adversaries ready to dispute the victory with us, and no one who would avenge us if we fell. If, then, I was wanting to these aids to the cause of my safety, because I was unwilling to do battle for it, I will then confess, as you say, that assistance was not wanting to me, but that I myself was wanting to the assistance which I had. But if, the greater I saw the zeal of good men in my behalf, the more I thought it my duty to consult their interests, and to spare them, do you find fault with me for the same conduct which was considered a credit to Quintus Metellus, and which is to this day, and always will be, his greatest glory? for it is well known—as you may hear from many who were present at the time—that he departed greatly against the will of all good men; and there is not the slightest doubt that he would have had the best of it, if they had come to a struggle and a trial of arms. Therefore, though he was defending his own actions, and not those of the senate,—though it was his own opinion that he was resolutely upholding, and not the welfare of the republic,—still when he endured that voluntary wound, he surpassed in glory and credit the justest and most illustrious triumphs of all the Metelli; because he would not be the

cause of even those wickedest of citizens being slain, and because he provided against the danger of any good man being involved in their slaughter. And should I,—seeing such great danger before us, as, if I were defeated, the total destruction of the republic must ensue, and if I got the better, an endless contest would follow,—should I, I say, give any one reason to style me the destroyer of the republic, after having been its saviour?

XXXVII. You say that I was afraid of death. But I should think it wrong to accept even immortality at the expense of the welfare of the republic; much less should I be willing to die, if by that means I was to damage the commonwealth. For as for those men who have given up their lives for the sake of the state, (although you may say that I am talking foolishly,) I have never considered that they had met with death so much as with immortality. But if I had at that time fallen by the weapons and hands of wicked men, the republic would for ever have lost the civil guardian of its safety. Moreover, if any violence of disease, or if nature itself had carried me off, still the resources of posterity would have been diminished, because by my death the opportunity would have been lost of showing what great zeal of the senate and people of Rome was to be exerted in retaining me. Should I, if I had ever had any extravagant fondness for life, have challenged the weapons of all those parricides in the month of December of the year of my consulship, when, if I had remained quiet for twenty days longer, they would all have fallen on the vigilance of other consuls? Wherefore, if fondness for life when contrary to the interests of the republic is shameful, at all events a desire for death in my case, which must have been accompanied with injury to the state, would have been more shameful still.

For as for your boasting that you were a free man in the republic, I confess that you are, and I rejoice at it, and I also congratulate you on that account; but as for your denying that I am free also, as to that particular I will neither allow you nor any one else to continue in your mistake any longer.

XXXVIII. For if any one thinks that my independence has suffered any diminution, because I do not now differ in opinion with all those same men with whom I was formerly accustomed to differ; in the first place, if I show myself grateful

to those who have deserved well of me, I do not cease to be attacked with the accusation of being a man of too good a memory, and too grateful. But if, without any injury to the republic, I sometimes show a regard to my own safety and that of my family, at all events I not only do not deserve to be blamed for this, but, even if I were to wish myself to run on ruin, there are good men who would entreat me not to do so.

But the republic itself, if it were able to speak, would plead with me, that as I had always served her interests, and never my own, and as I had received a reward from her not such as I ought, rich and abundant, but mingled with exceeding bitterness, now at length to serve myself, and to consult the interests of my family; and would urge not only that she herself had received enough from me, but that she even feared that she had made me but an inadequate return for all the services which I had rendered her.

But what will you say if I think nothing of all these things, and if I persevere in the same course in the republic which I have always pursued? will you still ask what is become of my independence? which you make to consist in the fact of our struggling for ever with any one with whom we have at any time had a contest. But this is all nonsense; for we ought at all times to act as if we were standing in some revolving orb of the republic, and as that turns round we ought to choose that part to which the advantage and safety of the republic direct us.

XXXIX. But I do not call Cnæus Pompeius the author, and prime cause, and defender of my safety, (for these things demand perhaps a recollection of the kindness and gratitude for it from a man in his private capacity,) but I say this, which has reference to the common welfare of the republic; should not I defend that man whom every one admits to be the first man in the republic? should I be wanting to the praises of Caius Cæsar, when I see them celebrated first of all by numerous and most honourable decisions of the Roman people, and now too by those of the senate, to which body I have always devoted myself? In that case, in truth, I should confess that I had never formed any opinion with reference to the welfare of the republic, but that I was guided solely by my friendship for or enmity towards particular persons.

When I see a ship holding on its course with favourable winds, if it does not proceed towards that port which I at one time thought best, but to some other no less safe and tranquil than that, shall I rather strive with the tempest even at the risk of danger, instead of yielding to it and being guided by it, especially when there is a hope of safety in such a line of conduct? But I have learnt these principles, I have seen and read them in books, written records have handed down to us these memorials of wise and most illustrious men, both in this republic and in other cities, and show that the same opinions have not at all times been upheld by the same men, but that they have adopted whatever sentiments the constitution of the republic, the state of affairs at the time, and the considerations of peace and concord pointed out as desirable. And this is what I am doing, O Laterensis, and what I always shall do; and the independence which you profess to look for in me, and which I have never lost, I never will lose, and yet on the other hand I will not believe it to consist in obstinacy, but in moderation.

XL. Now I come to your last assertion, when you said that, while I was extolling so highly the services which Plancius had done me, I was making a castle out of a sewer, and worshipping a stone taken from a sepulchre as a god; and that I had never been in the least danger of any one forming plots against me, or of death. And therefore I will in a few words, and not reluctantly, explain the circumstances of that time. For there is nothing that has happened during my lifetime which has got abroad less, or which has been seldomer talked about by me, or which has been less heard of and which is less commonly known by men in general. For I, O Laterensis,—on departing from that general conflagration of laws and justice, and the senate, and all good men, at a time when my house threatened while burning itself to set fire to the city and to all Italy, if I did not remain perfectly quiescent,—I, I say, intended to proceed to Sicily, which was all united like one family in my favour, and which was at that time governed by Caius Virgilius, with whom I was most intimately connected both by the long duration of our acquaintance, and by friendship, and by his belonging to some of the same guilds as my brother, and by our common attachment to the republic. See, now, the blackness of those times. When the

very island itself—I may almost say—wished to come forward to meet me, that prætor, repeatedly harassed as he was by the harangues and attacks of that same tribune of the people, on account of his attachment to the republic, would not consent (I will not use a stronger term) to my coming to Sicily. What shall I say? Shall I say that Caius Virgilius, that that excellent citizen and man had forgotten his regard for me, the recollection of the days of our companionship, and all regard for piety, humanity, and good faith? Nothing of the sort, O judges, was the case; he was only afraid that he might not be able by his own unassisted strength to make a stand against that tempest which we even, when supported by you, had been unable to encounter. Then, my plans being thus suddenly changed, I determined to proceed by land from Vibo to Brundusium, for the severity of the weather prevented any attempt at proceeding by sea.

XLI. As all those municipal towns which are between Vibo and Brundusium were in my interest, O judges, they, though many people threatened me, and though they were in great alarm themselves, rendered my journey safe to me. I arrived at Brundusium, or, I should rather say, I arrived outside the walls. I avoided entering the city which was of all others the most friendly to me, and which would have allowed itself to be destroyed before it would have permitted me to be torn from its embrace. I went to the villa of Marcus Lænius Flaccus; and though he had every sort of fear before his eyes,—though he was threatened with confiscation of his property, and exile, and death,—yet he chose to encounter all these things, if they were to happen, rather than abandon the design of protecting my life. I, placed by his hands and by those of his father, a most sensible and virtuous man, and by those of his brother and both his sons, in a safe and trustworthy ship, and being escorted by their prayers and vows for my return, departed thence to go to Dyrrachium, which was devoted to my interests. And when I had come thither, I ascertained—as indeed I had heard before—that Greece was full of wicked and abandoned men, whose impious weapons and destructive firebrands my consulship had wrested from their hands. And before they could hear that I had arrived in those districts, and although they were many days' journey from them, I proceeded into Macedonia to Plancius. But as

soon as ever Plancius heard that I had crossed the sea,—(listen, listen, I say, and take notice, O Laterensis, that you may know how much I owe to Plancius, and that you may confess at last that what I am doing I am doing out of proper gratitude and piously; and that the trouble which he took for my safety, if it is not to do him any good, ought at all events not to be any injury to him,)—as soon, I say, as he heard that I had arrived at Dyrrachium, he immediately came to me himself, without his lictors, without any of the insignia of his office, and with his robe changed for one of mourning.

Oh, how bitter to me, O judges, is the recollection of that time and place, when he fell on my neck, when he embraced me, and bedewed me with his tears, and was unable to speak for grief! O circumstance cruel to be heard of, and impious to be beheld! O all the remainder of those days and nights during which he never left me, until he had conducted me to Thessalonica, and to his official house as quæstor! Here I will say nothing at present about the prætor of Macedonia, beyond this, that he was always a most excellent citizen, and a friend to me; but that he felt the same fear that the rest did; and that Cnæus Plancius was the only man—I will not say, who had no such fear—but who, even if those things were to happen which were dreaded, was willing to encounter and endure them in my company and for my sake. For even when Lucius Tubero, my intimate friend, who had been lieutenant to my brother, had come to me on his return from Asia, and had revealed to me in the most friendly spirit the treacherous designs which he heard were formed against me by the banished conspirators, and when I was preparing therefore to go into Asia on account of the connexion subsisting between that province and my brother and myself, he would not allow me to depart. He, Plancius, I say, detained me by force and by a close embrace, and for many months never departed from me, discarding his character as a quæstor and assuming that of my companion.

XLII. O what miserable nights of watching did you pass, O Cnæus Plancius! O what tearful vigils! O what bitter nights! O what a miserable task was that which you undertook of protecting my life! if I, now that I am alive, am unable to be of any service to you, though perhaps I might have been of some if I had been dead. For I recollect, I

well recollect, and I never shall forget, that night when I, miserable man that I was, and led on by ungrounded hopes, made you who were watching over me, and sitting by me, and lamenting, some vain and empty promises. I promised that, if I were restored to my country, then I would in person show my gratitude; but, if chance deprived me of life, or if any greater violence prevented my return, then I undertook that these men, these whom we see here, (for what others could I then be thinking of?) would make you a fitting return on my behalf, for all your exertions. Why do you fix your eyes upon me now? Why do you claim the performance of my promise? Why do you implore my observance of good faith? I was not promising you at that time anything from my own resources, but from the good-will of these men towards me. I saw that these men were mourning for me; that they were groaning for me; that they were willing to do battle in defence of my rights and safety, even at the hazard of their own lives; I, as well as you, was hearing every day of the regret, and grief, and complaints of these men; and now I fear that I may be able to make you no other return beyond tears, of which you yourself shed plenty for my distresses. For what can I do more than grieve? more than weep? more than consider your safety bound up with my own? The same men who gave me safety are the only men who have the power to give it to you. But I (rise up and stand forward, I beg you,) will cling to you and embrace you; and I will profess myself, not only one who prays to the judges to protect your fortunes, but one who will be your companion and partner in them. And, as I hope, no one will be of so cruel and inhuman a disposition, nor so unmindful—I will not say of the services which I have done the good, but of the services which the good have done me—as to tear away and separate the saviour of my very existence as a citizen from me. I beg of you, O judges, to save a man who has been, not loaded with kindnesses by me, but the guardian of my safety. I am not striving in his behalf with wealth, and authority, and influence; but with prayers, and tears, and appeals to your mercy. And his unhappy and most virtuous father, whom you see before you, joins his entreaties to mine; we, being as it were two parents of his, pray your mercy for our one son.

Do not, O judges, I entreat you in the name of yourselves

of your fortunes, and of your children, give joy to my enemies, especially to those whom I have made my enemies by labouring for your safety, by allowing them to boast that you have by this time forgotten me, and that you have shown yourselves enemies to the safety of the man by whom my safety was ensured. Do not crush my spirit not only with grief, but also with fear that your kind regard for myself is altered; allow me to pay the man from you, that which I repeatedly promised him because I relied on you.

And you, O Caius Flavius,[1] you I beg and entreat,—you who were the partner of my counsels during my consulship, and the sharer of my dangers, and my assistant in the exploits which I performed; and who have at all times wished me to be not only safe, but prosperous also and flourishing,—I entreat you, I say, to preserve for me, by the instrumentality of these men, that man to whom it is owing that you see me preserved to them and to you. It is not only my own tears, but yours also, O Flavius, and yours too, O judges, that hinder me from saying more: and by them I—though I am in a state of great apprehension—am induced to hope that you will show yourselves the same men with reference to the saving of Plancius that you did in my case; since by those tears which I now behold, I am reminded of those which you so repeatedly and abundantly shed for my sake.

[1] Caius Flavius was one of the prætors of the year, and, as such, president of this court.

# THE SPEECH OF M. T. CICERO IN DEFENCE OF PUBLIUS SEXTIUS.

THE ARGUMENT.

Publius Sextius, when tribune of the people, had been one of those who had exerted themselves most strenuously to promote Cicero's recal, and had shown himself most devoted to his interest, though some coolness had sprung up between them afterwards, owing to Sextius's thinking that Cicero was not sufficiently sensible of his obligations to him. Having, however, become very obnoxious to all the friends of Catiline's party, Clodius instigated Marcus Tullius Albonovanus to prosecute him on an accusation of having been guilty of violence and breaches of the peace during his tribunate; and they both expected that Cicero would be neuter in the cause; but he went of his own accord to Sextius, and offered to undertake his defence. Pompeius attended this trial as a friend to Sextius, but Cæsar sent his friend Vatinius to give evidence against him. (See the next speech.)
This speech was delivered A. U. C. 698.
Sextius was unanimously acquitted.

I. If any one in times past, O judges, was used to wonder what was the reason why in a republic of such power, and in an empire of such dignity, there were not found any great number of citizens endowed with so fearless and magnanimous a spirit, as to dare to expose themselves and their personal safety to danger on behalf of the constitution of the state and of the general liberty; from henceforward he must wonder if he ever sees any virtuous or intrepid citizens, rather than if he occasionally finds one timid, and caring more for his own interests than for those of the republic. For without calling to mind and considering the case of each separate individual, you can see at one survey those men who joined the senate and all virtuous citizens in raising up our afflicted country, and delivering it from a horde of domestic robbers, now with sad countenances and mourning garments struggling as defendants for their freedom, for their characters, for their rights as citizens, for their fortunes, and for their children; and those who have polluted, and attacked, and thrown into confusion,

and overturned all divine and human laws going about the city merry and joyful, and, while they are without any provocation, contriving danger for the bravest and best of the citizens, in no fear whatever for themselves.

And though there is much that is scandalous in such a state of things, yet is there nothing more intolerable than that they now seek to employ not their bands of robbers, not men desperate through want and wickedness, but you yourselves, the best men in the city, for the purpose of bringing us and other most virtuous men into danger. And they now think that, as they were unable to destroy them by stones, and swords, and firebrands, by violence, and personal force, and armed bands, they will be able to effect their purpose through the instrumentality of your authority, your integrity, and your judicial decisions.

But, O judges, since I am compelled now to exert that voice in order to ward off danger from them, which I had hoped to be able to devote to returning thanks to, and to commemorating the kindness of those men who have conferred the greatest services on me, I entreat you to allow that voice to be useful to them to whose exertions it is owing that it has been restored at all to myself, and to you and to the Roman people.

II. And although the case of Publius Sextius has been summed up by Quintus Hortensius, that most illustrious and most eloquent man; and though nothing has been omitted by him which he could possibly urge either in the way of complaint over the condition of the republic, or of argument for the defendant; still I will come forward also to speak for him, lest my exertions in defence should appear to be wanting to that man to whom it is owing that they are not wanting to every one of the citizens. And I consider, O judges, that in this case, and now speaking as I am at the close of it, the part which belongs to me is to argue the matter on grounds of affection, rather than to defend my client by an appeal to the strict law; to employ complaints rather than eloquence, and to display my grief rather than my ability. And, therefore, if I plead with more vehemence or more freedom than those who have spoken before me, I beg of you to listen to my speech with much indulgence, and to make all the allowance for it that you think is due to pious grief and just indig-

nation. For no man's grief can be more intimately connected with his duty than this present grief of mine, being caused as it is by the peril of a man who has done me the greatest possible services. Nor is any indignation more praiseworthy than that with which I am inflamed by the wickedness of those men, who have thought it their business to declare war against all the defenders of my safety. But since his other counsel have spoken of each separate charge, I will speak of the entire state of the case as affecting Publius Sextius, of his conduct throughout his life, of his natural disposition, of his habits, of his incredible affection for all good men, of his zeal for the preservation of the general safety and tranquillity; and I will endeavour—if it be only possible for me to succeed—to prevent anything, in all this miscellaneous and general defence, from appearing omitted by me which has any connexion either with this investigation before you, or with the defendant, or with the republic.

And since the tribuneship of Publius Sextius was placed by fortune itself in the most critical period of the state, and amid the ruins of the overthrown and prostrate republic, I will not approach those most important and serious topics before I have first shown you by what beginnings, and on what foundations, the great glory was built up which he gained under the most trying circumstances.

III. Publius Sextius, O judges, was born (as most of you know) of a wise, and conscientious, and strict father, who after he had been appointed as the first tribune of the people among a number of most noble men, and in a prosperous time of the republic, was not so eager to obtain the other honours of the state as to seem worthy of them. By the advice of that father, he married the daughter of a most honourable and thoroughly tried man, Caius Albinus, by whom he had this boy whom you see here, and a daughter who is now married. My client was so highly esteemed by these two men of the highest class of old-fashioned virtue, that he was beyond all things beloved by and agreeable to both of them. The death of his daughter took away from Albinus the name of his father-in-law, but it did not take away the affection and good-will engendered by that connexion. And to this very day he is very fond of him, as you may judge by his constant attendance here, and by his anxiety for him, and by his

frequent solicitations to you on his behalf. He married a second wife, while his father was still alive, the daughter of a most virtuous but most unfortunate man, Caius[1] Scipio. And with respect to this man, the piety of Publius was shown in a most remarkable way, and one acceptable to all men, for he immediately went to Massilia[2] to see and comfort his father-in-law, cast out as he was by the waves of the republic, lying in a foreign land, a man who ought to have stood in the footsteps of his ancestors. And he conducted his daughter to him, in order to induce him, by that unexpected sight and embrace, to lay aside, if not all, at least some part of his sorrow; and as long as he lived he supported with the most unceasing attentions the sorrow of the father and the desolate condition of his daughter.

I might here say a great deal about his liberality, his attention to his domestic duties, his conduct as military tribune, and his great moderation in his province in the discharge of the duty of that magistracy; but I keep always in my view the dignity of the republic, which summons me to the consideration of herself, and exhorts me to pass over these minor points.

My client, O judges, was indeed, by lot, the quæstor of Caius Antonius, my colleague, but by his sharing in all my counsels he was in effect mine. I am prevented by scruples concerning the pledge of confidence, as I interpret it, under which such duties are performed, from explaining to you how much information he brought to me, and what great foresight he displayed. And of Antonius I will only say this one thing; that, in that time of exceeding fear and danger to the state, he never once attempted either to remove by any denial or to allay by any concealment the general apprehensions of all men, or the especial suspicion conceived by some persons with respect to himself. And if you were accustomed with truth, while I was occupied in supporting and restraining that colleague of mine, to praise my indulgence to him, united as it was with the greatest watchfulness over the interests of the republic, almost equal praise ought to be given to Publius Sextius, who kept such a watch on his own consul that he

[1] Caius Scipio, surnamed Asiaticus, was proscribed by Sylla and compelled to retire to Marseilles for safety.

[2] Now Marseilles.

seemed to him to be a good quæstor, and to all of you to be a most excellent citizen.

IV. Moreover, when that conspiracy had burst forth from its hiding place and from darkness, and stalked about in arms through the city, he came with the army to Capua; which city we suspected, on account of its exceeding resources and advantages in time of war, was likely to have attempts made on it by that impious and wicked band. And he drove Marcus Aulanus, a military tribune devoted to Antonius, headlong out of Capua; a profligate man, and one who without much disguise had mixed in the intrigues of the conspiracy at Pisaurum, and in other parts of the Gallic territory. He also took care to get rid of Caius Marcellus out of that city, after he had not only come to Capua, but, as if from a fondness for warlike arms, had frequently visited a very numerous troop of gladiators. On which account that illustrious body of Roman settlers which is at Capua, which, on account of the way in which I preserved the safety of that city during my consulship, has adopted me as their only patron, returned the greatest thanks to this Publius Sextius, when he was at my house; and at this very time those same men, changing only their name, and appearing as colonists, and decurions,—most gallant and virtuous men that they are!—come forward to give evidence, and to declare the services done to them by Publius Sextius, and to inform you of their public vote according to which they entreat you to protect him from danger.

Read, I beg, O Publius Sextius, what the decurions[1] of Capua decreed, in order that your childish voice may be able to give some hint to our adversaries what it appears likely to be able to do when it has acquired strength.

[*The decree of the decurions is read.*]

I am not having a decree read which has been dictated by any obligations of neighbourhood, or clientship, or relation of public hospitality, or which was passed because of a canvass for it, or because of the recommendation of some powerful man. I am reciting to you the expression of a recollection of dangers which have been passed through, the declaration of a most honourable service done to a people, a present return of

[1] It has been said before that decuriones was the name of the senators of a senate of a colony.

kindness, and a testimony of past events. And at that very time when Sextius had released Capua from fear, and the senate and all good men, by the detection and crushing of all domestic enemies, had, under my guidance, delivered the city from the greatest dangers, I sent letters to summon him from Capua with that army which he had at that time with him. And the moment he had read the letters, he flew to the city with inconceivable rapidity. And in order that you may thoroughly call to mind the atrocity of those times, listen to the letters, and stir up your memories to a contemplation of the time that is gone by.

[*The letters of Cicero, the consul, are read.*]

V. By this arrival of Publius Sextius, the attacks and attempts of the new tribunes of the people, who then, in the last days of my consulship, were endeavouring to give me trouble on account of the deeds which I had performed, and all the over violent designs of the conspiracy, were checked. And after it was perceived that, while Cato, as tribune of the people, a most fearless and excellent citizen, defended the republic, the senate and the Roman people by themselves, without any assistance from the military, could easily uphold both their own majesty and the dignity of those men who had defended the general safety at their own personal risk, Sextius with that army of his followed Antonius with the greatest possible rapidity. Here why need I mention by what conduct he stirred up the consul to act with energy? or how many motives for exertion he suggested to that man, desirous, perhaps, of victory, but still too much afraid of the common dangers and chances of warfare and of battle? That would be a very long story; but thus much I will say briefly. If the courage of Marcus Petreius had not been most admirable; if his virtue in state affairs had not been faultless; if his influence among the soldiers had not been overpowering; if his experience in military affairs had not been most surprising; and if, above all, Publius Sextius had not cooperated with him in exciting, encouraging, reproving, and spurring on Antonius,—winter would have overtaken them before the end of that war, and Catiline, when he had emerged from those frosts and snows of the Apennines, and, having the whole summer before him, had begun to plunder the roads of Italy and the folds of the shepherds, would never have been

destroyed without enormous bloodshed, and most miserable devastation extending over the whole of Italy.

These then were the feelings which Publius Sextius brought to his tribuneship; that I may forbear to speak of his quæstorship, and come at last to things nearer to ourselves. Although I must not omit to speak of that singular integrity of his in the province, of which I lately saw traces in Macedonia, not lightly imprinted to celebrate something for a short time, but fixed in the everlasting recollection of that province. But, however, we will pass over all these things, though not without turning back and fixing one last look upon them.

VI. Let us come with eager zeal and rapid course to his tribuneship, since that has been for some time inviting us to contemplate it, and since it occupies a large portion of my speech. And that tribuneship has already been spoken of by Quintus Hortensius in such a way that his speech not only appears to contain a complete defence to every count of the accusation, but would even be worth recollecting as laying down admirable rules for the principles and system on which a man ought to proceed in discharging the duties of a public office. But still, since the entire tribuneship of Publius Sextius did nothing but uphold my name and my cause, I think it necessary for me, O judges, if not to discuss the whole matter with precision, at all events to speak of it in a tone of lamentation.

And if while speaking on this subject I were inclined to inveigh against some men with something like severity, who would not make allowance for my attacking those men with some freedom of expression, by whose wickedness and frenzy I had myself been injured? But I will proceed with moderation, and I will be guided rather by what is suitable to the present time, than to my indignation. If there be any people who secretly are vexed at my safety, let them conceal themselves; if there be any who have at any time done anything against me, and who now are silent and quiet, let us also forget it; if there be any who are puffed up to behave insolently, and who still wish to attack me, we will bear with them as far as they can be borne with; nor shall my language offend any one, except those who so put themselves in my way that I shall appear not to have attacked them but to have run accidentally against them.

But it is necessary, before I begin to speak of the tribuneship of Publius Sextius, to lay before you all the circumstances of the shipwreck of the republic the preceding year; to the repairing which, and to the restoration of the general safety, all the words, and actions, and thoughts of Publius Sextius will be found to have been devoted.

VII. That year, the whole republic being in a state of great commotion, and many people being in just fear, had been like a bow bent against me alone, as men ignorant of state affairs used commonly to say; but in reality against the whole republic, by the transference to the common people of a furious and profligate man, angry with me, but a far more zealous enemy to tranquillity and the general safety. This man, that most illustrious of citizens, and, though many tried to alienate him from me, most friendly to me, Cnæus Pompeius, had bound by every sort of security, and promise, and oath to do nothing during his tribuneship contrary to my interest. But that wicked man, sprung as it were from the very dregs of every sort of wickedness, thought that he should not be doing enough in the way of violating his engagements, unless he terrified the man who was so eager to guard against danger for another, by personal danger to himself. This foul and savage brute, hampered as he was by the auspices, tied down by the precedents of our ancestors, fettered by the bonds of holy laws, was on a sudden released by the consul,[1] who, as I imagine, was either won over by entreaties, or, as many people thought, influenced by hostility to me, and who at all events was ignorant and unsuspicious of the impending crimes and misfortunes. And that tribune of the people, if he was successful in his design of throwing the republic into confusion, did not owe it to any energy of his own. For what energy could there be in the life of a man maddened by the infamy of his brother, by his own adultery with his sister, and by every sort of unheard-of licentiousness?

But that, forsooth, did seem like a fortune appointed for the republic by fate itself, that that blind and senseless tribune of the people should find two—must I call them consuls? must I honour by this name the overthrowers of this empire, the betrayers of your dignity, the enemies of all good men? men who thought that they had been adorned

[1] There is great reason to think that there is some corruption here.

with those fasces, and with all the other insignia of supreme honour and command, for the purpose of destroying the senate, of crushing the equestrian order, and extinguishing all the rights and established principles of our ancestors. And, I beg you in the name of the immortal gods, if you do not yet wish to recal their wickedness and the wounds which they have burnt into the republic, still turn your recollection to their countenances and their gait. Their actions will more easily present themselves to your minds if you bring their faces before your eyes.

VIII. The one reeking with perfumes, with curled hair, looking with disdain on the agents of his debaucheries, and the old plagues of his youthful age, formerly when tossed and driven about by the troops[1] of usurers, lest in that Scyllæan state of debt he should be dashed up against the Mænian column, fled into the harbour of the tribuneship. He despised the Roman knights; he threatened the senate; he sold himself to the artisans, and proclaimed openly that they had saved him from being prosecuted for bribery; and he was used to say, moreover, that he hoped to obtain a province from them, even though it were against the will of the senate; and if he did not get a province, he did not think it possible for him to remain in safety. The other, O ye good gods! how horrible was his approach, how savage, how terrible was he to look at! You would say that you were beholding some one of those bearded men,—an example of the old empire, an image of antiquity, a prop of the republic. His garments were rough, made of this purple worn by the common people you see around us, nearly brown; his hair so rough that at Capua, in which he, for the sake of becoming entitled to have an image of himself, was exercising the authority of a decemvir, it seemed as if he would require the whole Seplasia[3] to make it decent. Why need I speak of his eyebrow? which at that time did not seem to men to be an ordinary brow, but a pledge of

[1] The text here is very corrupt. The Latin is "puteali et fœneratorum gregibus inflatus atque perculsus." The *puteal* was the *puteal Libonis*, mentioned in Horace, the enclosure surrounding a well erected by Scribonius Libo to preserve the memory of a chapel which had been struck by lightning, and it was a common place of meeting for usurers.

[2] See vol. i. p. 123, note.

[3] "Seplasia was the name of the forum at Capua, where the perfumers carried on their trade."—Nizol.

the safety of the republic. For such great gravity was in his eye, such a contraction was there of his forehead, that the whole republic appeared to be resting on that brow, as the heavens do on Atlas. This was the common conversation of every one: "He is, however, a great and firm support to the republic; we have some one to oppose to that pollution, to that mud; I declare solemnly by his mere look he will check the licentiousness and levity of his colleague; the senate will have some one this year whom it can follow; good men will not be in want of an adviser and a leader this year." And men congratulated me most especially, because I was likely to have not only a friend and connexion, but also a fearless and dignified consul as an ally against a frantic and audacious tribune of the people.

IX. And as to one of them, no one was mistaken in him; for who could suppose it possible for a man rising suddenly from the long darkness of brothels and scenes of debauchery in which he had lain, to hold the helm of so vast an empire, and to undertake the guidance of the republic in so important a voyage, amid such threatening waves?—a man worn out with wine and gluttony, and lewdness and adultery?—a man who, beyond his hopes, had been placed in the highest rank through the influence of others, when his drunken eyes were unable not merely to gaze on the impending storm, but even to stand any unusual glare of light? But the other did deceive many men in every point; for he was recommended to men's favourable opinion by the fact of his high birth, which is of itself a very powerful recommendation, for all virtuous men naturally look with favour on noble birth, both because it is advantageous for the republic that nobly-born men should be worthy of their ancestors, and because the recollection of men who are illustrious, and who have deserved well of the republic, has its influence over us even after they are dead. And because men saw him always morose, always taciturn, always neglectful of his appearance and coarse-looking, and because his name was such that frugality appeared a quality innate in his family, they favoured him, and rejoiced, and in their hopes called him a man fashioned after the model of the integrity of his ancestors, forgetting the family of his mother. But I, (I will tell the plain truth, O judges,)—I myself never thought that there could be so much wickedness, audacity,

and cruelty in any man as, to my own cost and that of the republic, I have experienced that there was in him. I knew the man was worthless, inconsistent, and that it was a pure mistake that made men think well of him, deceived by the appearance of his youth. His disposition, in truth, was concealed by his countenance, and his vices within walls; but this sort of disguise is never continued, nor so well maintained that it cannot be seen through by inquisitive eyes.

X. We saw the course of his life, his indolence and sloth; those who were in the least acquainted with him saw his secret licentiousness. Moreover, he gave us, by his conversation, plenty of handles to enable us to grasp and comprehend his inmost feelings. Being a very learned man, he used to praise philosophers,—I don't know which, and indeed he could not tell their names himself;—but still he used to praise those above all others who were said to be beyond all the rest the admirers and panegyrists of pleasures: of what sort of plea sure,—of pleasure enjoyed at what times and in what manner, he never inquired; but the name itself he devoured with all the energy of his mind and body. And he used to say that those same philosophers were right when they said that wise men do everything for the sake of themselves; that no man in his senses has any business to trouble himself about the government of the republic; that nothing is better than a life of ease, full of and loaded with all sorts of pleasures: and he used to say that those men who said that men ought to regard their own dignity, and to consult the interests of the republic, and to have a regard in every action of life to duty and not to advantage, that men ought to undergo dangers on behalf of their country, and to encounter wounds and to seek even death for its sake, were crazy and mad. And from these incessant and daily conversations of his, and because I saw who the men were with whom he lived in the more retired part of his house, and because his house itself (as I may say) smoked so as to emit a steam from his discourse, and to show what he was about, I made up my mind that nothing good was to be looked for from such a trifler; but at the same time certainly that no evil need be feared. But the fact is, O judges, that, if you give a sword to a little child, or to a powerless and decrepit old man, he himself by his own violence cannot injure any one, but still if the sword touches the

naked body of even the strongest man, it is possible that he may be wounded by the mere sharpness and power of the weapon; in like manner, when the consulship had been given as a sword to enervated and worn-out men, who, of their own strength, would never be able to wound any one, they, armed with the name of supreme command, murdered the republic. They openly made a treaty with the tribune of the people, to receive from him whatever provinces they chose, and an army, and as much money as they chose, on this condition,—that they themselves were the first to hand over the afflicted republic in fetters to the tribune. And they thought that that treaty could be ratified in my blood. And when this matter was divulged, (for such enormous wickedness could not be dissembled or hidden for any length of time,) motions are proposed at one and the same time by the same tribune, concerning my destruction and concerning the provinces of the consuls, allotting them to each of them by name.

XI. On this, the senate being anxious, you knights being in a state of great excitement, all Italy being agitated,—in short, all citizens of every sort and of every rank, thought that they must seek help for the republic from the consuls and from the supreme power, while they were the only men, besides that frantic tribune,—those two whirlwinds (so to say) of the republic,—who not only did not come to the assistance of their falling country, but who even grieved that it was falling so slowly. They were every day solicited both by the complaints of all good men, and by the direct entreaties of the senate, to undertake my cause, to act on my behalf, and to bring some proposition before the senate. They attacked all the most eminent men of that body, not only refusing their request, but even laughing at it. But when on a sudden an incredible multitude from the whole city, and from all Italy, had assembled at the Capitol, they all decided that they should put on mourning garments and defend me in every possible way by their private resources, since the republic was destitute for the time of its public leaders. At the same time the senate was assembled in the temple of Concord, a temple which of itself recalled the recollection of my consulship, when the whole body in tears addressed this curled consul with entreaties; for the other rough and fierce-looking one was keeping himself at home on purpose. With what haughtiness did

that filthy fellow, that pest of the republic, reject the prayers of that most honourable body, and the tears of the most illustrious citizens! How did that glutton and devourer of his country scorn me! For why should I say devourer of his patrimony, which he lost while engaged in some sort of trade?

You, I say,—you, O Roman knights,—you and all virtuous men changed your garments, and in the cause of my safety threw yourselves at the feet of that most profligate debauchee. You and your prayers were alike trampled on by that robber. A man of extraordinary integrity, magnanimity, wisdom, and firmness, Lucius Ninnius, made a motion to the senate concerning the republic, and the senate, in a full house, passed a resolution that they should change their garments for my safety.

XII. Alas for that day, O judges, fatal to the senate, and to all good men! grievous to the republic! bitter for me as far as my domestic grief was concerned, but glorious as relates to my fame in the eyes of posterity! For what, since the first beginning of human memory, can any one produce more splendid than for all good men by their own tacit agreement as individuals, and for the whole senate by public resolution, to have changed their garments and put on mourning for the sake of a single citizen? And that change of dress was not adopted at that time for the sake of averting a calamity from me by entreaty, but to show their grief at that which had befallen me. For to whom could they address their entreaties, when all were in mourning alike, and when the fact of a man's not having changed his dress was a sufficient proof of his being an ill-disposed person? After this change of garments had taken place, and while the city was in such grief, I say nothing of what that tribune, that plunderer of all things both human and divine, proceeded to do; a fellow who ordered all the most noble youths, and the most honourable Roman knights who were eager to entreat him to ensure my safety, to attend at his house, and who then exposed them to the swords and stones of his troop of artisans. I am speaking now of the consuls, on whose good faith the republic had a right to rely. Frightened out of his wits, he flies from the senate with a mind and countenance less agitated than it would have been a few years before, if he had fallen in with a crowd of his creditors. He convenes an assembly. He, the consul, addresses them in such a speech as even Catiline him-

self, if he had been victorious, would never have delivered. He said "that men were greatly mistaken if they thought that the senate had any power in the republic; and that the Roman knights should suffer severely for that day on which, in my consulship, they had appeared with their swords on the Capitoline Hill: that the time had come for those who had been in fear" (he evidently meant the conspirators) "to avenge themselves." If he had said no more than this, he would have been worthy of the last extremity of punishment; for a mischievous speech of a consul can of itself undermine the republic. But see now what he did. In that assembly he banished Lucius Lamia, who was exceedingly attached to me on account of the exceeding intimacy which subsisted between me and his brother and his father, and who was also willing to encounter even death itself for the sake of the republic; and issued an edict that he should remove two hundred miles from the city because he had dared to address solicitations to him on behalf of a citizen,—of a citizen who had deserved well of the state, and who was his own friend,—and on behalf of the republic.

XIII. What can you do with this man? or for what punishment can you reserve this profligate citizen,—I should rather say this impious enemy? who, to pass over other particulars of his character, and other actions which belong to him in common with his infamous and savage colleague, has this one thing to boast of peculiar to himself, that he expelled from the city and banished (I will not say a Roman knight, I will not say a most accomplished and virtuous man, I will not say a citizen deeply attached to the republic, I will not say a man who was only joining his own lamentations for the calamity of his friend and of the republic to those of the senate and of all good men; it is enough to say that)—he, the consul, banished a Roman citizen without any trial, by his own simple edict. The Latin allies had never anything worse to submit to than (and it was a case of very rare occurrence) the being ordered by the consul to depart from the city. And they had the power then of returning to their own cities, to their own household gods; and in that general disaster no peculiar ignominy was attached by name to any single individual. But what is the case here? Is the consul to banish, by his edict, Roman citizens from their household gods? is he to

expel them from their country? is he to select whom he pleases? to condemn and banish men by name? If he had supposed that you, who are now sitting here, would continue to exist in the republic,—if he had supposed that any image of the courts of justice would remain, or that there would be the least vestige of the old constitution left in the state, would he even have dared to wipe the senate out of the republic in this way? to reject the prayers of the Roman knights? in short, to overturn the rights and liberties of all the citizens, by new and unheard-of edicts?

Although you are listening to me, O judges, with the greatest attention, and with exceeding kindness, still I fear that some of you may, perchance, marvel why I am so prolix, and what is my object in tracing things back so far, or what connexion the offences of those men who harassed the republic before the tribuneship of Publius Sextius have with his cause now. But my desire is to show that all the counsels of Publius Sextius, and the whole object of his tribuneship, was to remedy the misfortunes of the afflicted and ruined republic as far as was in his power. And pardon me, if in laying open those wounds I appear to say rather too much about myself; for you and all good men decided that that disaster which befel me was the heaviest possible blow to the republic. And Publius Sextius is now on his trial, not on his own account, but on mine; for as he devoted all the powers of his tribuneship to the promotion of my safety, it is inevitable that I should look upon my own cause in past time as united with the defence which I am now making for him.

XIV. The senate then was in grief; the city wore an appearance of mourning, its garments having been changed in accordance with the public resolution of the senate. There was no municipal town in all Italy, no colony, no prefecture, no company of men concerned in farming the public revenues, no guild or council,—no public body, in short, of any kind whatever,—which had not passed most honourable resolutions concerning my safety, when all on a sudden the two consuls issue an edict that the senators are to return to their former dress. What consul ever prohibited the senate from obeying its own decrees? What tyrant ever forbade men who were miserable to mourn? Is it a small thing, O Piso,—for I will say nothing about Gabinius,—that you have deceived men to such a degree as to disregard the authority of the senate? to

despise the advice of every virtuous man? to betray the republic? to crush a citizen of consular rank? that you must dare also to issue an edict that men are not to mourn for a disaster affecting me, and themselves, and the republic, and are not to show their grief by changing their garments? Whether that change of garment was assumed as a token of grief, or as a form of solicitation, who ever was so cruel before as to forbid any one mourning for himself, or entreating for others? What? Are not men accustomed of their own accord to change their garments on the occasion of danger to their friends? Is there no one who will change it ever for you, O Piso? will not even those men do so whom you have appointed as your lieutenants, not only without any resolution of the senate to authorize such a step, but even in defiance of a vote of that body? Shall, then, whoever pleases mourn for the misfortune of a desperate man, of a traitor to the commonwealth, and shall not the senate be allowed to mourn for the danger of a citizen, strong above all men in the good-will of all virtuous men, who has deserved admirably well of his country, which he has saved, especially when with his danger is combined danger to the whole state?

Those same consuls, (if, indeed, it is proper to call those men consuls who, every one thinks, deserve not only to be eradicated from men's memories, but to have their names erased from the consular registers,) after the treaty about the provinces had been ratified, being brought forward to the assembly in the Flaminian Circus by that fury and pest of his country, amid universal grief on the part of all of you, gave their verbal sanction and formal decision in approval of all the things which that fellow had then uttered against me and against the republic.

XV. In the presence and sight of these same consuls, a law was passed that the auspices were to have no validity; that no one was to interrupt any proceeding by declaring that he was taking them; that no one was to have the power of arresting a law by his veto; that it should be lawful to pass a law on all days of festival; that the Ælian[1] and Fufian laws should have no validity. And who is there who can fail to see that by

[1] "The *Lex Ælia* and *Lex Fufia* were passed about the end of the sixth century, and gave all magistrates the power of dissolving the *comitia* by *obnuntiatio i. e.* by observing the omens, and declaring them unfavourable."—Smith, Dict. Ant. p. 560.

that one motion, the entire constitution was destroyed? In the presence and sight of these same consuls, a levy of slaves was held before the tribunal of Aurelius, under pretence of filling up the guilds, when men were enrolled according to their streets, and divided into decuries, and stirred up to violence, and battle, and slaughter, and plunder. It was while these same men were consuls, that arms were openly carried into the temple of Castor, and the steps of the temple were pulled up; armed men occupied the forum and the assemblies of the people; slaughters and stonings of people took place; there was no senate, no magistrates were left; one man by arms and piratical violence seized on all the power of all the magistrates, not by any power of his own, but, having bribed the two consuls to desert the republic by the treaty respecting the provinces, he insulted every one, domineered over every one, made promises to some, held down many by terror and fear, and gained over more by hope and promises.

And when such was the state of all things, O judges,—when the senate had no leaders, or traitors, or I should rather say open enemies, in the place of leaders,—when the equestrian order was being put on its trial by the consuls,—when the authority of all Italy was trampled on,—when some men were banished by name, others frightened away by terror and danger,—when the temples were full of arms, and the forum of armed men; and when those facts were not concealed by the silence of the consuls, but were openly approved of by them by their speeches and their formal decision,—when we all of us saw the city not yet perhaps razed and destroyed, but at all events already stormed and in the power of the enemy,—nevertheless, relying on the exceeding zeal of the virtuous part of the citizens, we would have resisted, O judges, even these enormous evils.

XVI. But there were other grounds for fear, and other reasons for anxiety and suspicion, O judges, which influenced me at that time. For I will explain to you this day, O judges, all the principles of my conduct and of my designs; and I will not be wanting to your great desire of hearing the truth, nor to this multitude, the greatest which, within my recollection, has ever appeared in any court of justice. For if I, in so good a cause,—when supported so zealously by the senate, and by such an inconceivable unanimity on the part of all

virtuous men, ready to act in my behalf, and when all Italy was stirred up and braced for the contest,—yielded to the fury of a tribune of the people, one of the most despicable of men; if I was afraid of the trifling but audacious characters of those most contemptible consuls, then I should be forced to confess that I was too timid, that I was a man of no courage, of no decision, and of no wisdom. For what was there in the case of Quintus Metellus similar to mine? Although all good men considered that he had right on his side, yet the senate did not espouse his cause by any public resolution, nor did any separate body of men by any private vote, nor had all Italy undertaken the advocacy of his cause by their decrees. For he had shown greater regard for some sort of private credit of his own, than for the manifest welfare of the republic, when he alone had refused to swear to a law which had been passed by means of violence; and lastly, his great bravery appeared to be exercised with this qualification, that his own credit for consistency was not to be sacrificed to his affection for his country. But he had to contend against the invincible army of Caius Marius; he had for an enemy Caius Marius, the preserver of his country, now for the sixth time administering the affairs of the republic as consul. He had to contend against Lucius Saturninus, now for a second time tribune of the people; a vigilant man, and one who in a popular cause conducted himself, if not with moderation, at all events with due regard to the prejudices of the people, and in a very disinterested spirit. He yielded, lest, being conquered by brave men, he should fall disgracefully, or lest, if conqueror himself, he should deprive the republic of many gallant citizens.

But my cause was embraced openly by the senate, with the greatest energy by the equestrian order, by all Italy by means of public resolutions, and by all good men with the greatest earnestness, as if it were their own personal quarrel. I had performed achievements with regard to which I had not been the sole originator of them, but the leader of the universal inclination of all the citizens; and which were designed to promote not my own single glory, but the common safety of all the citizens—I may almost say of all nations. And I had performed them in such a manner that all men were bound at all times to uphold and defend my conduct.

XVII. And I had to contend not against a victorious army, but against a lot of hired artisans, men excited with the hope of plundering the city. I had for an enemy,—not Caius Marius, the terror of our enemies, the hope and support of his country,—but two ill-omened monsters, whom want, and the immensity of their debts, and fickleness, and a wicked disposition, had delivered over to the tribune of the people as his slaves. Nor had I to contend against Saturninus, who was seeking to satisfy his own indignation with great earnestness of mind, because he knew that the superintendence of the import of provisions had been, as an intentional insult, transferred from him while he was quæstor at Ostia to the chief man both of the senate and of the city, Marcus Scaurus. But I had to struggle with the debauched favourite of wealthy buffoons, with the adulterer of his sister, with the very high-priest of lewdness, with a poisoner, with a forger of wills, with an assassin, with a robber; and if—as was very easy to be done, as ought to have been done, and as many most virtuous and brave citizens entreated me to do—I had overcome those men by force and arms, I had no reason to fear that any one would reprove me for having repelled force by force, or grieve for the death of those abandoned citizens, or, as I should rather call them, domestic enemies. But these were the things which had weight with me. That Fury was in the habit of crying out in all the assemblies, that all the things which he was doing to the prejudice of my safety, he was doing with the approval of Cnæus Pompeius, a most illustrious man, and both then and now a most intimate friend of mine as far as he was able to show himself such. Marcus Crassus, a most gallant man, with whom I had every imaginable intimacy of friendship, was announced by that same pest to be most hostile to my fortunes. Caius Cæsar, who had no right to be alienated from me as far as any action of mine could have deserved such feelings on his part, was constantly stated by the same man in his daily harangues to be a most determined enemy to my safety.

These three men he said he was going to avail himself of as his advisers in forming all his plans, and as his assistants in all his actions: of whom he said that one had the most numerous army in Italy; and that the other two, who were private men at that time, could easily get an army a-piece

they chose, and that they would do so. And while he menaced me, he threatened me, not with a judicial decision of the people, nor with any legal or legitimate sort of contest, nor with any discussion or regular trial of our dispute, but with violence, and arms, and armies, and generals, and camps.

XVIII. What then? Did the harangue of an enemy, especially so foolish a one as that, and aimed as it was so wickedly against the most illustrious men, move me? No. It was not his speech, but the silence of those men against whom that most infamous speech was directed that influenced me. For they—although the real cause of their silence was quite a different one—appeared, nevertheless, to men who were afraid of everything, by their very silence to speak, and by their forbearing to deny his assertions, to confess them.

But they, being then under the influence of excessive fear, because they thought that those actions and all the events of the preceding year were being undermined by the prætors, and annulled by the senate and by the chief men of the city, were unwilling to alienate a popular tribune of the people from their interests, and were in the habit of saying that their own dangers touched them more nearly than mine. But still Crassus said that my cause ought to be undertaken by the consuls, and Pompeius implored the aid of their good faith; and he said that he, though a private individual, would not desert the cause which was taken up by public authority. And as he was most anxious for my welfare, and eager beyond measure for the preservation of the republic, certain men, trained for that purpose, warned him to be more careful; and said that a plot was laid against his life, to be carried into execution in my house; and they kept this suspicion alive in him, some by letters, some by messengers, some by coming and talking to him about it; so that he, though most certainly he had no fear of me, yet thought it necessary to guard against them, lest they should attempt anything against him and lay the blame on me. But Cæsar himself, who those men, ignorant of the truth, thought was angry with me most especially, was at the gates, was in military command; his army was in Italy, and in that army he had appointed to a command the brother of that very tribune of the people, my enemy.

XIX. When I saw all this (for there was no secret about it), that the senate, without which the constitution could not

stand, was entirely abolished out of the city; that the consuls, whose duty it was to be the leaders of the public counsels, had so managed matters that by their means the great public council was entirely destroyed; that those men who had the greatest influence were held up to every assembly, (falsely indeed, but still in a way calculated to strike my friends with great fear,) as the great approvers of my ruin; that assemblies were held every day in opposition to me; that no one ever uttered a word in defence of me or of the republic; that the standards of the legions were believed to be unfurled against your lives and properties, (falsely indeed, but still they were believed to be so;) that the veteran troops of the conspirators, and that ill-omened army of Catiline, once routed and defeated, was now recruited under a new leader, and under the existing unexpected change of circumstances;—when I saw all these things, what was I to do, O judges? For I know well that at that time it was not your zeal that was wanting to me, but more nearly my energy that was wanting to second your zeal. Was I, a private individual, to struggle in arms against a tribune of the people? No doubt the good would have defeated the wicked; the brave would have defeated the inactive; he would have been slain who could by no other remedy be prevented from being the ruin of the republic. What would have happened next? What would have become of the remains of his party? What would have been the end? Was there any doubt that the blood of the tribune, especially when not shed in consequence of any public resolution, would have had the consuls for its avengers? especially when we recollect that that fellow had said in the public assembly that I must either perish once or be victorious twice. What was the meaning of my having to conquer twice? Why, no doubt, that after I had struggled against that most senseless tribune of the people, I should have to struggle with the consuls and with all those who would avenge him. But for myself,—if I alone was to have perished, and if that incurable and deadly wound would not also have been inevitably inflicted on the republic, with which he threatened it,—I should have preferred at that time, O judges, to perish once rather than conquer twice. For that second struggle would have been such, that whether we were conquered or conquerors, we should have been alike unable to preserve the republic. What would have

happened if in the first struggle, being overcome by the violence of the tribune, I had fallen in the forum, with many virtuous citizens? The consuls, I imagine, would have convened the senate, which they had already expunged from the state; they would summon men to arms who had decided that the republic should not be upheld, no not even by a change of garments; they would, no doubt, have been sure to revolt from the tribune of the people after my death, who had intended the same hour to be that of my ruin and of their own reward!

XX. That one thing remained for me which, perhaps, some men of bold, and energetic, and magnanimous mind will say, —"You should have struggled, you should have resisted, you should have fought to the death." With respect to which idea, I call you to witness, you my country, and you, O household gods, and gods of my country, that it was for the sake of your abodes and temples, that it was on account of the safety of my own fellow-citizens, which has always been dearer to me than my own life, that I avoided combat and bloodshed. In truth, O judges, if it had happened to me when I was sailing in some ship with my friends, that many pirates coming from many parts threatened to overwhelm that vessel with their fleets, unless they surrendered me alone to them; if the crew had refused to do so, and had preferred rather to perish with me than to surrender me to the enemy, I should have thrown myself into the sea in order to save the rest, rather than bring those who were so devoted to me, if not to certain death, at all events into great danger of their lives.

But when, after the helm had been wrested from the senate, so many armed fleets appeared ready to attack the vessel of the republic, tossed about on the deep by the tempests of sedition and discord, unless I alone were surrendered; when proscription, and plunder, and massacre were threatened; when some stood aloof from defending me from suspicion that their doing so might bring themselves into danger, and some were prompted by their long-standing hatred of all good men, and some envied me, and some thought that I was in their way, and some wished to revenge some grief or other which they had suffered, and some were influenced by hatred of the republic itself, and of the present state and tranquillity of good men, and on account of all these numerous and

various causes were demanding me alone to be given up to them,—was I to fight against them, to the extreme, I will not say destruction, but danger at all events, of you and your children, rather than by myself encounter and endure on behalf of all, that evil which was impending over all?

XXI. No doubt the wicked would have been defeated. Still they would have been citizens, and they would have been defeated by that man as a private individual, who as consul, without any appeal to arms, had preserved the republic. But suppose the good men had been defeated, what would have remained? Do not you see that the state would have fallen into the hands of the slaves? Was even I, myself, as some people think, to encounter death with entire equanimity? What? Was I at that time seeking to avoid death? or was there anything which I could think more desirable for myself? or at the very time that I was accomplishing these great exploits amid that multitude of wicked men, were not death and exile constantly present to my eyes? Were not these very events, even at the moment of my performance of those exploits, prophesied as it were by me as parts of my destiny? Or was life worth preserving at a time when all my family and friends were in such grief, when there was such confusion, such misery, such destruction of everything which either nature or fortune had given me? Was I so stupid? so ignorant of affairs? so destitute of all sense and all ability? Had I heard nothing? Had I seen nothing? Had I learnt nothing myself by reading or by inquiry? Was I ignorant that the duration of life is brief, that of glory everlasting? that, as death was appointed for all men, it was desirable that life, which must some day or other be given up to necessity, should appear to have been made a present of to one's country rather than reserved for the claim of nature? Was I ignorant that there had been this dispute between the wisest men, that some said that the souls and senses of men were extinguished by death; but that others thought that the minds of wise and brave men were then in the greatest degree sensible and vigorous when they had departed from the body? And one of these alternatives would seem to show, that to be deprived of feeling was not a thing to be avoided; the other alternative must evidently be very desirable, to become possessed of a more perfect sensation.

Lastly, as I had always considered everything with reference to what was becoming, and had never thought anything in life desirable if unaccompanied by propriety, was I, a man of consular rank, who had performed such great deeds, likely to be afraid of death, which even Athenian maidens, daughters I fancy of king Erectheus, are said to have despised in the cause of their country? Especially when I was a member of that city from which Mucius went forth when he penetrated, by himself, into the camp of king Porsena, and endeavoured to slay him, at the imminent risk of his own life; from which, in the first instance, Decius the father, and many years afterwards his son, endowed with his father's virtue, went forth when, while their armies were drawn up in battle array, they devoted themselves and their own lives to ensure the safety and victory of the Roman army; from which a countless host of others besides have gone forth, and with the greatest equanimity have encountered death, some for the sake of gaining glory, and some with the object of encountering disgrace; and while I, myself, remember that in this city the father of this Marcus Crassus, a most gallant man, put himself to death with that same hand with which he had often scattered death among the enemy, that he might not live to see his enemy victorious.

XXII. Influenced by these and many other considerations, I saw that, if my death were the destruction of the common cause of the state, no one would ever live who would venture to undertake the defence of the safety of the republic against wicked citizens. Therefore, I feared that the result would be, not only if I were put to death by violence, but even if I died from natural causes, that the example of a man labouring for the preservation of the republic would perish with me. For if, while all good men were so eager for it, I were not restored by the senate and people of Rome, (and most unquestionably that could never have happened if I had been killed first,) who would ever dare afterwards to encounter the very slightest unpopularity for the sake of having anything to do with the affairs of the republic? I, therefore, saved the republic, O judges, by my departure. At the expense of my own grief and misery I averted slaughter, and devastation, and conflagration, and plunder, from you and from your children. And I, by myself, twice saved the republic; once with glory, once

with misery. That I will never so far deny that I have the feelings of a man as to boast that I felt no grief when I was deprived of my most excellent brother, of my most beloved children, of my most faithful wife, of the sight of you, my fellow-citizens, of my country, and of my rank as a senator. If those had been my feelings, what obligation would you be under to me, if for your sake I had only abandoned those things which I considered of no value? This, in my opinion, ought to be considered by you a most certain token of my exceeding devotion to my country, that, though I could not be absent from her without the deepest grief, yet I preferred to endure this grief, rather than to allow her to be destroyed by wicked citizens.

I recollected, O judges, that that godlike man, sprung from the same district as myself for the preservation of this empire, Caius Mârius, in extreme old age, when he had escaped from violence little short of a pitched battle, first of all hid his aged body up to his neck in the marshes, and from thence crossed over in a very little boat to the most desolate regions of Africa, avoiding all harbours and all inhabited countries. And he preserved his own life, that he might not fall unavenged, for the most uncertain hopes, but still for his country. Should not I, who (as many men in the senate said during my absence) had the safety of the republic bound up with my life, and who on that account was, by the public order of the senate, recommended by the letters of the consuls to the protection of foreign nations,—should not I, I say, have been betraying the republic if I had neglected the preservation of my own life? In the city now, since I have been restored, there lives in my person an example of the public good faith, an instance of its being worth men's while to defend the republic. And if this example is preserved for ever, who is there who can fail to see that this city will be immortal?

XXIII. For the foreign wars waged against us by foreign kings, countries, and nations, have long been so completely put down, that we are treating them, to our own great credit, as people whom we can allow to remain at peace. Moreover, it has not been a common thing for unpopularity to attach itself to any one of the citizens on account of any warlike triumphs. We often have to resist domestic evils, and the counsels of audacious citizens; and it is indispensable to

retain in the republic a remedy for these dangers; all which, O judges, you would have lost if the power of declaring its grief at my position had been taken from the senate and people of Rome by my death. Wherefore, I warn you, O young men, and I enjoin you by the right which belongs to me to do so, you who have a regard for propriety, for the republic, and for glory, not to be slow, if at any time any necessity summons you to defend the republic against worthless citizens, and not, from any recollection of what has happened to me, to shun bold counsels. In the first place, there is no danger of any one ever falling in with such consuls as these, especially if these are requited as they deserve. In the second place, there never will again, I hope, be an instance of any wicked man saying that he is attacking the republic with the approval and assistance of virtuous citizens, while they keep silence; nor of such a man's threatening citizens in the garb of peace with the terrors of an armed soldiery; nor will there be any excuse for a general stationed with his army at the gates, allowing the terror of his name to be used as an instrument for opposing and alarming the citizens. For the senate will never be so oppressed as to have no power of even entreating or lamenting; the equestrian order will never be bound hand and foot so completely as to allow Roman knights to be banished by the consul. But yet even after all these things had happened, and many other more important events also, which I pass over designedly, still you see that, after a short interval of suffering, I was recalled to the enjoyment of my former dignity by the voice of the republic.

XXIV. But to return to that point which is the one which I have particularly proposed to myself to establish in this speech; namely, that the republic was afflicted and oppressed by every sort of calamity that year owing to the wickedness of the consuls. First of all, on that very day which was fatal to me and grievous to all good men, when I had torn myself from the embrace of my country and from your sight, O fellow-citizens, and when from fear of danger to you, not to myself, I had yielded to the frenzy, and wickedness, and treachery, and arms, and threats of one man, and had abandoned my country, which was the dearest of all things to me, out of affection for my country herself; when not only men but the very houses and temples of the city were lamenting

that misfortune which befel me,—so horrible, so lamentable, and so sudden; when no one of you could bear the sight of the forum, or of the senate house, or of the light of day; on that very day, do I say? at that very hour, at that very same moment, at that very instant of ruin to me and to the republic, their provinces were decreed to Gabinius and to Piso. O ye immortal gods, guardians and preservers of this city and empire, what monsters of wickedness, what crimes have you beheld in the republic! That citizen was expelled who, in compliance with the authority of the senate, had defended the republic with the cooperation of all good men and he was expelled, not because of any other charge being brought against him, but expressly because he had done so. And he was expelled without any trial, by violence, by stones, by arms, by bodies of slaves excited to sedition. A law was passed after the forum had been desolated and abandoned, and given over to assassins and to slaves; a law to prevent the passing of which the senate had changed its dress and gone into mourning. The city being in this state of confusion, the consuls did not allow even one night to elapse between my misfortune and their acquisition of plunder. Instantly, the moment that I was struck down, they flew to drink my blood, and, while the republic was still breathing, to carry off and divide my spoils. I say nothing of their mutual congratulations, of their banquets, of their division of the treasury, of their liberality, of their hopes, of their promises, of their booty, of the joy of a few amid the universal mourning. My wife was attacked; my children sought for in order to be murdered; my son-in-law,—ay, my son-in-law, Piso, was rejected as a suppliant by Piso the consul, after he had thrown himself at his feet; my property was plundered and carried off to the houses of the consuls; my house was burnt on the Palatine Hill; the consuls passed the time in revels and joy. But even if they were rejoiced at my distress, they ought to have been moved at the dangers of the city.

XXV. But, however, to give up dwelling on my own case, recollect the rest of the calamities of that year. For by that means you will most easily perceive what a rigorous application of all sorts of remedies the republic required from the next magistrates, and what a multitude of laws wanted remedying, both such as had been passed, and such as had been

only proposed. For some were passed while those consuls (shall I say, were silent respecting them? Ay, rather while they) actually approved of them; laws, that the notice of the censors and the most important decisions of the most holy magistrates should be abolished; that not only those ancient guilds which had existed before should be restored in defiance of the resolution of the senate, but that innumerable new ones should be established by one gladiator; that by abandoning the collection of the half as, and third of an as, nearly one-fifth part of our revenues should be destroyed; that Syria should be given to Gabinius instead of Cilicia, which he had bargained for, if he succeeded in betraying the republic; that one glutton should have the power of deliberating twice over about the same thing, and that he might propose a new law for the purpose of changing his province, after one law had been actually passed on that subject.

XXVI. I say nothing about that law which at one swoop destroyed all religious observances, all the privileges attached to the auspices, to the civil magistrates, and all the enactments which refer to the common law, and to the time of proposing laws; I say nothing about all the internal misfortunes which afflicted us; we saw even foreign nations shaken by the insanity of that year.

By a law proposed by a tribune of the people, the priest of the Mighty Mother at Pessinus was expelled and stripped of his priesthood; and that shrine of the most holy and most ancient of all religious ceremonies was sold for a large sum to Brogitarus, a profligate man, and unworthy of any such sacred character; especially as he had desired it not for the purpose of doing honour to the goddess, but only of profaning her temple. People were styled kings by the people, who would never have even asked for such a title from the senate: condemned exiles were brought back to Byzantium at the very time when citizens, who had not been condemned, were being driven from the city. King Ptolemæus, who, if he had not as yet been himself styled an ally by the senate, was at all events the brother of that king, who, while his cause was identical with his, had long since received that honour from the senate; and was of the same family, sprung from the same ancestors as his brother, and had the same claims from the antiquity of his alliance; who, lastly, was a king, and if

not yet an ally, still most certainly not an enemy; was enjoying the kingdom which had belonged to his father and his grandfather in peace and quiet, relying on the sovereign power of the Roman people, in a condition of royal ease and tranquillity. While he was never thinking of any such thing, never suspecting any such thing, a motion was made and put to the vote of the same troop of labourers and artisans, that he, while sitting on his throne, with his purple, and sceptre, and all the other ensigns of royal authority, should be placed at the mercy of a public crier;—a motion was made, I say, that the Roman people, which has been in the habit of restoring their kingdoms even to those kings whom they have subdued in war, should order that a king who was a friend of the nation, who was not even said to have done them any injury, who had never had any claim preferred against him or any demand for the restitution of anything, should have all his property confiscated and sold with his own person and liberty.

XXVII. That year was a year of many cruel, of many shameful, of many turbulent proceedings; but I know not whether I ought not deservedly to call this the nearest in iniquity to that crime which their wickedness committed against me. Our ancestors determined that that celebrated Antiochus called the Great, after he had been subdued in a long and arduous struggle by land and seas, should be king over the districts within Mount Taurus. They gave Asia, of which they deprived him, to Attalus, that he should be king over that district. With Tigranes, king of the Armenians, we waged a serious war of very long duration; he having, I may almost say, challenged us, by inflicting wanton injuries on our allies. He was not only a vigorous enemy of his own power and on his own account, but he also defended with all his resources, and protected in his territory, that most active enemy of this empire, Mithridates, after he had been driven from Pontus; and after he had been defeated by Lucullus, that most excellent man and most consummate general, he still remained in his former mind, and kept up a hostile feeling against us with the remainder of his army. And yet this man did Cnæus Pompeius—after he had seen him in his camp as a suppliant and in an abject condition—raise up, and placed on his head again the royal crown which he himself had taken off, and, having imposed certain conditions

on him, ordered to continue king. And he thought it no less glorious for himself and for this empire, that the king should be known to be restored by him, than if he had kept him in bonds. Therefore, Tigranes—who was himself an enemy of the Roman people, and who received our most active enemy in his territories, who struggled against us, who fought pitched battles with us, and who compelled us to combat almost for our very existence and supremacy—is a king to this day, and has obtained by his entreaties the name of a friend and ally, which he had previously forfeited by his hostile and warlike conduct.

That unhappy king of Cyprus—who was always our ally, always our friend, concerning whom no single unfavourable suspicion was ever reported to the senate or to our commanders in those parts—has now, as they say, while alive and beholding the light, been seized and sold with all his means of support, and all his royal apparel. Here is a good reason for other kings thinking their own fortunes stable, when by this example, handed down to recollection from that fatal year, they see that one tribune and six hundred journeymen have power to despoil them of all their fortunes, and strip them of their whole kingdom!

XXVIII. But they even designed to stain the character of Marcus Cato by that transaction; ignorant of the extent of such a man's wisdom, and integrity, and magnanimity, and virtue; which is tranquil during a terrible tempest, and shines amid the darkness, and, though driven from its proper position,[1] still remains, and clings to his country, and shines at all times by its own unassisted light, and is never tarnished by the dirt or disgrace of others. Their object was, not to do honour to Marcus Cato, but to banish him. They did not think that they were entrusting that commission to him, but imposing it on him; and said openly in the assembly, that

[1] Clodius had an old grudge against Ptolemæus king of Cyprus for refusing to ransom him once when he was taken prisoner by pirates; and now, having proposed a law to reduce his kingdom to the state of a province, and to confiscate all his property, he got the execution of the decree given to Cato, partly to throw discredit on Cato, and partly to oblige him to acknowledge the validity of his acts by submitting to bear a part in them: and Cato was much pleased at the commission. Ptolemæus, as soon as he had heard of the law and of Cato's approach, poisoned himself in despair.

they had cut Marcus Cato's tongue out, which had always spoken so freely against all extraordinary commissions. They will feel, I trust, in a short time, that that freedom of his still continues; and even, if that be possible, that it exists in a still greater degree from this circumstance, that Marcus Cato, even when he despaired of being any longer able to do any good by his authority, still with his voice and with every expression of indignation struggled against those consuls, and, after my departure, weeping for my misfortune and for that of the republic, attacked Piso in such language, that he made that most abandoned and most shameless man almost repent of his bargain about the province.

Why, then, did he obey the law?—as if he had not already sworn to obey other laws also, which he considered to have been unjustly passed! He does not give in to such rash counsels, as to think himself at liberty to deprive the republic of his services as a citizen, when he can do no good to the republic. While I was consul, and when he was tribune of the people elect, he voluntarily exposed his own life to danger; he delivered that opinion, the unpopularity of which he saw would be so great as to imperil his life. He spoke with vehemence; he acted with energy; what he felt he stated in the most open manner. He was the leader, and the adviser, and main advocate of those measures,—not that he did not see his own danger, but in such a storm as that which was threatening to overwhelm the republic, he thought that he ought not to think of anything but the dangers of his country.

XXIX. His tribuneship followed. Why need I speak of his extraordinary magnanimity, and of his incredible virtue? You remember that day on which, when the temple was occupied by his colleague,[1] and while we were all alarmed for the life of that good man and that great citizen, he himself came most courageously into the temple, stilled the clamours of the men by his authority, and checked the violence of the wicked by his intrepidity. Then, indeed, he encountered danger, but he encountered it for an adequate reason; and how great that motion was, it is not necessary for me to say at present. But if he had not obeyed that most wicked motion with respect to the affairs of Cyprus, the same disgrace would nevertheless have attached to the republic. For after the kingdom had been confiscated, the motion was made about Cato, mention

[1] Metellus Celer

ing him expressly by name. And suppose he had refused to obey it, can you doubt that violence would have been used towards him, since in that case all the acts of that year would have seemed to be undermined by that one man?

And he saw this also: since the stain attached to the republic of having confiscated that kingdom, a stain which no one could efface; he thought it more advantageous, that whatever good could arise to the republic out of those evils, should be secured by him rather than by others. And if, by any means whatever, he had been expelled out of the city at that time, he would have borne it easily. In truth, could he,—who in the former year had absented himself from the senate, though, if he had come thither, he would have been able to have me as the partner of all his counsels which concerned the government of the state,—could he, I say, have continued with equanimity in this city then, after I had been expelled, and with me the whole senate too, and when his own opinions had been condemned? But he yielded to the same time to which we did; to the same frenzy, to the same consuls, to the same threats, and plots, and dangers that we did ourselves. We, indeed, suffered the greatest misfortune of the two, but his indignation and grief of mind was not less than our own.

XXX. It is the consuls who ought to complain of these numerous and enormous injuries done to our allies, and to kings, and to free states. Kings and foreign nations have always been under the protection of that magistracy. But have any words of the consuls been heard on the subject? Although, indeed, who would listen to them if they wanted to complain ever so much? Could they make any complaint about the king of Cyprus, who not only did not defend me while I was still standing,—me, a fellow-citizen, who had no charge brought against me, who was attacked only as a screen to conceal the attacks intended for my country,—but who did not even protect me after I had fallen? I had yielded, if you assert that the common people was alienated from me, (which it was not,) to unpopularity; if you think that everything was thrown into confusion, to the times; if violence was at the bottom of it, to arms; if there was a confederacy against me, to a bargain made by the magistrates; if there was danger to all the citizens, then I had yielded to the one great consideration, the safety of the republic. Why, when a motion was

brought forward concerning the status of a citizen, (I do not say what sort of citizen,) and the confiscation of his property; when it was enacted by the sacred laws and by the laws of the Twelve Tables, that it was not lawful to decree a privilegium against any one, nor to make any motion affecting a man's rights as a citizen;—why, I say, was the voice of the consuls never heard? Why was the rule established that year,—as far as those two pests of this empire could effect its establishment,—that any citizen might lawfully be driven out of the city by name, by the mob of artisans in a state of excitement, and by the contrivance of a tribune of the people? But what measures were proposed that year? what promises were made to many? what engagements were committed to writing? what hopes were entertained? what designs formed?—What shall I say? what spot on the whole surface of the globe was not allotted to some one or other? what public business was there, which could be thought of, or wished for, or imagined, of which the management was not already given and assigned to somebody? what description of command, what province, what contrivance for finding out or amassing money, was overlooked? what district or territory in the whole earth was there of any tolerable extent, in which some kingdom or other was not marked out for somebody? and what king was there who did not think that year, either that he could buy what he had not, or else that he must ransom what he had? Who was there who asked for any province, or for any money, or for any appointment as lieutenant or as ambassador from the senate? If men had been condemned for acts of violence, restitution of their fines was made to them; by every means the way to the consulship was smoothed for that priest who was so devoted to the people. The good groaned at these things; the wicked cherished hopes; the tribune of the people was active; the consuls were assisting him.

XXXI. About this time, a little later than he himself would approve, Cnæus Pompeius, greatly against the will of those men who by their own contrivances and by false alarms had turned away the inclination of that most virtuous and gallant man from the defence of my safety, awakened again that habit which he had of devotion to the cause of the good government of the republic, which had been, I will not say lulled asleep, but a little checked and blasted by some sort of

suspicion. That man, who by his virtuous valour had subdued the most wicked of citizens, and the most active of foreign enemies, and the mightiest nations, and kings, and savage and hitherto unheard-of tribes, and a countless host of pirates, and also the slaves; who, having put a happy end to every war by land and sea, had made the boundaries of the empire of the Roman people coequal with the extent of the world; would not allow that republic to be overturned by the wickedness of a few men, which he himself had repeatedly saved, not only by his counsels, but even by his own blood; he came to the succour of the public cause; he resisted the remainder of those men's measures by his authority; he addressed to the authorities complaints as to what had already happened. Some inclination towards a better state of things appeared to arise. The senate, in a full house, passed a decree respecting my return, on the first of June, without a single dissentient voice, on the motion of Lucius Ninnius, whose good faith and virtue never wavered in my cause. Somebody of the name of Ligus, some obscure fellow, some contemptible addition to my enemies, interposed his veto. The affair and our cause were now in such a state that we seemed to look up, and to be coming to life again. Whoever had had the slightest participation in the wickedness of Clodius as connected with my sufferings, wherever he came, or in whatever trial he appeared, was sure to be condemned. Not a man was found who would admit that he had given a vote against me. My brother had departed from Asia, with every appearance of mourning, but with far deeper grief at his heart. As he came towards the city, the whole city went forth to meet him with tears and groans. The senate was speaking with unusual freedom. The Roman knights were constantly meeting. That excellent man Piso, my son-in-law,[1] who was not allowed time to receive the reward of his affection, either from me or from the Roman people, kept beseeching his relation to give him back his father-in-law. The senate refused to entertain any proposition whatever till the consuls had made a motion concerning me.

XXXII. And as the facts of the case were now notorious, and as the consuls, by their bargain respecting the provinces, had parted with all their freedom of action, and when they

[1] He was dead.

were asked in the senate to deliver their opinions respecting me as private men,[1] said that they were afraid of that law of Clodius: as those men could not stand this state of things any longer, they formed a plan to murder Cnæus Pompeius; and when that was detected, and when the assassins had been taken with the arms in their hands, he remained shut up in his own house as long as my enemy continued tribune. Eight tribunes supported a motion for my return; from which it was understood that my friends had increased in my absence, and that, too, while I was in a situation in which some whom I had thought to be my friends were not able to show[2] it; but the fact was that they had always the same inclination, but not always the same freedom of action; for of the nine tribunes who were at that time in my interest, one, while I was absent, dropped off from me, who took his surname from the images of the Ælii, though he looks more as if he belonged to their nation than to their family.[3]

Accordingly, in this year, when the new magistrates had been elected, when all good men turned their hopes towards them and began to found expectations of a better state of things on their honesty, Publius Lentulus, as the chief, took up my cause with his authority and by the open declaration of his sentiments, in spite of the resistance of Piso and Gabinius; and when eight tribunes made a motion in my behalf, he spoke in favour of it in a speech very honourable to me. And though he thought that it would redound greatly to his glory, and would secure him gratitude as having performed a most important service to the state, if that cause was not as yet proceeded with, but was reserved entire for his consulship, still he preferred having my business settled at once by others, to having it accomplished after delay by himself.

XXXIII. In the meantime Publius Sextius, O judges, the tribune elect, undertook a journey to Caius Cæsar, for the sake of my safety. What he effected, how much real good he did, has nothing to do with the matter. I think, indeed, if Cæsar was, as I believe him to have been, well-inclined towards

[1] The text here seems undoubtedly corrupt.
[2] Here also the text is probably very corrupt.
[3] Ælius was of Ligurian family originally, and the Ligurians were not very famous for their good faith.

us, that Sextius did me no good at all; if Cæsar was a little angry with me, he did not do much good; but still you see the unwearied activity and loyalty of the man.

I now come to the tribuneship of Sextius; for he undertook this journey for the sake of the republic when he was only tribune elect. He thought that it concerned the unanimity of the citizens, and the facility of accomplishing what he had at heart, to show that Cæsar's mind was not averse to the business.

That year passed away. Men seemed to breathe, not from having actually attained their wishes, but from their hopes of recovering the republic. Two vultures in the robe of war[1] went forth with evil omens and the execrations of the citizens. I only wish that everything had happened to them which men then prayed might happen; and then we should not have lost the province of Macedonia, nor our cavalry, and those gallant cohorts in Syria. The tribunes of the people enter on their office, who had all pledged themselves to bring forward a motion concerning me. The chief of them is bought over by my enemies, whom men, laughing at him amid their indignation, were used to call Gracchus; since it was the fate of the city, that even that weasel escaped out of the brambles should attempt to gnaw a hole in the republic. But the other fellow, Serranus,—not the Serranus[2] from the plough, but the one from the deserted granary of Gavius Olelus, where you might count[3] the grains,—being inserted among the Atilii Calatini, on a sudden, after the names had been entered on the tablets, withdrew his name from the list.

The first of January arrives; you are better acquainted with what ensued than I am; however, I say what I have heard. You know what a numerous attendance of the senate there

[1] The Latin word is *paludati*. "The *paludamentum* always denotes the cloak worn by a Roman general commanding an army, and by his principal officers, in contradistinction to the *sagum* of the common soldiers, and to the *toga* or robe of peace."—Smith, Dict. Ant. p. 713, v. *Paludamentum*.

[2] A name of Cincinnatus, given to him also by Virgil:—

"Velte sulco Serrane serentem."—*Æn.* vi. 845.

[3] There is probably some corruption here in the text. "*Calatis comitiis*, a kind of *comitia* for the consecration of a priest; hence *calatis granis* for *comitiis*, facete. Cic."—Riddle, Lat. Dict. in voc. *Calo*. There seems a sort of pun on Calatus and Calatinus.

was, what expectation of the people, what a concourse of deputies from all Italy; how great too was the virtue and activity and authority of Publius Lentulus, the consul; and also how very moderate towards me was the behaviour of his colleague, who, though he said that he had taken a dislike to me on account of a disagreement between us on the affairs of the republic, still said that he would give it up to the conscript fathers and to the critical times of the republic.

XXXIV. Then Lucius Cotta, being asked his opinion first, said what was most worthy of the republic,—that nothing had been done respecting me justly, nothing according to the usages of our ancestors, nothing according to the laws; that no one could be removed out of the city without a regular trial; that it not only was illegal for any law to be passed, but that no decision even could be come to, except at the comitia centuriata; that that was all violence, a flame arising from the confusion of the republic, and the agitated state of the times, when all rights and all courts of justice were destroyed; that when a great revolution was impending, I turned aside a little, and out of hope of future tranquillity, had shunned the present waves and tempests. Wherefore, as I had when absent delivered the republic from no less serious dangers than I had previously when present, he said that it was fitting that I should not only be restored, but also complimented by the senate. He also discussed many other points with great wisdom, arguing that that most insane and profligate enemy of modesty and chastity had framed the law which he had enacted concerning me, in such a manner, in such language, and with such statements of fact, that even if it had been legally proposed and carried, still it could not have had any force. Wherefore he said, that as I was not away because of any law, I ought to be recalled not by a law, but by the authority of the senate.

There was no one who did not say that this opinion was most sound. But Cnæus Pompeius, who was asked his opinion after him, having expressed his approval of the opinion of Cotta, and praised it, said that he, for the sake of my tranquillity, in order that I might be in no subsequent danger from any popular disturbance, voted that the kindness of the Roman people should be added to the authority of the senate in my behalf. When all had vied with one another, each one

speaking about my safety in a more dignified and complimentary manner than the other, and when in fact a unanimous vote was just taking place, up rose, as you know, Atilius Gavianus; and he did not dare to interpose his veto, although he had been bought for that purpose, but he asked a night to deliberate on the matter. Then ensued a great outcry of the senate, and loud complaints and entreaties: his father-in-law threw himself at his feet. He pledged himself to cause no delay the next day. He was believed. The senate broke up. In the meantime that deliberate gentleman, in the course of the long night that intervened, got his wages doubled. Only a very few days followed during the whole month of January on which it was lawful for a senate to be held; but still nothing was discussed except my business.

XXXV. While the senate was being hindered by every sort of delay, and mockery, and false pretence, there came at last the day appointed for the discussion of my case, the twenty-fifth of January. The chief proposer of the motion, a man most friendly to me, Quintus Fabricius, occupied the temple some time before daybreak. On that day Sextius was quite quiet, the very man who is now on his trial for violence. He, the advocate and defender of my cause, takes no step at all, but waits to see the manœuvres of my enemies. What next? How do these men conduct themselves by whose contrivance Publius Sextius is now put upon his trial? As they had occupied the forum, and the place for the comitia, and the senate-house, at an early period of the night, with a number of armed men and slaves, they fall on Fabricius, lay violent hands on him, slay some men, and wound many. They drive away by force Marcus Cispius, a most gallant and virtuous man and a tribune of the people, as he was coming into the forum; they make a great slaughter in the forum; and all of them, with drawn and bloody swords, looked about with their eyes for, and demanded with their cries, my brother, a most virtuous man, a most brave one, and one most devoted to me. And he willingly, such was his grief, and so great his regret for me, would have exposed his body to their weapons, not with a view of resisting them, but with the object of meeting death, if he had not preserved his life in the hope of my return. However, he endured some violence from those wicked robbers; and as he had come down for the purpose of begging

the safety of his brother from the Roman people, having been driven from the rostra, he lay down in the place of the comitia, and covered himself with the corpses of slaves and freedmen, and defended his life that day by the protection which night and flight afforded him, not by that of the laws or courts of justice. You recollect, O judges, that on that day the Tiber was filled with the corpses of the citizens; that the sewers were choked up; that blood was wiped up out of the forum with sponges; so that all men thought that such a vast number and such a magnificent show of gladiators could not have been provided by any private individual, or plebeian, but must be the exhibition of some patrician and man of prætorian rank.

XXXVI. Neither before this time, nor even on this most turbulent day itself, was there any word of accusation uttered against Sextius. But there was great violence used in the forum. No doubt of that. When was there ever greater? We have often seen men pelted with stones; not so often, but still too often, have we seen swords: but such great slaughter as this,—such vast heaps of corpses piled up, who ever beheld in the forum, except, perhaps, on that miserable day of Cinna and Octavius? With what animosity did the parties fight! For, indeed, seditious disturbances often arise from the pertinacity or firmness with which some magistrate has exercised his veto, or from the fault and wickedness of some proposer of a law, having held out hopes of great advantage or great bribes to the ignorant; they arise from the rivalry of the magistrates; they arise gradually from clamour at first, and afterwards from some division of the assembly: it is unwillingly, and slowly, and seldom that acts of violence are resorted to. But who ever heard before of a sedition in the night, when not a word had been spoken, when no assembly had been summoned, and when no law had been read? Is it probable that a Roman citizen, or that any free man, should have descended with a sword into the forum before daybreak, in order to prevent a law from being passed respecting me, unless he were one of those men who have been fattened up this long time on the blood of the republic by that destructive and wicked citizen?

Here now I ask the prosecutor himself, who complains that Sextius used to keep a great multitude and a large guard about him during his tribuneship, whether he had them with

him on that day? Certainly, most undeniably, he had not; and therefore the party of the republic was defeated; and it was defeated, not by unfavourable auspices, not by any exercise of the veto, not by the suffrages of any assembly, but by violence, by force of arms, by bloodshed. For if the prætor had given notice to Fabricius, and had said that he was observing the auspices, the republic would have received a blow, but still one which it could have lamented. If his colleague had interrupted Fabricius with his veto, he would have injured the republic, but still he would have injured the republic in a legal and regular manner. Are you to send raw gladiators, got together in expectation of the ædileship, with a pack of assassins let loose out of the gaols, into the forum before dawn? Are you to drive the magistrates down from the temple? Are you to cause a great massacre? to desolate the forum? and then, when you have carried everything by violence and arms, to accuse a man who has protected himself with a guard, not for the purpose of opposing you, but of defending his own life?

XXXVII. But not even since that time has Sextius endeavoured to take care to be able, being defended by his people around him, to discharge the duties of his magistracy in the forum, and to conduct the affairs of the republic in safety. Therefore, relying on the sacred nature of his office as tribune, as he considered that he was armed by sacred laws, not only against violence and weapons, but also against words and interruption in speaking, he came into the temple of Castor,—he gave notice to the consul that he could not proceed because he was observing the auspices; when on a sudden that band of Clodius, which had already been repeatedly victorious in the slaughter of citizens, raises an outcry, hurries forward, attacks him. Some fall with their swords on the tribune unarmed and unprovided, and some with pieces of fences and with clubs; and he at length, having received many wounds, and been weakened and disabled by the injuries which he had received from these men, fell down in an almost lifeless state, and was only saved from actual death by their believing that he was dead. For when they saw him lying on the ground with numberless wounds and gashes, scarcely breathing, pale and exhausted, they at last left off wounding him, more because they were tired,

and because they were mistaken, thinking him dying, than from any feelings of pity or moderation.

And now Sextius is on his trial for violence! Why is this? Because he is alive. But that is no fault of his. One last blow was wanting; and if that had been added, he would have yielded up his last breath. Accuse Lentidius; he did not wound him in the right place; accuse Sabinius, that fellow from Reate, and ask why he was so prompt to cry out that the man was dead. But why accuse Sextius himself? Was not there enough of him for their swords? Did he resist? Did he not stand to be killed as gladiators are often ordered to do?

XXXVIII. Is this of itself a proof of violence, not to be able to die? Or this, that a tribune of the people profaned a temple with blood? Or this, that when he had been carried away, and had begun to come to himself, he did not order himself to be carried back again? Where is the crime for which you blame him? Or this I ask, O judges, if on that day that family of Clodius had done what it wished,—if Publius Sextius, who was left for dead, had really been slain, would you have had recourse to arms? Would you have roused yourselves up to the courage of your fathers, and to the valour of your ancestors? Would you at last have endeavoured to wrest the republic out of the hands of that deadly robber? Or would you even then have remained quiet, and dawdled, and been afraid, when you saw the republic overwhelmed and taken possession of by the most impious assassins and by slaves? If then you would have avenged his death, if you had any idea of continuing free men, and of retaining the constitution, do you think that you ought to hesitate as to what you ought to say, and feel, and think, and decide as to his virtue now that he is alive?

But even those very parricides, whose unbridled frenzy is nourished by long impunity, were thrown into such consternation by the violence of their deed, that if the belief of the death of Sextius had lasted a little longer, they would have done as they were thinking of, and have slain their own friend Gracchus, for the sake of attributing the crime to us. That clown, however, being rather wary, (for those wicked men could not conceal their design,) perceived that his own blood was sought for for the purpose of extinguishing the unpopularity of this atrocity of Clodius, and got hold of a

cloak belonging to a mule-driver, in which he had originally come to Rome to the comitia, and put a mower's basket on his head, and when some were asking for Numerius, and some for Quintius, he was saved by the mistake of the double name. And you are all aware that he was in danger until it was ascertained that Sextius was alive; and if that had not been discovered a little sooner than I could have wished, they would not, indeed, have been able to transfer the odium of the death of their hired tool to those on whom they expected to shift it; but they would have diminished the infamy of their abominable wickedness by one crime which every one would have been glad of. And if Publius Sextius had then yielded up, in the temple of Castor, that life which he hardly retained, I have no doubt that, if only the senate had continued to exist, and if the majesty of the Roman people had ever recovered, a statue would at some future time have been erected to him in the forum, as to a man who had been slain in the cause of the republic.

Nor, indeed, would any one of those men to whom you see that statues after their death have been erected by our ancestors in that place in the rostra, deserve to be thought more of than Publius Sextius, either as respects the cruelty of their death, or their attachment to the republic: if, when he had undertaken the cause of a citizen oppressed by undeserved misfortune,—the cause of a friend,—the cause of a man who had done great services to the republic,—the cause of the senate, the cause of Italy, the cause of the republic; and when, in obedience to the requirements of religion and to the auspices, he had given notice to the magistrates of what omens he had observed, he had been slain by those impious pests of their country in the light of day, openly, within the sight of gods and men, in a most holy temple, in a most holy cause, and while invested with a most holy magistracy. Will any one, then, say that the life of that man ought to be stripped of its proper dignity and honour, when you would have thought his death entitled to the honour of an everlasting monument?

[1] The man's real name was Numerius Quinctius, who had assumed the name of Gracchus, to which he had no right, in order to make himself popular with the multitude; who, perhaps, on that account elected him tribune.

XXXIX. "You brought," says he, "you levied, you got together a band of men." What was he going to do with them? To besiege the senate? to expel citizens who had not been condemned? to plunder men's property? to set fire to buildings? to plunder private houses? to burn the temples of the immortal gods? to expel the tribunes of the people from the rostra by force of arms? to sell whatever provinces he pleased to whomsoever he pleased? to give men the title of king? to restore to free cities, by means of our lieutenants and ambassadors, men who had been condemned for capital offences? to blockade the chief man of the state in his house with armed bands? It was to effect all these objects, I suppose, which could never possibly be attained unless the republic were overwhelmed by armed men, that Publius Sextius got together his multitude of men, and his troops, as you call them. But the pear was not yet ripe. The circumstances of the case did not as yet invite good men to have recourse to such means for their protection. We were defeated, not, indeed, by that body alone, but still not entirely without its agency. You were all mourning in silence.

The forum had been taken in the preceding year; the temple of Castor having been occupied by runaway slaves, as if it had been a fortress! not a word was said against such conduct. Everything was done by the clamour, and impetuosity, and violence, and assaults of men desperate through indigence and through their natural audacity. And you endured that it should be so. The magistrates were driven from the temples; others were altogether cut off from all approach to them or to the forum. No one offered any resistance. Gladiators were taken out of the prætor's train and introduced into the senate, and confessed that they had been thrown into prison by Milo, that they had been released by Serranus. Yet no mention was made of these things. The forum was strewed with the corpses of Roman citizens, murdered in a nocturnal massacre. There not only was no new sort of investigation into such events instituted, but even the old courts of justice were abolished. You saw a tribune of the people lying down, stricken to the ground with more than twenty wounds, and almost dead; the house of another tribune of the people, a man of god-like virtue, (for I will say what I think myself, and what all men agree

with me in thinking,) a man of most eminent, unheard-of, unprecedented greatness of mind, and wisdom, and integrity, was attacked with fire and sword by the army of Clodius.

XL. And while speaking on this topic you praise Milo, and you praise him deservedly. For what man have we ever seen of more admirable virtue? a man who, without any expectation of reward beyond this, which is now thought an old-fashioned and contemptible thing,—namely, the esteem of the good, has voluntarily encountered every sort of danger, and the most arduous labours, and the most severe contests, and the most bitter enmities? who appears to me to be the only citizen who has shown not only by words but by actions what ought to be done, and what was necessary to be done, in the republic by the leading men; that such men's duty was to resist the wickedness of audacious men, men who would overturn the republic, by means of the laws, and of the courts of justice; but that if the laws were inefficient, if there were no courts of justice, if the republic was seized and held in subjection by the violence and conspiracy and armed force of audacious men, then that it was absolutely necessary for our lives and liberties to be defended by armed guards and by troops. To think in this way is a sign of prudence; to act in accordance with such sentiments is a proof of bravery; to think rightly, and to act bravely at the same time, is a proof of perfect and consummate virtue.

Milo, as tribune of the people, entered on the administration of the affairs of the republic: and I will dilate yet further in his praise; not because he is more anxious to be praised than to be respected, or because I have any particular wish to give him this reward of praise in his presence, especially as I cannot find words equal to his exploits; but because I think that if I prove that the conduct of Milo has been approved of by the voice of the prosecutor, you will think with reference to this accusation, that the cause of Sextius stands on the same ground. Titus Annius, then, entered on the administration of the affairs of the republic with the feeling that he wished to restore to his country a citizen who had been undeservedly driven from it. The case was a plain one; his conduct was consistent, supported by the unanimous consent and concord of every one. He had his colleagues for assistants, the greatest possible zeal in his favour of one of th.

consuls, and the disposition of the other was nearly friendly. Of the prætors, one was unfavourable; the enthusiasm of the senate in the cause was extraordinary, the feelings of all the Roman knights were roused to further it, Italy was on the tiptoe of expectation. There were only two enemies who had been brought over to create obstacles; and if those despicable and contemptible men could not support the weight of so important a business, he saw that he should not be able by any means to accomplish the object which he had undertaken to effect. He laboured with all his influence, with all his prudence,—he laboured by means of the cooperation of the highest order in the state,—he laboured, exciting others by the example of the virtuous and brave citizens,—he meditated with incessant diligence on what conduct was worthy of the republic and of himself, on his own station and character, on what hopes he ought to entertain, on what return he ought to make to his ancestors for what he had received from them.

XLI. That gladiator saw that he could not be a match for such wisdom as that of Milo, if he proceeded according to ordinary usage. He resorted to arms, to firebrands, to daily slaughter, to conflagration and plunder, with his army. He began to attack his house, to meet him on his journeys, to provoke him by violence, to try and alarm him. He had but little effect on a man of consummate wisdom and consummate firmness; but although indignation of mind, and an innate love of liberty, and prompt and excellent valour, encouraged that gallant man to break down and repel violence by violence, especially now that violence was so repeatedly offered, still so great was the moderation of the man, and so excessive his prudence, that he restrained his indignation, and would not avenge himself by the same conduct as that by which he had been provoked; but he resolved rather to entangle in the toils of the law that fellow who was exulting and dancing in triumph over all the murders which he had committed in the republic. He came down to the court to accuse him. Who ever did so, so peculiarly for the sake of the republic? having no private enmity of his own to urge him on, having no reward in prospect, being persuaded by no entreaty on the part of any one, nor even by any general expectation that he was going to take such a step. The fellow's courage was shaken. For when such a man as Milo was the prosecutor, he

had no hope of such an infamous tribunal as his former one. See now the prætor, the consul, and the tribune of the people, propose new edicts of a new sort: "That no one be brought before the court as a defendant; that no one be summoned before the judges; that no investigations take place; that no one be allowed to make any mention to any one, of judges, or courts of justice." What was a man to do who was born for virtue, and dignity, and glory, when the violence of wicked men was fortified in this way, by the destruction of all laws and courts of justice? Was a tribune of the people to place his life at the mercy of a private individual? was a most virtuous man to hold his life at the will of a most thoroughly wicked one? or, was he to abandon the cause which he had undertaken? was he to keep at home? He thought it would be a base thing to be defeated, or to be frightened from his purpose. In truth, he thought it for the advantage of the republic, since he was not able to employ the laws against him, that he should not show any fear of his violence, with respect either to personal peril to himself, or to the danger of the republic.

XLII. How, then, can you accuse Sextius with reference to this fact of his having provided himself with a guard, when at the same time you praise Milo? Is it legal for that man to provide himself with a guard who is defending his own house, who is repelling fire and sword from his altars and his fireside, who seeks to be allowed to present himself with safety in the forum, in the temples of the gods, and in the senate-house; but do you think that man who is warned by the wounds which he sees every day over his whole person, to defend his head, and his neck, and his throat, and his sides, by some protection or other, deserving to be prosecuted for violence? For who of you, O judges, is ignorant that the nature of things has been such, that at one time men, before there was any natural or civil law fully laid down, wandered in a straggling and disorderly manner over the country, and had just that property which they could either seize or keep by their own personal strength and vigour, by means of wounds and bloodshed? Those men, therefore, who showed themselves to be the most eminent for virtue and wisdom, they, having considered the character of men's aptitude for instruction and of their natural disposition, collected into one place those

who were previously scattered abroad, and brought them over from their former savage way of life to justice and mildness of manners. Then came those constitutions, devised for the utility of man, which we call commonwealths; then came collections of men, which were subsequently called states, then men surrounded with walls sets of houses joined together, which we now call cities; and divine and human laws began to be recognised.

And there is no point in which there is so much difference between this manner of life, polished by civilization, and that savage one, as in the fact of law being the ruling principle of the one, and violence of the other. If we do not choose to be guided by one, we must adopt the other. Do we wish violence to be put an end to? Law must inevitably prevail; that is to say, courts of justice must; for in them all law and justice are comprehended. Do we disapprove of courts of justice, or are they destroyed or suspended? In a moment violence must be supreme. Everybody sees this. Milo saw it, and acted in such a manner as to try the power of law and to banish violence. He wished to avail himself of the one, in order that courage and virtue might defeat audacity; he had recourse to the other from compulsion, in order to prevent virtue and courage from being defeated by audacity. And the principle of conduct of Publius Sextius was the same, if not in prosecuting Clodius, (for, it does not follow that exactly the same details of conduct are to be pursued by every one,) still at all events in the necessity of defending his safety, and in preparing a defence against force and personal violence.

XLIII. O ye immortal gods! what an end do you show to us? what hope of the republic do you hold out to us? How few men will be found of such virtue and courage as to embrace the cause of the republic when it is the justest of causes? and to consult the interests of the virtuous part of the community? and to seek no glory but that which is solid and genuine? when he knows that, of those two monsters so nearly fatal to the republic, Gabinius and Piso, one is every day amassing a countless sum of gold from the peaceful and opulent treasuries of Syria; and is waging war on quiet tribes, in order to pour into the deep and bottomless gulf of his lusts their ancient and hitherto untasted and undiminished riches; and is building in a most conspicuous

place a villa of such a size, that that villa, of which that very man, when tribune of the people, once unfolded a picture in the assembly of the people, in order (virtuous man and free from all taint of covetousness that he was) to excite odium against a most virtuous and brave citizen, appears now little more than a hut by the side of it. The other man first of all sold peace for an enormous sum to the Thracians and Dardani. Then, in order that they might be able to make up the money which they were to pay him, he gave up Macedonia to them to ravage and plunder. Moreover, he distributed the property of their creditors, Roman citizens, among their Greek debtors; he exacted immense sums from the people of Dyrrachium, he plundered the Thessalians, he exacted a fixed sum of money from the Achæans every year; and, above all, in no public or consecrated place has he left one statue, or picture, or ornament. Who, I say, will embrace the cause of the republic when he knows all this, and when he sees that these men are so triumphant, who deserve most richly, according to every law in existence, every sort of penalty, and every extremity of punishment? and that these two men whom you see here are brought to trial? I say nothing of Numerius, and Serranus, and Ælius, the mere dregs of the sedition of Clodius; but still, even these go triumphantly about, as you behold; nor, as long as ever you are in a state of apprehension for yourselves, will they ever be alarmed for themselves.

XLIV. For why need I speak of the ædile himself, who has even commenced legal proceedings against Milo, and instituted a prosecution against him for violence? Not that Milo will ever be induced by any injury to himself to repent that he behaved with such virtue, and with such firmness of mind towards the republic; but what will be the thoughts of the young men who see all these things? The man who has attacked and destroyed and burnt the public monuments, and the sacred buildings, and the houses of his enemies; who was constantly escorted by assassins, fenced round by armed guards, and surrounded by a band of informers, of whom there is far too great a plenty; who stirred up even a foreign band of wicked men, and bought a lot of slaves ready for bloodshed, and who in his tribuneship poured the whole contents of the prisons into the forum, now struts about as an ædile, and accuses the

man who did to some extent check his exulting frenzy. And the man who has hitherto defended himself in such a manner, that, as a private individual he has been defending his own household gods, and in his public capacity the privileges of his tribuneship and the auspices, has been prevented by the authority of the senate from prosecuting that man with moderation by whom he himself has been prosecuted in a most nefarious manner.

This, in truth, is the question which you put to me earnestly and most repeatedly while pleading in behalf of the prosecution,—namely, what I mean by the race of best men? For this is what you said. You ask a question which it is very desirable for the youth of the city to learn, and not very difficult for me to explain; and with respect to it, I will, O judges, say a few words. And, as I think, what I say will not be wholly unconnected with the advantage of those who hear me, nor with my duty, nor with the very case which we are arguing, of Publius Sextius.

XLV. There have always in this city been two kinds of men who have been ambitious of being concerned in affairs of state, and of arriving at distinction by such a course; and of these two kinds one wish to be considered popular men, and the others wish both to be, and to be considered, of the party of the best men in the state. Those whose object it was that whatever they did and whatever they said should be agreeable to the multitude, were the popular party; but those who conducted themselves in such a way as to induce all the best men to approve of their counsels, were considered of the best party.[1]

Who then are they? Every good man. If you ask what are their numbers, they are innumerable. For if they were not, we could not stand. They are the chief men of the public council; they are those who follow their school; they are the men of the highest orders of the state, to whom the senate-house is open; they are the citizens of the municipal towns, and Roman citizens who dwell in the country; they are men engaged in business; there are even some freedmen of the

[1] It is quite impossible to give Cicero's meaning here in any translation. The Latin word he uses is *optimates*, which when spoken generally means the nobles and the aristocratic party; but all through this passage he connects it with *optimus*, best, most virtuous.

best party. The number, as I have said, of this party is widely scattered in various directions; but the entire body (to prevent all mistakes) can be described and defined in a few words. All men belong to the best party, who are not guilty of any crime, nor wicked by nature, nor madmen, nor men embarrassed by domestic difficulties. Let it be laid down, then, that these men (this race, as you call them) are all those who are honest, and in their senses, and who are well off in their domestic circumstances. Those who are guided by their wishes, who consult their interests and opinions in the management of the republic, are the partisans of the best men, and are themselves accounted best men, most wise and most illustrious citizens, and chief men in the state.

What, then, is the object proposed to themselves by these directors of the republic, which they are bound to keep their eyes fixed upon, and towards which they ought to direct their course? That which is most excellent and most desirable to all men in their senses, and to all good and happy men,—ease conjoined with dignity. Those who seek this are all best men; those who effect it are considered the chief leaders in and the preservers of their states. For men ought not to be so elated by the dignity of the affairs which they have undertaken to manage, as to have no regard to their ease; nor ought they to dwell with fondness on any sort of ease which is inconsistent with dignity.

XLVI. And of this easy dignity these are the foundations, these are the component parts, which ought to be upheld by the chief men, and to be defended even at the hazard of their lives: religious observances, the auspices, the civil power of magistrates, the authority of the senate, the laws, the usages of one's ancestors, the courts of justice, the jurisdiction of the judges, good faith, the provinces, the allies, the glory of the empire, the whole affairs of the army, the treasury. To be the defender and advocate of all these things, numerous and important as they are, is a task to employ great courage, great ability, and great firmness. In truth, in such a vast number of citizens, there is a great multitude of those men, who either, from fear of punishment, because they are conscious of their own misdeeds, are anxious for fresh changes and revolutions in the republic; or who, on account of some innate insanity of mind, feed upon the discords and seditions of the

citizens; or else who, on account of the embarrassment of their estates and circumstances, had rather burn in one vast common conflagration, than in one which consumed only themselves. And when these men have found instigators, leaders in and promoters of their own objects and vices, their waves are stirred up in the republic, so that those men must watch who have demanded for themselves the helm of the country, and they must strive with all their skill and with all their diligence, in order that they may be able to preserve these things which I have just now called its foundations and component parts, and so keep in their course and reach that harbour of ease and dignity.

If, O judges, I were to deny that this path is rugged and difficult, and full of danger and snares, I should speak falsely; especially as I have not only always been aware that it was so, but have been alive to its perils and labours more than any other man.

XLVII. The republic is attacked by greater forces and more numerous bodies than those by which it is defended; because audacious and abandoned men are impelled on by a nod, and are even of their own accord excited by nature to be enemies to the republic. And somehow or other good men are slower in action, and overlooking the first beginnings of things, are at last aroused by necessity itself; so that sometimes through their very delays and tardiness of movement, while they wish to retain their ease even without dignity, they, of their own accord, lose both. But those who are desirous to be defenders of the republic, if they be fickle men, soon give up the task; if they be at all timid men, they abandon it; and those alone remain and endure everything for the sake of the republic, who are such men as your father was, O Marcus Scaurus, who resisted all seditious men, from the time of Caius Gracchus to that of Quintus Varius, whom no violence, no threats, and no unpopularity ever shook; or such as Quintus Metellus, the uncle of your mother; who, when as censor he had branded a man most flourishing in the popular esteem, Lucius Saturninus, and when he had expunged a pretended Gracchus from the list of the citizens, in spite of the violence of an excited mob, and when he alone had refused to swear obedience to a law which he considered had not been legally enacted, preferred to abandon the city rather

than his opinion; or, (to leave off quoting ancient examples, of which there is an abundance worthy of the glory of this empire, while yet I avoid naming any one who is now alive,) such as Quintus Catulus lately was, whom neither the tempest of danger nor the breeze of honour could ever move from his straight course, either by hope or fear.

XLVIII. Imitate those men, I beg you in the name of the immortal gods, ye who seek for dignity, and praise, and glory. These examples are honourable; these are godlike; these are immortal; these are celebrated in fame, and are committed to the eternal recollection of our annals, and are handed down to posterity. It is a labour, I do not deny it. The dangers are great, I admit it,—

> "The path of virtuous men is full of snares."

That is a most true saying.

The poet says further,—

> "But to demand those honours which excite
> The general envy and desire of all,
> And yet to shun the toil and ceaseless care
> Which can alone conduct to such a goal,
> Is purest ignorance."

The same poet says in another place, (a sentence which wicked citizens are inclined to catch at,) "Let them hate me, as long as they fear." For he gave those admirable precepts to the young men. But nevertheless this path and this system of undertaking public affairs was formerly more formidable, as in many particulars the desire of the multitude and the whim of the people were at variance with the interests of the republic. A law for the establishment of the ballot was brought forward by Lucius Cassius. The people thought that its liberties were at stake; the chief men of the state dissented, and in a matter affecting the safety of the nobles, they feared the rashness of the multitude, and the licentiousness of the ballot. Tiberius Gracchus brought forward an Agrarian law. It was very acceptable to the people; the fortunes of the poorer classes appeared likely to be established by it. The nobles strove against it, because they saw that discord was excited by it; and because, as the object of it was to deprive the wealthy men of their ancient possessions, they thought that by it the republic was being deprived of its

defenders. Caius Gracchus brought forward a law respecting corn. It was a very pleasing proposal to the common people at Rome; for food was to be supplied to them in abundance without any trouble. The good resisted it, because they thought that its effect would be to lead the common people away from industry to idleness, and because the treasury was likely to be drained by such a measure.

XLIX. There have been also many cases within our own recollection, which I pass over on purpose, in which the desire of the people has been at variance with the wisdom of the nobles. At present there is no subject on which the people need disagree with its chosen magistrates and with the nobles; it is not demanding anything, nor is it eager for a revolution, and it is fond of its own tranquillity, and pleased with the dignity and worth of every eminent man, and with the glory of the whole republic. Therefore seditious and turbulent men, because they cannot at present stir up the Roman people by any bribery, since the common people, having gone through some most violent seditions and discords, appear for the most for ease and tranquillity, now hold packed assemblies, and do not concern themselves about saying or proposing what those men who are present in the assembly may like to hear, but they contrive by bribery and corruption that whatever they say may appear to be what those men wish to hear.

Do you think that the Gracchi, or that Saturninus, or that any one of those ancient men who were considered devoted to the interests of the people, had ever any hired fellows in their assemblies? No one of those men ever stooped to such a course. For the mere liberality of their proposed laws, and the hope of the advantage which was held out to them, excited the multitude sufficiently without any bribery. Therefore, in those times, those men who set up for friends of the people, were hindered in their plans by wise and honourable men, but they were great men in the opinion of the populace, and received every sort of honour from them. They were applauded in the theatre; they gained whatever they sought for by their suffrages; men loved their names, their language, their countenances, their very gait. But those who opposed this class of men were accounted wise and great men; they had great influence in the senate, great influence among all

good men; but they were unpopular with the multitude; their inclinations were frequently thwarted by the suffrages of the populace; and if any one of them at any time received any applause in the theatre, he began to be afraid that he had done something wrong; but at the same time, if there was anything of more than ordinary importance under discussion, then that same populace was chiefly influenced by the authority of those men.

L. Now, unless I am mistaken, the state is in such a condition, that if you take away the artisans who are hired to support the party of these wicked men, everybody in the republic appears to be of the same opinion. In truth, there are three places in which the opinion and inclination of the Roman people may be ascertained in the greatest degree; the assembly, the comitia, and the meetings at the games and at exhibitions of gladiators. What assembly has there been of late years, which has not been a packed and bribed one, but a genuine one, in which the unanimity of the Roman people has not been very perceivable? Many assemblies were held concerning me by that most wicked gladiator, to which no one ever went who was unbribed, no one who was an honest man; no good man could endure to behold that ill-omened countenance, or to listen to that frantic voice. Those assemblies were, I admit that those assemblies of abandoned men were necessarily turbulent. Publius Lentulus, too, held an assembly, also about my affairs. There was a vast flocking to it of the whole Roman people; all ranks of society, all Italy stood side by side in that assembly. He argued my cause with the greatest authority, and the greatest fluency of language, amid such silent attention and such visible approbation from every one, that nothing so pleasing appeared ever to have fallen on the ears of the Roman people. Cnæus Pompeius was brought forward by him, who displayed himself then not only as the main author of my safety, but even as a suppliant to the Roman people. His oration also was one of great weight, and was pleasing to the assembly. And I assert that no opinion of his ever carried more authority with it; and that no eloquence of his was ever more agreeable. With what silent attention were the other chief men of the city listened to while speaking in my behalf; whom I do not mention in this place, only lest my speech, if I say too little of any one,

should seem ungrateful, and, if I were to say enough of each individual, interminable.

Turn now to the harangue of that same enemy of mine concerning me, the same person of whom those great men had been speaking, delivered in the Campus Martius, to a genuine assembly of the people. Who was there who (I will not say approved of it, but who) did not think it a most scandalous thing that he should be allowed to live and breathe at all, much less to speak? Who was there who did not think that the republic was polluted by his voice, and that he himself, if he only listened to him, was implicated in his wickedness?

LI. I come now to the comitia, whether those for electing magistrates or for enacting laws. We often see many laws passed. I say nothing of those which are passed in such a manner that scarcely five men, and those only of the lowest class, can be found to give a vote for them. He says that at the time of that ruin of the republic he carried a law respecting me, whom he called a tyrant, and the destroyer of liberty. Who is there who will confess that he gave a vote when this law was passed against me? But when, in compliance with the same resolution of the senate, a law was passed about me in the comitia centuriata, who is there who does not profess that then he was present, and that he gave a vote in favour of my safety? Which cause, then, is the one which ought to appear popular? that in which everything that is honourable in the city, and every age, and every rank of men agree? or that to the carrying of which some excited Furies fly as if hastening to banquet on the funeral of the republic?

Suppose Gellius is present anywhere, a man unworthy of his brother, who is a most illustrious citizen, and has been a most excellent consul, and of the equestrian order, of which he retains the name, though he has squandered the fortune which entitled him to it;[1] will his presence make an assembly a popular one? For, to be sure, he is a man quite devoted to the Roman people. I never saw one more so. Why, even

[1] It is not quite certain what was the amount of property requisite as the qualification for a knight; most probably, it was 400,000 ases, or pounds weight, of copper. But whatever it was, a knight who had squandered his property, so as not to have the requisite qualification, was liable to be struck out of the body by the censors.

when, in his youth, he might have shared to some extent in the credit arising from the ample honours of that most admirable man, Lucius Philippus, his step-father, he was so far from being fond of the people, that he devoured the whole of his property by himself. Afterwards, from having been a profligate and licentious young man, after he had brought down his paternal property from the easy circumstances in which stupid people take delight, to the strict rule of philosophers, he wished to be considered a man of Greek learning, and a quiet scholar, and on a sudden devoted himself to the study of literature. But his old Greeks did not do him much good; his slaves who read to him, and his books, were often pledged for wine; his appetite was as insatiable as ever; but his resources fell short enough. Therefore he was perpetually occupied with thoughts of revolution; he was growing old and weary of the peace and tranquillity of the republic.

LII. Has there ever been any sedition of which he has not been a prime mover? Has there ever been any seditious man with whom he has not been intimate? Has there ever been any turbulent assembly of which he has not been an exciter? Has he ever spoken well of any good man? Spoken well, do I say? Ay, rather, is there any brave and good citizen whom he has not attacked in the most wanton manner? A fellow who—not, I fancy, out of any desire, but merely in order to seem a favourer of the common people—took a freedwoman for his wife. He voted concerning me; he was present at the assembly; he was present at all the banquets and mutual congratulations of that parricidal crew. However, he avenged me well when he kissed my enemies with that impure mouth of his. For, just as if it were owing to me that he has lost his property, he is an enemy to me on that very account, because he has nothing left. Have I, O Gellius, taken your patrimony from you, or have you devoured it? What? Were you, you gulf and whirlpool of your patrimony, were you gormandising at my risk, when you wished to prevent me from remaining any longer in the city, because as consul I had defended the republic against you and your associates? There is not one of your family who can bear the sight of you. All men avoid your approach, your conversation, your society. Postumius, the son of your sister, a young man of great prudence and high character, with the judgment of an old

man, branded you, when amid a great number of guardians he did not appoint you as one of the guardians of his children.

But I have been carried away by indignation on my own account and on that of the republic, (and I do not know which of us two he hates most,) to say more than I need have said against that most frantic and impoverished glutton. I return to my original subject; that, when the proceedings were being carried on against me, while the city was taken and oppressed, Gellius, and Firmius, and Titius, all Furies of the same class, were the chiefs and leaders of those mercenary bands, while the proposer of the law himself was in no respect free from being implicated in their baseness, and audacity, and iniquity. But when the law was passed for my restoration to my dignity, no one thought that either infirm health or old age supplied him with any reasonable excuse for being absent; there was no one who did not consider that by his vote he was recalling not only me, but also the republic at the same time to its ancient position.

LIII. Let us now consider the comitia held for the election of magistrates. There was lately a college of tribunes, among whom three were considered not at all attached to the party of the people; but three were supposed to be most violently so. Of those who were not considered friends of the people, and who were unable to stand before a packed and bribed assembly of that sort, I see that two have been made prætors by the Roman people; and, as far as I have been able to understand, by the conversation of the common people and by their votes, the Roman people openly alleged that the consistent and illustrious courage exhibited by Cnæus Domitius in his tribuneship, and the good faith and fortitude of Quintus Ancharius, would have been pleasing to them for the mere good-will which it proved, even if they had not been able to effect anything. We see, now, what is the opinion which is entertained of Caius Fannius; and what the opinion of the Roman people is likely to be when he seeks for honours, ought to be doubtful to no one. What more shall I say? How did those two friends of the people fare? One, who however had put some restraint on himself, had proposed no law; he had merely entertained very different sentiments respecting the republic from those which men expected of him, as he

had been a virtuous and innocent man, and one at all times esteemed by virtuous men; but as in his tribuneship he had shown himself very little able to comprehend what was approved by the genuine body of the people, and because he imagined that that was the Roman people which attended those assemblies, he did not attain that honour at which he would easily have arrived, if he had not hunted so much after popularity.

The other, who was so frantic in his desire for popularity, that he thought neither the auspices, nor the Ælian law, nor the authority of the senate, nor the consul, nor his colleagues, nor the estimation of good men, of any importance at all, stood for the ædileship along with some virtuous men of the highest character, but still not men in the first rank for riches and personal influence; and did not get the vote of even his own tribe. He lost also the vote of the Palatine tribe, by the assistance of which it used to be said that all those pests were able to annoy the Roman people; and, indeed, (as was very acceptable to all good men,) he got nothing but repulses at that comitia. You see, therefore, that the very people itself—if I may use such an expression—is not for a seeker after popularity, since it so vehemently rejects those men who are accounted popular characters, and considers those men the most worthy of honour who are the most opposed to that class of men.

LIV. Let us now come to the games. For the way in which I see your attention given to me, and your eyes directed towards me, makes me think that I may be allowed now to speak in a lighter tone. At times the intimations of opinion which take place in assemblies and comitia are to be depended on; at times they are worthless and corrupt. The crowd of spectators in the theatre and at the gladiatorial games, are said at all times to pour forth their purchased applauses in small and scanty proportion at the caprice of a few directors. But it is easy, when that is the case, to see how it is done, and by whom, and what the entire people are doing. Why need I tell you now what men, or what description of citizens, receive the greatest applause? There is not one of you who is ignorant of this. However, let this be a matter of slight consequence, not that it really is, since it is given to every virtuous man; but, if it be a matter of slight consequence, it

is so only to a wise man. But to him who depends on the most trivial circumstances, who (as these men say themselves) is fettered and guided by popular rumour and popular favour, it is inevitable that applause must appear immortality, and hissing death.

I, then, ask you, above all men, O Scaurus,—you who have exhibited the most splendid and magnificent games of all men,—whether any one of those popular characters was ever a spectator of your games? whether any one of them ever trusted himself to the theatre and to the Roman people? That very chief buffoon of all, that man who was not only spectator, but at the same time actor and spouter,—that man who filled up all his sister's interludes, who is introduced into companies of women as a singing-girl,—neither ventured to go to see your games in that furious tribuneship of his, nor any other games either, except those from which he had some difficulty in escaping with his life. Once altogether, I say, did that popular man venture to trust himself among the spectators of the games; when in the temple of Honour and Virtue honour was paid to virtue, and when the monument of Caius Marius, the preserver of this empire, had afforded a place in which the citizens could provide for the safety of a man who was a fellow-citizen of his own municipal town, and a defender of the republic.

LV. And at that time it was shown plainly enough, with reference to both parties, what were the real feelings of the Roman people; in the first place, when, after having heard the resolution of the senate, universal applause was given to the proposer of the law, and to the senate as a body, though it was not present; and secondly, when every individual senator, as he returned from the senate to see the games, was received with loud clapping of hands. But, when the consul himself, who was exhibiting the games, took his seat, then the people stood up, thanking him with extended hands, and with tears of joy declared their good-will towards and pity for me. But, when that furious enemy of mine, with his senseless and frantic mind, arrived, the Roman people could hardly restrain itself; the men could hardly abstain from wreaking their hatred on his foul and wicked person. Words, indeed, and menacing gestures of the hands, and loud outcries in the way of abuse and of curses on him, were universal.

But why need I speak of the disposition and courage of the Roman people, looking back on their liberty after their long slavery, as shown by their conduct towards that man, whom, though he was at that time standing for the ædileship, even the actors did not spare to his face. For as the play being exhibited was one of Roman life,—"The Pretender,"[1] I believe,—the whole troop of actors, speaking in most splendid concert, and looking in the face of this profligate man, laid the greatest emphasis on the words, "To such a life as yours," and, "The continued course and end of your wicked life." He sat frightened out of his wits; and he, who formerly used to pack the assemblies which he summoned with bands of noisy buffoons, was now driven away by the voices of these same players.

And since I have mentioned the games, I will not omit that circumstance, that amid the great variety of sentences and apophthegms which occur in that play, there was not one passage in which any expression of the poet had any bearing on our times, which either escaped the notice of the main body of the people, or on which particular emphasis was not laid by the actor. And I entreat you, while speaking on this topic, O judges, not to think that I am led by any levity of disposition to an unusual description of oratory, if in a court of justice I speak of poets, and actors, and games.

LVI. I am not, O judges, so ignorant of the forms of proceeding in trials, I am not so inexperienced in speaking, as to hunt for topics of every sort, and to gather and taste every sort of flower from every quarter. I know what is due to your dignity, and to my duty as counsel for the defence, and to this court, and to the character of Publius Sextius, and to the magnitude of his danger, and to my own age and to my own honour. But I have considered that while speaking on this point, it was desirable to explain to the youth of the city who were the best men. And in explaining that point, it was necessary to show that those men are not all friends of the people who are thought to be so. And that I can do most easily, if I represent to them the genuine and unbribed opinion of the Roman people, and the real inmost feelings of the citizens.

[1] This was a play of Afranius, on the subject of the pretended madness of Junius Brutus, the expeller of the Tarquins.

How was it that,—when the news of that resolution of the senate which was passed in the temple of Virtue was fresh, and was brought to the people while engaged in beholding the games, and to the actors on the stage, in a very full house,—that consummate actor, a man, in truth, who always performs the best part in the republic as he does on the stage, weeping both from recent joy and also from a mixture of grief and regret for me, pleaded my cause before the Roman people in much more impressive language than I could possibly have pleaded for myself? For he gave a representation of the genius of the great poet whose play was being acted, not merely by his art as an actor, but by his real grief. "What, shall he who with a constant mind assisted and supported the state; who has always stood on the side of the Greeks * * *" He said that I had always stood on your side; he pointed to your ranks; he was encored by every body. "Who, in a critical state of affairs, did not hesitate to expose his life, did not spare his own person or privileges * * *." What shouts were raised as he recited these passages! when, omitting all consideration of his acting, the people applauded the words of the poet and the zeal of the actor, and the encouragement of their expectations respecting me. "A most excellent friend, in a most important war * * *:" for the actor added that of himself, from his friendly inclination towards me; and perhaps men applauded it on account of their regret for me: "A man endowed with the highest ability."

LVII. Then came those words, in the same play, with what groans on the part of the Roman people were they accompanied when the actor repeated them! "Oh, my father * * *." He thought me,—me I say, deserving to be lamented as his father, whom Quintus Catulus, and whom many other men had repeatedly styled in the senate the Father of my country. With what great weeping for my ruin and for the conflagration of my property were his words accompanied, when he deplored his father driven away, his country afflicted, his house burnt and destroyed. He acted in such a manner, when, after having dilated on his former fortune, he turned his description in this way, "All these things have I seen destroyed by fire * * *," as to rouse the tears of even my enemies and my enviers. O ye immortal gods! what did he do next? in

what way did he pronounce the next words? which indeed seem to me to have been acted and written in such a manner, that they might appropriately have been uttered even by Catulus himself, if he had come to life again; for he was accustomed at times to reprove and attack the precipitate counsels of the people, and the blunders of the senate as well, with great freedom. "O ungrateful Argives; empty-headed Greeks; forgetful of kindness!" That, indeed, was not true; for they were not ungrateful, but miserable in not being allowed to secure the safety of that man from whom they had received their own: nor was any body ever more grateful to another than all of them were to me. But still what that most eloquent poet wrote was applicable to me; and that not only best but also boldest of actors applied it to me, when he pointed at all orders of citizens, and accused the senate, the Roman knights, and the whole Roman people: "You allow him to be banished, you have voted for his being driven away, you endure his being driven away." I myself only know by report what indications every one then gave of their feelings on that occasion, and how universally the whole Roman people declared their inclinations towards a man who had never sought to curry favour with the people; but they can judge more accurately of that who were present.

LVIII. And since my speech has carried me on to this point, the actor bewailed my misfortune so repeatedly, while he was pleading my cause so mournfully, that his beautiful voice was hindered by his tears. Nor were the poets, whose genius I have always had an affection for, wanting to my necessities at that time, and the Roman people approved of their words, not only with their applause, but even with their groans. Ought then Æsop or Accius to have said these things on my behalf if the Roman people had been free, or ought they to have left them to the chief men of the state to say? In the Brutus, I was mentioned by name: "Tullius, who had established the liberty of the citizens." It was encored again and again. Did the Roman people appear to be giving slight indications that it had been established by me and by the senate, though profligate citizens accused us as having destroyed it? But above all other times the sentiments of the entire Roman people were declared at the

exhibition of the gladiatorial games. For they were the gift of Scipio, worthy both of him and Quintus Metellus, in whose honour they were given. And they are a spectacle of that sort which is attended by immense numbers and by every class of men, and with which the multitude is delighted above all things. Into that crowd of spectators came Publius Sextius as tribune of the people, when during his whole period of office he had been nothing whatever but serving my cause; and he went among the people, not from any personal desire of applause, but that our enemies might themselves see the inclinations of the universal people. He came, as you know, to the Mænian pillar, and such great applause ensued, from all the places for beholding the spectacle all the way from the Capitol, and such universal clapping of hands from every seat, that it was said that there had never been, in any cause whatever, greater or more manifest unanimity on the part of the Roman people. Where at that time were those regulators of the assemblies, those masters of the laws, those expellers of citizens? Or have these wicked men any peculiar people of their own to whom we have given offence, and by whom we are hated?

LIX. I think, indeed, that there never was a time when the people were assembled in greater crowds, than that time of those gladiatorial games; neither at any assembly, nor even at any comitia. What then did this innumerable multitude of men, this extraordinary indication of the will of the entire Roman people, without the slightest disagreement, on those very days when it was thought that my cause was going to be decided, declare, except that the safety and dignity of the best citizens was dear to the entire Roman people? But that tribune of the people, who was accustomed to put questions to the assembly, not according to the usual custom of his father, or his grandfather, or his great grandfather, or of any of his ancestors, but like a Greek schoolmaster, "Did they wish me to return?" and when an outcry was raised against it by the faint voices of his hirelings, he said that the Roman people affirmed that they had no such wish,—he, though he used to go and see the gladiators every day, was never seen when he did come. He used to emerge on a sudden after he had crept along under the benches, so that he seemed as if he were going to say,

"Mother, I call you."[1] And so that dark way by which he used to come to see the games was called the Appian Road. But still, the moment the people got sight of him, not only the gladiators, but the very horses of the gladiators, were frightened at the sudden hisses that ensued. Do you not see, then, what a great difference there is between the Roman people and an assembly? Do you not see that the masters of the assemblies are the object of the hatred of the Roman people? and that those who are not permitted to appear without insult in the assembly of artisans, are honoured by every possible mark of respect by the Roman people?

Do you speak to me of Marcus Atilius Regulus, who of his own accord preferred returning to Carthage to execution, to remaining at Rome without those prisoners by whom he had been sent to the Senate, and then do you deny that I ought to be anxious for a recal procured by means of trained households of slaves and bands of armed men?

LX. Certainly, I suppose I was anxious for violence, who, as long as there was any violence going on, did nothing whatever, and who could not possibly have been undermined and injured if it had not been for violence. Was I to regret such a recal as this, which was so honourable to me that I am almost afraid of seeming to have left the city from a covetousness of glory, in order to return in such a manner? For what citizen except me did the senate ever recommend to the protection of foreign nations? For whose safety except mine did the senate ever publicly return thanks to the allies of the Roman people? I am the only person concerning whom the conscript fathers ever decreed that whoever went in command to any of the provinces, whoever were quæstors or lieutenants, were to take care of my safety and my life. Mine is the only cause since the foundation of the city in which every one who had any regard for the safety of the republic was summoned to Rome from every part of Italy, by letters written by the consuls in obedience to a resolution of the senate. That which the senate never once decreed at a time of peril to the entire republic, they thought it necessary to decree for the preservation of my individual safety. Who was

[1] These words, quoted also by Horace, are from Pacuvius's play of Ilione, the mother of Polydorus, and are put into the mouth of the shade of the murdered Polydorus.

ever more regretted in the senate house? who was ever more lamented in the forum? who was ever so much missed in the courts of justice? At, and in consequence of my departure, every place immediately became deserted, melancholy, mute, full of grief and lamentation. What spot is there in all Italy in which there is not imprinted on the public monuments some proof of the zeal of the people for my safety, some testimony to my worth?

LXI. For why should I mention those resolutions of the senate, of more than human kindness towards me? Either that which was passed in the temple of the all-good and all-powerful Jupiter, when that man, who has marked by three triumphs that he has added himself three countries and nations to this empire, read a long written speech in support of his opinion, and bore his testimony to the fact that I alone had preserved the country; and the senate in the fullest possible house adopted his opinion so entirely that only one enemy of mine dissented from it, and the decree, as supported by Pompeius, was recorded in the public registers for the eternal recollection of posterity? Or that which was passed the next day in the senate-house, at the suggestion of the Roman people themselves, and of those men who had come up from the municipal towns, to the effect that no one was to observe the heavens, that no one was to cause any delay whatever; that if any one did so, he should be considered at once as one who wished to overturn the republic, and the senate would be very much offended, and that a motion should be immediately made respecting his conduct? And when the senate, meeting in great numbers, had checked the wickedness and audacity of some of those men by its authority and dignity, it added this clause moreover, that if within the next five days in which my affairs could be discussed, they were not brought to a termination, I was to return to my country and be restored to all my former dignities.

LXII. The senate decreed at the same time that thanks should be given to those men who had come up from all parts of Italy for the sake of my safety; and that they should be requested to come again when the consideration of the subject was renewed. And there was such a rivalry between all people to show their zeal for my safety, that the very men to

whom entreaties were addressed in my behalf by that senate, did also themselves address entreaties to the senate respecting me; and, accordingly, in all those transactions but one man alone was found who openly dissented from this earnest unanimity of all good men, so that even Quintus Metellus, the consul, who had been in a very great degree an enemy to me in the violent party contests which had arisen about political affairs, himself made a motion in favour of my safety. And when he, being roused up by the exceeding authority of Publius Servilius, and also by a certain energy which gave weight to his eloquence, when he had invoked all the Metelli from the shades below, and had diverted the thoughts of his relation from the piratical attempts of Clodius to the dignity of that family by which they were connected together; and when he had brought him back to the recollection of their great domestic example and to the fate (shall I call it glorious, or melancholy?) of that great man Metellus Numidicus; then, I say, that illustrious man,—that genuine Metellus wept, and gave himself up from that moment to Publius Servilius even before he had come to the end of his speech. Nor could he, as a man of the same illustrious family, withstand that godlike dignity of eloquence so pregnant with the virtues of old time, and, though I was absent, he still became reconciled to me from that moment.

And certainly, if it be the case that illustrious men retain any sense or feeling after death, then he did a thing which was most acceptable to all the Metelli, and, above all, to that bravest of men and best of citizens, his own brother, the companion of all my labours, and dangers, and counsels.

LXIII. But who is there who is ignorant of what a triumphant return mine was? how the people of Brundusium held out to me on my arrival the right hand, as it were, of all Italy, and of my country herself; and when the same day, the fifth of August, was the day of my arrival, and also the birthday of my dearest daughter, whom I then beheld for the first time after our long regret for one another, and our mourning; and was also the day consecrated as the day of the foundation of that very colony of Brundusium; and also the anniversary of the dedication of the temple of Salus, as you know. And when I had been received into the joyful house of those most excellent and learned men, Lænius

Flaccus and his father and brother, which had received me with tears the year before, when I was leaving Italy, and had defended me not without risk and danger to itself; and when along my whole road all the cities of Italy seemed to be keeping the days of my arrival as days of festivity; and the roads themselves were filled with a multitude of deputies sent from all quarters; and there was a vast throng of men crowding towards the city, full of exultation and congratulation to me; and my whole path up from the gate of the city, my ascent to the Capitol, and my return to my house, was of such a nature, that amid my excessive joy I grieved also that so grateful a city should be so miserable and so ill-treated.

You now, then, have an answer to the question which you put to me—who were the best men? They are not a race, as you termed them; an expression which I recognised at once, for it was one invented by that man by whom, above all others, Publius Sextius sees himself opposed,—by that man who has wished the whole of this race of Romans destroyed and slaughtered,—who has constantly reproached and constantly attacked Caius Cæsar, a very mild-tempered man and very averse to bloodshed, asserting that he, as long as that race lived, would never be free from anxiety. He gained nothing by his attacks on the whole body, but he never ceased to urge the point against me. He attacked me first of all by the instrumentality of the informer Vettius, to whom he put questions in the assembly, concerning me, and concerning the most illustrious men in the state. But while doing this, he joined those citizens in the same danger with me, bringing forward the same accusations against them, so as to deserve great gratitude from me for connecting me with the most honourable and bravest of men.

LXIV. But afterwards he in a most wicked manner contrived all sorts of plots against me, for no provocation which I had given him, except inasmuch as I was anxious to please all virtuous men. He was every day mentioning some fault of mine to those men whom he could get to listen to him; he warned the man who was of all others the most friendly to me, Cnæus Pompeius, to beware of entering my house, and to be on his guard against me; he united himself with my chief enemy, in such a manner that he said, with respect to that proscription of mine which Sextus Clodius, a fellow thoroughly worthy of his

associates, promoted, that he was the tablet on which it was written, and that he himself was the writer. And he alone of our whole order openly exulted at my departure and at your grief. And I, for my part, O judges, though he was every day attacking me, never said one word against him; nor did I think, while I was being attacked by every sort of engine and weapon of violence, and an army, and a mob, that it was suited to my dignity to complain of one archer more.

He says that my acts displease him. Who doubts that? when he despises that law which expressly forbids any one to exhibit shows of gladiators within two years of his having stood, or being about to stand, for any office. And in that, O judges, I cannot sufficiently marvel at his rashness. He acts most openly against the law; and he does so, who is a man who is neither able to slip out of the consequences of a trial by his pleasant manner, nor to struggle out of them by his popularity, nor to break down the laws and courts of justice by his wealth and influence. What can induce the fellow to be so intemperate? I imagine it is out of his excessive covetousness of popularity, that he bought that troop of gladiators, so beautiful, noble, and magnificent. He knew the inclination of the people, he saw that great clamours and gatherings of the people would ensue. And elated with this expectation, and burning with a desire of glory, he could not restrain himself from bringing forward those gladiators, of whom he himself was the finest specimen. If that were the motive for his violation of the law, and if he were prompted by zeal to please the people on account of the recent kindness of the Roman people to himself, still no one would pardon him; but as the fact is that this band did not consist of men picked out of those who were for sale, but of men bought out of gaols, and adorned with gladiatorial names, while he drew lots to see whom he would call Samnites, and whom Challengers, who could avoid having fears as to what might be the end of such licentiousness and such undisguised contempt for the laws?

But he brings forward two arguments in his defence. First of all, "I exhibit," says he, "men fighting with beasts, and the law only speaks of gladiators." A very clever idea! Listen now to a statement which is still more ingenious. He says

that he has not exhibited gladiators, but one single gladiator; and that he has limited the whole of his ædileship to this one exhibition. A fine ædileship truly. One lion, two hundred men who fight with beasts. However, let him urge this defence. I wish him to feel confidence in his case; for he is in the habit of appealing to the tribunes of the people, and to use violent means to upset those tribunals in which he has not confidence. And I do not so much wonder that he despises my law, as having been framed by a man whom he considers his enemy, as at his having made up his mind to regard no law whatever which has been passed by a consul. He despises the Cæcilian Didian law, and the Licinian Junian law. Does he also deny that the law of Caius Cæsar,—who he is in the habit of boasting has been adorned and strengthened and armed by his law, and by his kindness, respecting extortion and corruption,—is a law? And do they complain that there are other men, too, who wish to rescind the acts of Cæsar, while this most excellent law is neglected by his father-in-law and by this slave?

LXV. And the prosecutor has dared, while pleading in this cause, to exhort you, O judges, to show at last some severity, and at length to apply some healing measures to the republic. But that is not a remedy when the knife is applied to some sound and healthy part of the body; that is the act of an executioner, and mere inhumanity. Those are the men who really apply healing remedies to the republic, who cut out some pestilence as if it were a wen on the person of the state.

But in order that my speech may have some termination, and that I may cease speaking before you are weary of listening to me with attention, I will finish my argument about the party of the best men, and about their leaders, and about those who are the chief defenders of the republic. I will stir you up, O young men, especially you who are of noble birth, to the imitation of your ancestors, and I will exhort you who have the opportunity of arriving at high rank by the exercise of genius and virtue, to adopt that line of conduct by which many new men have become crowned with honour and glory. This, believe me, is the only path to praise, and dignity, and honour,—to be praised and beloved by men who are wise and good, and endowed with good dispositions by nature; to

become acquainted with the constitution of the state, as it has been most wisely established by our ancestors, who, when they could no longer endure the power of a king, created annual magistrates on the principle of making the senate the perpetual supreme council of the republic, and of allowing men to be elected into that body by the whole people, and of opening the road to that supreme order to the industry and virtue of all the citizens. They established the senate as the guardian, and president, and protector of the republic; they chose the magistrates to depend on the authority of this order, and to be as it were the ministers of this most dignified council; and they contrived that the senate itself should be strengthened by the high respectability of those ranks which came nearest to it, and so be able to defend and promote the liberties and interests of the common people.

LXVI. Those who defend these institutions with all their might are the best men, of whatever rank they are; and they who chiefly support all these offices and the republic on their necks as it were, are accounted the chiefs of the party of the best men,—the chief advisers and preservers of the state. I confess that there are, as I have said before, many adversaries and enemies to, and enviers of this class of men, that there are many dangers in their path, that many injuries are heaped upon them, that many labours have necessarily to be experienced and undergone by them. But all my speech is addressed to virtue, and not to sloth; to dignity, and not to luxury; to those men who look upon themselves as born for their country, for their fellow-citizens, for praise, for glory, not for sleep, for banquets, and soft delights. For if there be any men who are influenced wholly by pleasures, and who have given themselves entirely up to the seductions of vices and to the gratification of their desires, let them abandon all desire for honours; let them abstain from meddling with the republic; let them be satisfied with enjoying their ease, and owing it to the labour of virtuous and brave men.

But they who desire the good report of good men, which is the only thing which is really entitled to be called glory, ought to seek ease and pleasures for others and not for themselves. They must toil for the common advantage; they must incur enmities, and often encounter tempests, for the sake of the republic; they must combat with many audacious and wicked

men,—sometimes even with men of great influence. This is what we have heard of the sentiments and actions of the most illustrious men; this is what tradition reports of them, and what we have read: nor do we ever see those men loaded with praise who from time to time have stirred up the minds of men to sedition, or who by bribery have corrupted the inclinations of the ignorant, or who have brought brave and illustrious men, who have deserved well of the republic, into odium and unpopularity. Our countrymen have always thought such men as those contemptible, and audacious, and wicked, and mischievous citizens. But they who have checked the violence and the attempts of those men; they who by their authority, by their integrity, by their firmness, and by their magnanimity have resisted the designs of audacious men, have been at all times considered wise and good men, the chiefs, and leaders, and advisers of this order, of this dignified body, and of the empire.

LXVII. And let no one, on account of what has happened to me, or perhaps to one or two others besides, fear to adopt this plan of life. One man in this state, whom I can mention, a man who had done great services to the republic, Lucius Opimius, did fall in a most shameful manner. And if his grave is a deserted one on the shore of Dyrrachium, he has a most superb monument in our forum. And the Roman people itself at all times delivered him from danger, though he was exceedingly unpopular with the mob on account of the death of Caius Gracchus; and it was a storm coming from another quarter—from an iniquitous judicial decision—which crushed that illustrious citizen. But the other men who have done good service to the state, have either, if for a while they have been stricken by any sudden violence, or tempest of popular odium, been restored again, and recalled by the people of its own accord, or else they have passed their whole lives without any such injuries or attacks. But they who have disregarded the wisdom of the senate, and the authority of good men, and the established rules of our ancestors, and have sought to become agreeable to an ignorant and excited multitude, have nearly all suffered just retribution and made atonement to the republic, either by instant death, or shameful exile.

But if, even among the Athenians, a nation of Greeks, far removed from the serious wisdom of our ancestors, there were

not wanting men to defend the republic against the rashness of the people;—though every one who ever did so was sure to be banished from the city;—if the great Themistocles, the preserver of his country, was not deterred from defending the republic, either by the calamity of Miltiades, who had saved that state only a little before, or by the banishment of Aristides, who is said to have been the greatest of all men: and if, after his time, many illustrious men of the same state, whom it is unnecessary for me to mention by name, in spite of the numerous instances of the popular ill-temper and fickleness which they had before them, still defended that republic of theirs; what ought we to do, who, in the first place, have been born in that city which appears to me to be the very birth-place of wisdom and dignity and magnanimity; and who, in the second place, are raised on such a pinnacle of glory that all human things may well appear insignificant by the side of it; and who, lastly, have undertaken to uphold that republic, which is one of such dignity, that to slay a man who is defending it is no less a crime than to attack it and to endeavour to seize the supreme power?

LXVIII. Those Greeks whom I have just mentioned, having been unjustly condemned and banished by their fellow-citizens, still, because they deserved well of their state, enjoy such renown at this present time, not in Greece alone, but among ourselves also, and in other lands, that no one ever mentions the names of those men by whom they were oppressed, and that every one prefers their disasters to the superior power of their enemies. Who of the Carthaginians was superior to Hannibal in wisdom, and valour, and actual achievements? a man who single-handed fought for so many years for empire and for glory with such numbers of our generals. His own fellow-citizens banished him from the city; but we see that he, though our enemy, is celebrated in the writings and recollection of our citizens.

Let us then imitate our Bruti, our Camilli, and Ahalæ, our Decii, our Curius, and Fabricius, and Maximus, our Scipios, our Lentuli, our Æmilii, and countless others, who have given liberty to this republic; all of whom I consider deserving of being ranked among the company and number of the immortal gods. Let us love our country, let us obey the senate, let us consult the interests of the good; let us

disregard present rewards, and fix our eyes on the glory which we shall receive from posterity. Let us think that the most desirable conduct, which is the most upright; let us hope for whatever we choose, but bear whatever befals us; let us consider, lastly, that the bodies of brave men and great citizens are mortal, but that the impulses of the mind and the glory of virtue are everlasting. And let us not, if we see that this opinion is consecrated by the most holy example of the great Hercules, whose body indeed has been burnt, but whose life and virtue are said to have received instant immortality, think any the less that they who by their counsels and labours have either increased the greatness, or defended the safety, or preserved the existence of this great republic, have acquired everlasting glory.

LXIX. But suddenly, O judges, while speaking of the dignity and renown of those valiant and most illustrious citizens, and while I was preparing to say still more on that subject, I have been checked in the onward progress of my speech by the sight of these men. I see Publius Sextius, the defender and upholder and chief maintainer of my safety, and of your authority, and of the cause of the commonwealth, on his trial as a criminal; I see his young son, present here before you, gazing on me with tearful eyes; I see Milo, the vindicator of your liberty, the guardian of my safety, the support and defence of the afflicted republic, the extinguisher of the piratical attempts of our domestic enemies, the repressor of daily bloodshed, the defender alike of the temples of the gods and of the houses of individuals, the bulwark of the senate-house, in mourning apparel, and under a prosecution. I see Publius Lentulus, to whose father I pay my salutations as the protecting deity and parent of my fortune and my name, and of my brother, and of all my hopes and property, in the miserable garb and squalid condition of an impeached man: I see the man who in the course of last year received the robe of manhood by the will of his father, and the purple robe by the deliberate choice[1] of the people, now, in this year, in the same robe seeking to avert by his entreaties the sudden infliction of this most iniquitous decree, supplicating you on

[1] Publius Lentulus had been named one of the college of augurs, in spite of his youth, which was a legal disqualification for such an office, in compliment to his father.

behalf of his most gallant father, and your most illustrious citizen.

And these mourning robes of so many and of such illustrious citizens, and these signs of grief, and these tokens of abasement, have all been put on for my single sake; because they defended me, because they grieve for my misfortune and for my grief, because, in compliance with the entreaties of all of you, they restored me to my mourning country, to the senate who demanded me back, and to Italy who entreated my recal. What great wickedness is imputed to me? What great crime did I commit on that day; on that day, I say, when I laid before you the proofs against, and the letters and confessions of those men who were seeking the general destruction; when I obeyed your commands? But, if it be a wicked thing to love one's country, still I have suffered punishment enough; my house has been pulled down, my property has been pillaged; my children have been scattered abroad, my wife has been insulted, my most excellent brother, a man of incredible affection and unheard-of devotion to me, has fallen, with all the emblems of most bitter grief, at the feet of my bitterest enemies; I have been driven from my altars, from my hearth, from my household gods; I have been separated from my friends and torn from my country, which (to say the very least) I had most undoubtedly shielded; I have endured the cruelty of my enemies, the wickedness of faithless men, and the dishonesty of envious ones.

If this is not enough, because all this appears to be defaced by my return; it were better—it were far better, I say, for me, O judges, to fall back again into the same misfortune as before, than to bring such calamity on my defenders and preservers. Would it be possible for me to remain in this city after those men have been driven away from it, who alone enabled me again to enjoy this city? I cannot do so—it will not be possible for me, O judges,—nor shall this boy, who now, by his tears, shows how great his filial affection is, ever behold me in safety if he loses the presence of his father on account of his kindness to me; nor shall he, as often as he sees me, groan, and say that he beholds a man who has been the ruin of himself and of his father. I, in every fortune, whatever may befal me, will cling to you; nor shall

any fortune ever separate me from those men whom you, O judges, behold in mourning apparel for my sake. Nor shall those nations to whom the senate recommended me and to whom it gave thanks for their treatment of me, ever see this man as an exile on account of his conduct to me, without seeing me as his companion.

But the immortal gods, who received me on my arrival in their temples, accompanied by these men and by Publius Lentulus the consul, and the republic itself, than which there is nothing more holy, have entrusted these things, O judges, to your power. You are able by your decision to encourage the minds of all virtuous men, and to check the designs of the wicked; you are able by your decision to avail yourselves of the services of the virtuous citizens, to strengthen me, and to renew the republic. Wherefore, I beseech and entreat you, if you wish for my safety, to save those men by whose instrumentality you have recovered me.

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## THE SPEECH OF M. T. CICERO AGAINST PUBLIUS VATINIUS;

### CALLED ALSO, THE EXAMINATION OF PUBLIUS VATINIUS.

#### THE ARGUMENT.

This speech arose out of the preceding one. Vatinius was a partisan and creature of Cæsar's, and instigated by him to appear as a witness against Sextius on his trial; and Cicero was so indignant at a man of so infamous a character appearing against his friend, that he exposed the whole iniquity of his life by the severity of his examination, and the searching nature of the questions which he put to him. And he says of this speech himself, (Epist. Fam. i. 9,) "The whole of my examination of him consisted of nothing but a reproof of his conduct in his tribuneship; and I spoke with great freedom, and the greatest earnestness and indignation."

Vatinius had also, while replying to Cicero's questions, attacked Cicero himself as having been a turncoat, and being now anxious himself to curry favour with Cæsar, because he saw that his affairs were becoming more prosperous than they had been, and reminded him of his having not always entertained a favourable opinion of Cæsar; and Cicero replied, that he still preferred the condition of Bibulus's consulship to the triumphs and victories of any one whatever.

I. If, O Vatinius, I had chosen to regard merely what the unworthiness of your character deserved, I should have

treated you in a way that would have been very pleasing to these men, and, as your evidence could not, on account of the infamy of your life and the scandal of your private conduct, be possibly considered of the slightest consequence, I should have dismissed you without saying a single word to you. For not one of these men considered it worth my while either to refute you, as if you were an adversary of any importance, or to question you, as if you were a scrupulous witness. But I was, perhaps, a little more intemperate just now than I should have been. For from detestation of you, in which, although, on account of your wicked conduct to me, I ought to go beyond all men, yet I am in fact surpassed by everybody, I was carried away so far, that though I did not despise you at all less than I detest you, still I chose to dismiss you in embarrassment and distress, rather than in contempt.

Wherefore, that you may not wonder at my having paid you this compliment of putting questions to you, whom no one thinks worthy of being spoken to or visited, whom no one thinks deserving of a vote, or of the rights of a citizen, or even of the light of life; know that no motive would have induced me to do so, except that of repressing that ferocity of yours, and crushing your audacity, and checking your loquacity by entangling it in the few questions I should put to you. In truth, you ought, O Vatinius, even if you had become suspected by Publius Sextius undeservedly, still to pardon me, if, on the occasion of such great danger to a man who has done me such great services, I had yielded to the consideration of what his necessities required, and what his inclination deserved of me. But you unintentionally showed a few moments ago that you spoke falsely in the evidence which you gave yesterday, when you asserted that you had never had the least conversation with Albinovanus, not only about the prosecution of Sextius, but about anything whatever; and yet you said just now that Titus Claudius had been in communication with you, and had asked your advice with respect to the conduct of the prosecution against Sextius, and that Albinovanus, who you had said before was hardly known to you, had come to your house, and had held a long conversation with you. And lastly, you said that you had given to Albinovanus the written harangues of Publius Sextius, which he had never had any knowledge of, and did not know

where to find, and that they had been read at this trial. And by one of these statements you confessed that the accusers had been instructed and suborned by you; and by the other you confessed your own inconsistency, liable to the double charge of folly and of perjury; when you stated that the man, who you had previously said was an entire stranger to you, had come to your house, and that you had given the documents which he asked for to aid him in his accusation to a man whom you had from the beginning considered a trickster and a prevaricator.

II. You are too impetuous and fierce by nature. You do not think it allowable for a word to escape from any man's mouth which may not fall pleasantly and complimentary on your ears. You came forward in a rage with everybody; which I perceived and comprehended the moment I saw you, before you began to speak, while Gellius, the dry nurse of all seditious men, was giving his evidence before you. For on a sudden you sprang forward like a serpent out of his hole, with eyes starting out of your head, and your neck inflated, and your throat swelling; so that * * *

* * * I defended my old friend, who was, nevertheless, an acquaintance of yours; though in this city an attack on another, such as you are now making, is sometimes found fault with, but the defence of a man never is.

But I ask you why I should not defend Caius Cornelius? I ask whether Cornelius has ever passed any law in defiance of the auspices? whether he has despised the Ælian or the Fufian law? when he has offered violence to the consul? whether he has occupied any temple with armed men? whether he has driven away by violence any magistrate who was exercising his veto? whether he has profaned any religious ceremonies? whether he has drained the treasury? whether he has pillaged the republic? These, all these, are actions of yours. No imputation of this sort is cast upon Cornelius. He was said to have read a document.[1] It was urged in his defence, his colleagues giving evidence in support of his cause, that he read it, not for the sake of reading it, but for the sake of examining it more particularly. However, it was quite certain that Cornelius dismissed the council that day, and submitted to the interposition of the veto. But you who are

[1] There is some corruption in the text here.

offended at my defending Cornelius, what cause do you bring to your advocates to uphold, or what countenance have you to show? when you already point out to them in an imperious manner, what a disgrace it will be to them if they defend you, by thinking the defence of Cornelius a matter for accusation and abuse of me.

However, Vatinius, remember this—that a little after the time when I defended him in a way which you say gave great offence to all good men, I was appointed consul in the most honourable manner in which any one has been elected since the memory of man, not only by the exceeding zeal in my behalf of the entire Roman people, but also by the special and extraordinary exertions in my cause of every virtuous man; and that I gained all these honours by living in a modest manner, which you have over and over again said that you hoped to obtain by dealing in the most impudent prophecies.[1]

III. For as regards your having blamed me for my departure, and your having attempted to renew the grief and lamentation of those men to whom that day was most miserable, which, however, was to you most joyful, I will make you this reply,—that when you and the other pests of the republic were seeking a pretext to take up arms, and using my name as a cloak for your proceedings to pillage the property of the rich citizens, and to drink the blood of the chief men of the state, and satiate your barbarity and the long-standing hatred which you had cherished against all good men till it had become inveterate, I preferred to break the force of your frenzy and wickedness by yielding to it, rather than by resisting it. Wherefore, I entreat you, O Vatinius, to pardon me for sparing the country which I had saved; and I beg you, if I bear with you who would willingly be a harasser and destroyer of the republic, to bear also with me who have been its preserver and its guardian. Do you find fault with that man for having departed from the city, who, as you see, was recalled by the regret of all the citizens, and by the grief of the republic herself?

Oh, but you say that men were anxious for my return, not for my sake, but for the sake of the republic. As if any man

[1] The critics say that Cicero intends a pun here, by the similarity of the sound of the word he uses, "vaticinando," to Vatinius's name.

who had mixed himself up in the affairs of the state in a proper spirit, could think anything more desirable for him than to be beloved by his fellow-citizens for the sake of the republic. Forsooth, my nature, I suppose, is a harsh one, I am difficult of access, my countenance is forbidding, my answers to men are arrogant, my way of life insolent. No one ever sought the aid of my humanity,—no one was ever anxious for my intimacy, for my advice, or my aid; for mine, out of regret for whom (to say the least of it) the forum was sad, the senate-house silent, and all studies of virtuous and liberal sciences voiceless and lifeless.

However, I will allow that nothing was done for my sake. Let us admit that all those resolutions of the senate, and commands of the people, and decrees of all Italy, and of all companies, and of all colleges and guilds, concerning me were passed for the sake of the republic. What then, O man most ignorant of the character of solid glory and real dignity, could possibly happen better for me? What could be more desirable as regards the immortality of my glory, and the everlasting recollection of my name, than for all my fellow-citizens to be of this opinion,—that the safety of the state was indissolubly bound up with my individual safety? But I will send you back the arrow which you aimed at me. For as you said that I was dear to the senate and people of Rome, not so much for my own sake as for that of the republic, so I say that you, although you are a man of scandalous character, disgraced by every sort of foulness and infamy, still are detested by the city, not so much on your own account, as for the sake of the republic.

IV. And, that I may at length come to speak of you, this shall be the last thing which I will say of myself. What any one of us may say of himself, that is not the question. Let good men judge; that is the consideration of the greatest importance and weight. There are two times at which the decisions of our fellow-citizens about us are looked for with anxiety,—one when our honours, and the other when our safety is at stake. Honours have been given to few men with such good-will on the part of the Roman people as I have experienced. No one has ever been restored to safety with such extraordinary zeal on the part of all the citizens as I have. But what men think of you we have already had

experience when you were a candidate for honour; and now that your safety is at stake, we are in expectation of what we shall see.

However, not to compare myself with these the leading men of the state, who are here to give their countenance to Publius Sextius by their presence, but merely to compare myself to one, the most impudent and vilest of men, I will just ask you, O Vatinius,—you the most arrogant of all men, and also the most hostile to me,—whether you think it was better and more desirable for this state, for this republic, for this city, for these temples, and for the treasury, and for the senate-house, and for these men whom you see around us, and their property, fortunes, and children,—whether you think it was better and more desirable for all the rest of the citizens, and for the temples of the gods, and for the auspices, and for the religious rites and observances of the city, that I should have been born as a citizen in this city, or that you should? When you have answered me this question, either so impudently that men will hardly be able to keep their hands off you, or in so melancholy a manner as to burst that inflated neck and throat of yours; after that, reply to me from memory to these questions which I am going to put to you.

V. And I will allow that dark period of your early youth to remain in obscurity. You may with impunity, as far as I am concerned, have broken through walls in your youth, and plundered your neighbours, and beaten your mother. Your infamous character has this advantage, that the baseness of your youth is concealed by your obscurity and vileness.

You stood for the quæstorship with Publius Sextius; while he was talking of nothing but the object which he had in view at the moment, and you were constantly saying that you were thinking of obtaining a second consulship. I ask you this. Do you recollect, when Publius Sextius was unanimously elected quæstor, that you then were named as the last quæstor, against the will of every one, not owing to the kindness which the people felt for you, but only to that of the consul? In that magistracy, when the province of Ostia, down by the water's edge, had fallen to your lot, raising a great outcry at the time, were you not sent by me, as I was consul, to Puteoli, to prevent gold and silver being exported from thence? While occupied in the discharge of that duty, do

you remember that, as you acted as if you supposed that you had been sent, not as a guardian to take care and keep the wealth at home, but as a carrier to distribute it, and as you in a most robber-like manner were examining into every one's house, and store, and ship, and harassing men occupied in business and in trade with most iniquitous law proceedings, frightening merchants as they disembarked from their ships, and delaying them as they were embarking,—do you recollect, I say, that violent hands were laid on you in Puteoli while you were present among the body of the Roman settlers? and that the complaints of the people of Puteoli were brought before me as consul? Do you recollect that after your quæstorship you went as lieutenant into the further Spain, Caius Cosconius being the proconsul? Do you recollect, too, that, though that journey into Spain is usually made by land, or if any one chooses to go by sea, there is a regular route by which they sail, you came into Sardinia, and from thence into Africa? Were you not in the kingdom of Hiempsal,—a proceeding on your part which was perfectly illegal without a decree of the senate to authorize it? Were you not in the kingdom of Mastanesosus?[1] Did you not come to the strait by way of Mauritania? and did you ever hear of any lieutenant of any part of Spain before you who went to that province by that route?

You were made tribune of the people; (for why need I put questions to you about the iniquities and most sordid robberies which you committed in Spain?) I ask of you first, in a general manner, what description of dishonesty and wickedness did you omit to practise in your discharge of that office? And I now give you this warning,—not to mix up your own infamy with the high character of most eminent men. I, in whatever questions I put to you, will question you yourself only, and I will drag you forth not from the dignity of a great man, which you affect, but from your own obscurity and darkness. And all my weapons shall be directed at you in such a manner, that no one else shall be wounded (to use an expression of your own) through your side; my arrows shall stick in your lungs and in your entrails.

VI. And since the beginnings of all great things are

[1] It is unknown what country is meant, except that it is evidently some part of Africa.

derived from the gods, I wish you to answer me,—you, who are accustomed to call yourself a Pythagorean, and to put forth the name of a most learned man as a screen to hide your own savage and barbarian habits,—what depravity of intellect possessed you, what excessive frenzy seized on you, and made you, when you had begun your unheard-of and impious sacrifices, accustomed as you are to seek to evoke the spirits of the shades below, and to appease the Dî Manes with the entrails of murdered boys, despise the auspices under which this city was founded, by which the whole of this republic and empire is kept together, and, at the very beginning of your tribuneship, give notice to the senate that the responses of the augurs and the arrogance of that college should be no obstacle to your proceedings? Next to that, I ask you whether you kept your promise in that particular? Did the fact of your knowing that on that day the heavens had been observed, delay, or not delay your summoning the council, and proposing your intended law? And since this is the one thing which you say belongs to you in common with Cæsar, I will separate you from him, not only for the sake of the republic, but also for the sake of Cæsar, lest any stain from your extraordinary infamy should seem to attach itself to his dignity. First of all, I ask you whether you trust your case to the senate, as Cæsar does? Next, what sort of authority that man has who defends himself by the conduct of another and not by his own? Next, (for my real sentiments will at times burst forth, and I cannot help saying without circumlocution what I feel,) even if Cæsar had been rather violent in any particular, if the importance of the contest, and anxiety for glory, and his eminent courage, and his admirable nobility of character had carried him away at all, which would have been endurable in that great man, and would have deserved to be obliterated from our minds by the mighty exploits which he has subsequently performed, will you, you wretch, assume the same privilege to yourself, and is the voice of Vatinius, the thief and sacrilegious man, to be heard, demanding that the same indulgence is to be allowed to him that is allowed to Cæsar? For this is what I ask of you.

VII. You were a tribune of the people. Separate yourself from the consul. You had nine gallant men for your colleagues. Of these there were three whom you knew to be

every day observing the heavens, whom you used to laugh at, whom you used to call private individuals, of whom you see two now sitting here in their robes of office; (you know that you sold the official robe of an ædile which you had had made for yourself to no purpose;) and the third, you are aware, after that tribuneship, in which you oppressed and ill-treated him, gained the consular authority, though a very young man. There were six others; of whom some openly adopted your opinion, and some held a sort of middle course. All had laws which they wished to propose; and among them my own intimate friend Caius Cosconius, one of our judges, had several, some even drawn up by my advice; a man who makes you ready to burst with envy when you see him invested with the rank of ædile. I wish you to reply to me. Did any one of the whole college venture to bring forward any law, except you alone? And how did you become possessed of so much audacity, how did you dare to act with so much violence, as alone—you, a man raised out of the mud, beyond all comparison the lowest of all men in every respect—to think that a proper subject for your contempt, and scorn, and derision, which all your nine colleagues thought deserving of their fear and awe? Have you ever known of any one tribune of the people, since the foundation of the city, having transacted business with the people when it was known that any magistrate was observing the heavens?

I wish you also to answer me, as, while you were tribune of the people, the Ælian and Fufian laws still existed in the republic; laws which have repeatedly checked and repressed the frenzy of the tribunes; in contravention of which no one has ever dared to act except you; (though those same laws the year after, when two men were sitting in the temple, whom I will not call consuls, but betrayers of this state, and pestilences, were destroyed at the same time with the auspices, and the power of intercession, and all public law:) Did you ever hesitate to transact business with the people, and to convene the assembly in defiance of these laws? Have you ever heard of any one out of all the tribunes of the people that ever existed, however seditious they may have been, being so audacious as to summon an assembly in defiance of the Ælian and Fufian laws?

VIII. I ask you this, also, whether you endeavoured,

whether you wished, whether, in short, you intended, (for these all amount to the same thing, so that, if it ever only occurred to your mind, there is no one who would not think you worthy of the greatest severity of punishment,)—I ask you, I say, whether you ever intended in the course of that intolerable (I will not say reign of yours, for that is a word which you would like me to use, but) piratical power, to be made augur in the room of Quintus Metellus? so that whoever beheld you might feel a two-fold grief and misery, both from his regret for a most illustrious and most gallant citizen, and from the honour of a most worthless and infamous one. I ask you, did you think, I will not say, that the republic had been so undermined while you were tribune, or that the constitution had been so much battered and shaken, but that this city had been so entirely stormed and overthrown, that we could endure Vatinius for an augur? Here also I ask, if you had been made augur, as you were anxious to be, the bare idea of which on your part caused us, who hated you, a pain which we could hardly endure, while they who were your intimate friends could scarcely forbear laughing at it; still I ask, I say, if in addition to the other wounds under which you believed the republic to be sinking, you had added the deadly and fatal blow of your augurship, would you have decreed that which every augur ever since the time of Romulus has invariably decreed, that when Jupiter was sending forth his lightning it was impious to transact business with the people; or, because you had constantly done so, would you as augur have put an end to the system of taking auspices altogether?

IX. And, not to waste any more words on your augurship, (and I speak of it all against my will, as I do not wish to recollect the ruin of the republic; for, indeed, you yourself never thought that you would be augur as long as not only the majesty of these men, but as long as that city itself remained standing,)—still, to pass over your dreams, I will come to your acts of wickedness. I wish you to answer me. When you were leading Marcus Bibulus, the consul,—I will not call him a man of the justest sentiments with respect to the republic, lest so powerful a man as you, who disagreed with him, should be offended with me; but I will call him a man who certainly never took any violent steps, who never per-

formed any act of hostility towards you in the republic, but who only felt in his heart a great disapproval of your actions; —when, I say, you were leading him, the consul, to prison, and when your colleagues sitting at the Valerian[1] table ordered him to be released, did you or did you not make a bridge in front of the rostra, by joining the stages together, along which bridge, a consul of the Roman people, a man of the greatest moderation and wisdom, removed from all assistance, cut off from all his friends, was to be led by the inflamed violence of profligate men, a most shameful and miserable spectacle, not only to prison, but to execution and to death? I ask whether there was ever any one before your time so wicked as to do such a thing as that? So that we may know whether you are an imitator of old crimes or an inventor of new ones. And when you, by counsels and atrocities of this sort, carried on under the name of Caius Cæsar, a most merciful and excellent man, but in reality by your own wickedness and audacity, had driven Marcus Bibulus from the forum, and the senate-house, and the temples, and from all public places, and had compelled him to shut himself up in his own house; and when the life of the consul was only saved, not by the majesty of the empire, or by the sanctity of the laws, but only by the protection which his own doors and walls afforded him; did you not send a lictor to drag Marcus Bibulus from his house by force, in order that, though even in the case of private individuals the sanctity of their house is always observed, while you were tribune of the people even his own house should not be a safe refuge for the consul?

Answer me at the same time, you who call us tyrants who are agreed together as to our views for the general safety, were not you a tribune of the people, but in reality an intolerable tyrant raised of some obscure mud and darkness? and did not you attempt in the first instance to overturn the republic, which was originally founded in obedience to auspices, by the destruction of those same auspices; and after that, have not you been the only man to trample under foot and disregard those most holy laws,—I mean the Ælian and Fufian laws,—which subsisted through the furious times of the Gracchi, and through all the audacity of Saturninus,—which

[1] The *Valeria tabula* was a part of the forum where the tribunes of the people were in the habit of sitting.

survived unhurt the rabble of Drusus,[1] and the contests of Sulpicius,[2] and the massacres of Cinna, and even the battles and bloodshed of Sylla? Did you not threaten the consul with death, and blockade him when he had shut himself up in his house, and attempt even to drag him out of his house? And you, who by means of that magistracy emerged out of actual beggary, and who now even alarm us by your riches, were you not so inhuman as to endeavour, by means of your proposed law, to get rid of and destroy the chosen men and chief leaders of the state?

X. When you had produced in the assembly Lucius Vettius, who had confessed in the senate that he had been armed with the intention of putting Cnæus Pompeius, that great and illustrious citizen, to death with his own hands; when you had produced him as a witness in the rostra, and placed him in that temple and place consecrated by the auspices; (in that place in which other tribunes of the people have been in the habit of bringing forward the chief men of the state, in order to sanction their authority by their presence, there you wished Vettius the informer to employ his tongue and voice in support of your wickedness and ambitious designs:)—did not Lucius Vettius say, in that assembly which you had convened, when questioned by you, that he had had those men for the originators and encouragers of, and accomplices in that wicked conduct, whom if the city had been deprived of, (and that was your real object at that time,) it could not have continued to stand?

You had endeavoured to murder Marcus Bibulus, as you were not contented with shutting him up in his house; you had stripped him of his consulship,[3] you were anxious to

[1] Cicero refers here to the Marcus Livius Drusus who, A.U.C. 661, brought forward an entire series of measures, calculated, as he said, to remedy the evils of the state; among others, one to give the freedom of the city to all the inhabitants of Italy. He was privately assassinated.

[2] Publius Sulpicius Rufus was a partisan of Marius; and, as tribune of the people, the instigator of some violent measures against Sylla. After Sylla had driven Marius out of the city, Sulpicius was slain and put to death.

[3] After the violent way in which Cæsar's partisans had treated Bibulus, which has been alluded to in the preceding chapter, Bibulus complained to the senate the next day: but finding that assembly too completely intimidated to take any notice of it, he retired to his own house,

deprive him of his country. You wished also to murder Lucius Lucullus, whose exploits you envied above measure, because, I suppose, you from your boyhood had had an eye yourself to the glory of a general; and Caius Curio, the unceasing enemy of all wicked men, the leader of the public council, a man of the greatest freedom in maintaining the common liberties of the citizens, with his son, the chief of the youth of Rome, and who had already shown more devotion to the cause of the republic than could have been expected from his age; and Lucius Domitius, whose dignity and respectability of character, I suppose, blinded the eyes of Vatinius, and whom you hated at the moment on account of your common hatred of all virtuous men, and whom you had long feared with reference to the future, on account of the hopes which all men had conceived, and indeed do still entertain of him; and Lucius Lentulus—this man who is one of our judges now—the priest of Mars, because he was at that time a competitor of your dear friend Gabinius: all these you wished to crush by means of the information of this same Vettius. But if Lentulus had then defeated that disgrace and pest of the republic, which he was prevented from doing by your wickedness, the republic would not have been defeated; moreover, you wished by means of the same information and the same accusation to involve his son in his father's ruin. You comprehended in the same information of Vettius, and in the same body of criminals, Lucius Paullus, who was at the time quæstor in Macedonia. How good a citizen! how great a man! who had already banished by his laws two impious traitors to their country, domestic enemies; a man born for the salvation of the republic. Why should I complain of your conduct to myself? when I ought rather to return you thanks, for having thought me deserving of not being separated from the number of gallant and virtuous citizens.

XI. But how was it that you were so insane, as—when Vettius had now summed up his oration just as you pleased, and had uttered his calumnies against all the lights of the city, and had descended from the rostra—to call him back on a sudden, and converse with him in the sight of the

and there shut himself up for the remaining eight months of the year of his consulship, and determined to act no more in public except by means of edicts.

Roman people? and then to ask him whether he could not give the name of any one else? Were you not pressing upon him to name Caius Piso, my son-in-law; who, at a time when there was a great abundance of virtuous young men, still has left no one behind him of equal temperance, and virtue, and piety to himself? and also Marcus Laterensis, a man who devotes all his days and nights to thinking of glory and of the republic? Did not you, O you most profligate and abandoned enemy, propose an investigation into the conduct of so many honourable and excellent men, and at the same time most honourable rewards for your informer Vettius? and afterwards, when this conduct of yours was condemned, not merely by the secret feelings of every one, but by their open reproaches, did you not strangle that very man Vettius in prison, in order that there might be no evidence of your having procured his information by bribery, and that no investigation of that guilt might be instituted so as to affect you yourself?

And since you are constantly repeating that you proposed a law to allow each party to reject judges alternately, in order that every one may see that you could not contrive even to do right without committing some crime or other, I ask you whether, after a just law had been proposed at the beginning of your magistracy, and after you had also proposed several others, you were waiting till Caius Antonius was prosecuted before Cnæus Lentulus Clodianus?[1] And after a prosecution was instituted against him, did you not immediately pass a law against him, "Whoever was prosecuted after the proposal of your law," in order that a man of consular rank—unhappy man!—might be deprived by just that moment of time, of the benefit and equitable provisions of your law?

You will say that there was great intimacy between you and Quintus Maximus. An admirable defence of your guilt! No doubt it is the greatest praise of Maximus, that, after he had adopted the quarrel against Caius Antonius, and undertaken the prosecution, and after a president of the court and a bench of judges had been selected, he was unwilling to allow his adversary a power of striking off judges which would have been too favourable for him. * * *

Quintus Maximus did nothing inconsistent either with his

[1] There is some great corruption of the text here.

own virtue, or with the precedents of those most illustrious men, the Paulli, the Maximi, and Africani; whose renown we not only hope will be renewed by this man's virtue, but we actually see that it is so. It is your dishonesty, your guilt, your wickedness, that, when you had proposed a law under a pretence of mercy, you put it off till a time when it might serve a purpose of cruelty. And now, indeed, Caius Antonius consoles himself under his misery with this one fact, that he had rather be at a distance to hear that the images of his father and his brother, and that his brother's daughter, are placed, not in the house of their family, but in prison, than be at hand to see it.

XII. And since you so despise the property of others, and boast in a most intolerable manner of your own riches, I desire you to answer me, whether you, while tribune of the people, made any treaties with foreign states, or kings, or tetrarchs? whether you got any money out of the treasury by your laws? whether you did not at that time deprive people of the most valuable part of their privileges? whether it was Cæsar or the farmers of the revenue that you were robbing? And as this is the case, I ask you whether, having been a most miserably poor man, you did not become an exceedingly rich one that very year in which a most stringent law was passed about extortion and peculation? So that all men may see that you trampled not only on the acts of us whom you call tyrants, but even on the laws of your own most intimate friend; before whom you are in the habit of employing hard words against us, who are very friendly to him, while you abuse him in the most insulting manner every time that you say that he is in the least degree connected with you.

And I wish also to know this from you, with what design or with what intention you attended at the banquet given by Quintus Arrius, an intimate friend of mine, in a black robe? who you ever saw do such a thing before? who you ever heard of having done such a thing? What precedent had you for such conduct, or what custom can you plead for it? You will say that you did not approve of those supplications. Very well. Suppose that those supplications were inexcusable. Do you not see that I am not questioning you at all with respect to the occurrence of that year, nor of those

circumstances in which you may appear to be concerned in common with any eminent men; but only about your own peculiar acts of wickedness? Grant that the supplication was informal. Still, tell me, who ever went to a banquet in a mourning garment? For by such conduct the banquet itself is turned into a funeral feast; though the proper intention of a banquet is to be a scene of enjoyment and compliment.

XIII. But I pass over the fact of its having been a banquet of the Roman people, the day of festival, adorned with the exhibition of silver plate, and robes, and all sorts of furniture and ornaments; I ask who ever in a time of domestic mourning, who ever at a funeral of one of his own family, sat down to supper in a black robe? who ever, except you, as he was leaving a bath, had a black gown given to him? When so many thousand men were sitting at the feast, when the master of the feast himself, Quintus Arrius, was in a white robe, you introduced yourself into the temple of Castor, with Caius Fidulus and the rest of your Furies, in black garments, like the assistants at a funeral. Who was there who did not then receive you with groans? who was there who did not lament over the fate of the republic? what other topic of conversation was there at that banquet except this, that this city, so great and so wise, was now exposed not only to your frenzy, but also to your derision? Were you ignorant of the usual practice on such occasions? had you never seen a feast of the sort? had you never, when a boy or young man, been among the cooks? had you not a short time before satisfied your ancient voracity at that most magnificent banquet of Faustus, a noble young man? And when did you ever see the master of a feast and his friends in mourning, and in black robes, while sitting at a feast? What insanity took possession of you, that you should think, that, unless you did what it was impious to do, unless you insulted the temple of Castor, and the name of a feast, and the eyes of a citizen, and ancient custom, and the authority of the man who had invited you, you had not given sufficient proof that you did not think that a properly decreed and formal supplication?

XIV. I will also ask you about this thing which you did as a private individual; a matter in which you, at all events, will not be able to say that your cause is at all connected with that of any other illustrious man. I ask you whether you

were not prosecuted in accordance with the provisions of the Licinian and Junian laws? whether Caius Memmius, the prætor, did not, in accordance with that law, order you by his edict to appear on the thirtieth day? When that day arrived, did you not do what was not only never done before in this republic, but what was never even heard of, at any time since the beginning of the world? Did you not appeal to the tribunes of the people to save you from the necessity of pleading your cause? I have put the case too lightly; although that of itself would be an unprecedented and an intolerable thing to have done; but did you not appeal by name to that pest of the year, to that Fury of his country, to that storm which was desolating the republic, to Clodius? and when he could not by any right which he possessed, or by virtue of any precedent, or by any power given him by his office, offer any obstacle to proceedings in a court of justice, he had recourse to his usual violence and frenzy, and put himself at the head of your soldiers as their leader. And, in respect to this transaction, that you may not consider anything as a direct statement of mine, rather than as elicited by questions put to you, I will not impose on myself the burden of producing any evidence in support of what I say; and what I see that I shall have to state in the same place in a short time, I will reserve at present, and I will not accuse you; but, as I have done with respect to other matters, I will only put questions to you.

I ask you then, O Vatinius, whether any one in the state, since the first foundation of the city, has ever appealed to the tribunes of the people to interpose and save him from having to plead his cause? Has any criminal ever mounted up to the tribunal of the president of the court which tried him, and driven him down from thence by violence? and upset all the benches? and overturned all the balloting urns? and, in short, in disturbing the court of justice, committed all those crimes on account of which courts of justice were instituted? Are you aware that Memmius fled at that time? that your accusers were with difficulty saved from your hands and those of your friends? that the judges were even driven away out of the tribunals which were near? that in the forum, in broad daylight, in the sight of the Roman people, the investigation was put an end to, and the magistrates, and the usages of our ancestors, and the laws, and the judges, and the defendant, and

the penalty, were all alike disregarded and trampled on? Do you know that all these circumstances were, by the diligence of Caius Memmius, entered and proved in the public records? And moreover, I ask you this, when, after you had had an accusation preferred against you, you returned from your lieutenancy, in order that no one might think that you wished to avoid a trial; and when you used to say that, though you might have done whichever you pleased, still you preferred pleading your cause, as you had been accused; I ask, I say, how it was consistent with that conduct of yours, in being unwilling to avail yourself of the door of escape which your lieutenancy opened to you, for you to have recourse to an impious source of assistance by means of a most dishonest appeal?

XV. And since mention has been made of your lieutenancy, I wish also to hear from you, by what resolution of the senate you were appointed lieutenant? I understand, from your gestures, what answer you are going to give. By your own law, you say. Are not you, then, a most manifest parricide of your country? Had not you had regard to the idea that the conscript fathers might be wholly destroyed from out of the republic?—did you not even leave this to the senate, which no one ever took from it—the privilege, namely, of having all lieutenants appointed by authority of that order? Did the great public council appear to you so contemptible? did the senate appear so depressed? did the republic appear so miserable and prostrate, that the senate was no longer able to appoint, in conformity with the uniform precedent of our ancestors, the messengers of peace and war, and managers, and interpreters, and authors of warlike determinations, and ministers of the different sorts of provincial duty?

You had taken from the senate the power of decreeing provinces to the different magistrates, and the decision as to what general was to be appointed to a command, and the management of the treasury; things which the Roman people never coveted for itself, as it never endeavoured to deprive the republic of the direction of the supreme council.[1] Come, some of these things have been also done by others; it has seldom happened, but still it has happened, that the people has

[1] There is apparently some considerable corruption of the text here.

selected a general. Who ever heard that lieutenants had been appointed without a resolution of the senate to authorize it? No one before you. Immediately after you, Clodius did the same thing, in the case of those two pestilences of the republic; and, on this account, you deserve to be punished with still greater misfortunes; because you have injured the republic, not only by your deed, but also by your example; and because you are not only infamous yourself, but you have also wished to teach others to be so too. Do you not know that, on all these accounts, you have been branded with the unfavourable judgment of those most strict men, the Sabines, of those brave tribes, the Marsi and the Peligni, people of the same tribe as yourself; and that there is no other instance, since the foundation of Rome, of any man of the Sergian tribe having lost the votes of that tribe?

And I wish to hear this also from you; why it is, since I carried the law with respect to bribery and corruption in accordance with the terms of a resolution of the senate, and carried it without violence, and with every proper regard to the auspices and to the Ælian and Fufian laws, that you do not consider that a law? especially as I obey your laws, whatever the means are by which they were carried; while my law expressly forbids any one "to exhibit shows of gladiators within two years of his standing, or being about to stand for an office, unless he does so in compliance with a will, on a day appointed in the will." How can you be so insane as to dare to exhibit shows of gladiators actually at the very time when you are a candidate? Do you think that any tribune of the people can be found like that undeniable gladiator of yours, who will interpose to save you from being prosecuted according to the provisions of my law?

XVI. And if you disregard and despise all these considerations, because you have persuaded yourself, as you are in the habit of boasting openly, that though gods and men may be both unwilling, still you shall be able to gain everything which you desire in consequence of the incredible regard which Caius Cæsar has for you; have you ever heard, has any one told you, that lately at Aquileia, Caius Cæsar, when some accidental mention was made of some circumstances, said that he was exceedingly indignant that Caius Alfius had been passed over, because he knew the admirable loyalty and honesty of

the man; and that he was also greatly annoyed at any one having been made prætor, who was wholly opposed to his opinions and interests? That, on that, some one asked him how he liked Vatinius being repulsed? and that he replied, that Vatinius had done nothing in his tribuneship without a sufficient recompense; and that, as he cared about nothing but money, he could afford to fail in attaining honour with great equanimity. And if that man, who for the sake of increasing his own dignity has willingly allowed you to go on in your headlong course at your own risk, with no fault of his own, judges you himself to be totally unworthy of all honour; if your neighbours, and your connexions, and the men of your own tribe hate you so, as to think your repulse their triumph; if no one beholds you without groaning, if no one mentions your name without cursing you, if men shun you, avoid you, and cannot bear to hear your name; if, when they see you, they shudder at you as an evil omen; if your relations disown you, and the men of your own tribe execrate you, and your neighbours dread you, and your connexions are ashamed of you; lastly, if all your evil humours have left your odious face and settled in other places; if you are the object of general hatred to the people and the senate, and to all the tribes of the country; what reason can you have for wishing for the prætorship rather than for death? especially as you try to make yourself out a friend of the people, and as you cannot possibly do anything which would be more agreeable to the people than you would if you were to kill yourself.

But that we may hear at length how fully you reply to my interrogations, I will now conclude my examination of you, and at the end I will ask you a few questions relating to the cause itself.

XVII. I ask you what is the meaning of all this inconsistency and levity of yours, that in this trial you extolled Titus Annius in the very same words in which good men and good citizens have been in the habit of extolling him, when lately, when you were produced before the people by that foul Fury, Clodius, you gave false evidence against him with the greatest eagerness? Is this to be a matter left to your option and in your power, so that when you see Clodius's band of artisans, and that troop of furious and abandoned men, you then say

as you said in the assembly, that Milo[1] has besieged the republic with gladiators and men who combat with beasts; but when you come before such men as these, then you do not venture to say anything against a citizen of extraordinary virtue, and integrity, and wisdom, and firmness?

But as you praise Titus Annius so excessively, and by your encomium cast some sort of slight stain on that most illustrious man, (for Titus Annius would prefer being one of those men who are loaded with reproaches by you,) still I ask, since in the administration of the affairs of the republic there has been an entire community of and agreement in every counsel between Titus Annius and Publius Sextius, (a fact which has been proved not only by the decision of the good, but also by that of the wicked; for each of them is now on his trial on the same account and for the same accusation,—the one having had a prosecution instituted against him by that man whom you are sometimes accustomed to confess is the only man who is more worthless than yourself, and the other being reduced to the same condition by your design indeed, not with his assistance,)—I ask, I say, how you can separate those men in your evidence, whom you connect together by your accusation?

The last thing which I wish you to answer me is this:—As you said a great deal against Albinovanus with respect to his prevarication, I wish to know whether you said or did not say that you were not pleased at Sextius being prosecuted for violence, and that he ought not to have been so prosecuted; and that there was no law and no charge on which he was not more liable to impeachment? Did you also say that the cause of Milo, a most admirable man, was generally considered as closely connected with his cause? and that the things which were done by Sextius in my behalf were agreeable to good men? I am not now arguing against the inconsistency of your language and of your evidence; for you have given evidence at great length against those identical actions of this man which you say have been approved of by good men; and as for the man with whom you connect the cause and danger of my client, Sextius, you have extolled him with the highest praises. But I ask this;—whether you think that Publius Sextius ought to be condemned according to the

[1] Titus Annius are the two other names of Milo.

provisions of a law under which you say that he never ought to have been accused at all? or, if you think that your opinion ought not be asked while you are giving your evidence, lest I should appear to be attributing to you any authority by so doing, I ask whether you gave evidence against a man on his trial for violence, who you say never ought to have been prosecuted for violence at all?

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## THE SPEECH OF M. T. CICERO IN DEFENCE OF MARCUS CŒLIUS.

### THE ARGUMENT.

Marcus Cœlius was a young man of the equestrian order, and had been a sort of pupil of Cicero himself; and was a man of very considerable abilities. When a very young man, he had distinguished himself by prosecuting Caius Antonius, who had been Cicero's colleague in his consulship; and after that, by prosecuting Lucius Atratinus for bribery and corruption. Out of revenge for this last prosecution, he was now impeached by the son of that Lucius Atratinus for public violence, in having been concerned in the murder of Dio, the chief of the Alexandrian embassy, and in an attempt to poison Clodia, the sister of Clodius. The real truth is said to have been that this prosecution was mainly instigated by Clodia, who considered herself slighted by Cœlius, who had been a lover of hers. Cœlius was a tenant of Clodius for a house on the Palatine Hill. He was acquitted, and was at all times very grateful to Cicero for his exertions. Some years afterwards he was prætor, in which capacity he recalled Milo from his banishment at Marseilles, and with Milo was murdered by the soldiery, with whom he was tampering in the hopes of being able to effect some diversion in favour of Pompey, a short time before the battle of Pharsalia.

I. If any one, O judges, were now present by any chance, ignorant of our laws, and of our judicial proceedings, and of our customs, he would in truth wonder what great atrocity there is in this particular cause of so serious a nature, as to cause this trial alone to be proceeded with during these days of festival and public games, when all other forensic business is interrupted; and he would not doubt that a criminal was being prosecuted for a crime of such enormity, that, if it were neglected, though but for a moment, the state could no longer stand upright. If the same man were to hear that there is

a law which orders daily investigations to take place about seditious and wicked citizens, who may have taken arms and besieged the senate, or offered violence to the magistrates, or attacked the constitution, he would find no fault with the law, but he would inquire what is the crime which is now before the court; and when he heard that there was no crime at all, no audacity, no deed of violence which was the subject of this present action, but that a young man of eminent abilities, and industry, and popularity, is impeached by the son of that man whom he himself prosecutes and has prosecuted, and that he is attacked owing to the influence of a prostitute, he would not find fault with the filial affection of Atratinus, but he would think it right to curb the lust of the woman, and he would think you the judges a really laborious race, when you are not allowed to be at rest at a time of universal rest to every one else.

In truth, if you are willing to attend diligently, and to form a correct opinion of the whole of this cause, O judges, you will make up your minds that no one would ever have come down to the court to prefer this accusation who had the power of doing so or not, just as he pleased; and that, when he had come down, he would not have had the slightest hope of succeeding, if he had not relied on the intolerable licentiousness and exaggerated hatred of some one else. But, for my part, I can make allowance for Atratinus, a most humane and virtuous young man, and a great friend of my own; who has the excuse of filial affection, and necessity, and of youth. If he wished to accuse my client, I attribute it to his filial affection; if he was ordered to do so, I lay the blame on the necessity; if he had any hope of succeeding, I impute that to the inexperience of his boyhood. But as for the other partners in this impeachment, those I have not only no allowance to make for, but I must resist them most vigorously.

II. And, O judges, this beginning of my defence appears to me to suit most especially with the youth of Marcus Cœlius; so that I should reply first to those things which the accusers have advanced with the general view of disparaging him, and for the sake of detracting from his honour and despoiling him of his dignity. His father was cast in his teeth on various accounts,—at one time as having been a man of no great respectability himself; at another, he was said to have been

treated with but little respect by his son. On the score of dignity, Marcus Cœlius, to those who know him and to the older men among us, is of himself, without speaking, himself able easily to make a very sufficient reply, and without my having any occasion to make any statement for him; but as for those to whom he is not equally well known, on account of his great age, which has now for some time hindered his mixing much with us in the forum, let them think this: that whatever dignity can exist in a Roman knight,—and certainly the very greatest may be found in that body,—has always been considered, and is to this day considered, to shine out in great lustre in the case of Marcus Cœlius; and moreover it is so considered, not only by his own relations and friends, but by every one to whom he can possibly be known on any account whatever.

And to be the son of a Roman knight ought neither to be attributed to any one as a crime, either by the present prosecutor, or before those men who are the judges, or while I am the counsel for the defence. For as to what you have said about his filial affection, or the want of it, that can only be a vague opinion of ours, but the decision as to the truth of it must certainly rest with his parent. What our opinion is, you shall hear from witnesses on their oath: what his parents feel to be the truth, the tears of his mother and her incredible sorrow, the mourning appearance of his father and his distress which you now behold, and his agony, sufficiently declare. For as to the attack made upon him, that as a young man he was not well thought of by his fellow-citizens of the same municipal town, I say that the people of Puteoli never paid greater honours to any one when he was among them than they did to Marcus Cœlius while he was absent; for though he was absent, they elected him a member of their most honourable body; and they conferred those distinctions on him without his asking for them, which they have refused to numbers when they solicited them; and they have, moreover, now sent their most chosen men, and men of our order, and Roman knights, with a deputation to attend this trial, and to bear most honourable and authoritative testimony in his favour.

I seem to myself now to have laid the foundations of my defence; and they are the firmest possible, if they rest on the

judgment of his own relations and fellow-citizens. For his life could not be sufficiently recommended to you to meet with your approbation, if it displeased not only his parent, who is so excellent a man, but also so illustrious and dignified a municipality.

III. In truth, to return to myself, it is from such beginnings as his that I myself have risen to credit among men; and this forensic labour of mine, and the system of conduct which I have adopted, has made its way to the favourable opinion of men, by means of the extended commendation and favourable opinion of my own relations and friends.

For as to the attacks which have been made on him on the score of chastity, which has been harped upon by all the accusers, not by regular charges, but by outcry and abuse; Marcus Cœlius will never be indignant at that, so far as to repent of not being ugly. For those sort of reproaches are habitually heaped upon every one, whose person and appearance in youth is at all gentlemanly. But to vituperate is one thing, and to accuse is another. An accusation requires a crime in order to define the matter, to brand the man, to prove its charges by argument, and to confirm them by witnesses. But vituperation has no settled object, except insult; and if any one is attacked in that way with ill temper, it is called abuse; but if it is done with some sort of wit and mirth, it is then styled bantering. And I wondered and was indignant at that department of the accusation being given to Atratinus above all men; for it did not become him, nor did his age justify it, nor (as indeed you might have observed yourself) did the modesty of that excellent young man allow him to show to advantage in a speech on that subject. I should have preferred having one of you who are older and more robust, to undertake this part of vituperation; and we should then have been able with more freedom of speech and more vigour, and in a manner more in accordance with our usual habits, to refute the licentiousness of that vituperation. With you, O Atratinus, I will deal more gently, both because your own modesty is a check on my language, and because I am bound to have a regard to the good-will which I entertain towards you and your parent.

I wish, however, that you would keep one thing in mind, first of all, to form a correct estimate of yourself, and to learn

to think yourself such a man as in truth you are; in order to keep yourself as clear of licentiousness of language as you are free from all impropriety of conduct; and secondly, to avoid alleging those things against another, which would make you blush if in reply they were falsely imputed to you. For who is there to whom such a path as that is not open? who is there who is not able to attack a man of Cœlius's age and of Cœlius's rank as petulantly as he pleases on that subject, even if without any real grounds for suspicion, at all events not without some apparent argument? But the people who are to blame for your undertaking that part, are they who compelled you to make these allegations. This praise belongs to your own modesty, of being, as we saw that you were, unwilling to make them; and to your genius, of making them in a courteous and polite manner.

IV. But, however, with respect to all that part of your speech, my reply in defence may be very brief. For, as far as the age of Marcus Cœlius might give room for any such suspicion, in the first place it was fortified against it by his own modesty, and in the second place by his father's attentive care of him and rigid discipline; for, as soon as he had given him the robe of a man,—(I will say nothing here of myself; you yourselves are competent judges of what credit is due to me, —I only say that he was immediately brought by his father to me as a pupil,)—after that time no one ever saw Marcus Cœlius in that the flower of his age, that he was not either with his father, or with me, or else in that most virtuous house of Marcus Crassus, and being instructed in the most honourable branches of learning.

For as for the imputation which has been levelled against Cœlius, of having been intimate with Catiline, he ought to be wholly exempt from any such suspicion. For you all know that he was a very young man when Catiline stood for the consulship the same year that I did; and if he ever joined his party, or ever departed from mine, (though many virtuous young men did espouse the cause of that worthless and abandoned man,) then, indeed, I will allow it to be thought that Cœlius was too intimate with Catiline. But we know, and we ourselves saw after that, that he was one of his friends. Well, who denies it? But I am at this moment engaged in defending his conduct at that period of life, which is of itself

unsteady and very liable to be at the mercy of the passions of others. He was continually with me while I was prætor; he knew nothing of Catiline. After that, Catiline being prætor had Africa for his province. Another year ensued, in which Catiline was prosecuted for extortions and peculation. Cœlius was still with me, and never went to him, not even as an advocate of his cause. The next year was the one in which I was a candidate for the consulship; Catiline was also a candidate. He never went over to him; he never departed from me.

V. Having then been so many years about the forum without any suspicion, and without any slur on his character, he espoused the cause of Catiline when he offered himself for the consulship a second time. How long, then, do you think that men of his age are to be kept in a state of pupilage? Formerly, we had one year established by custom, during which the arm was restrained by our robe, and during which we practised our exercises and sports in the Campus Martius in our tunics. And the very same practice prevailed in the camps and in the army, if we began to serve in campaigns at once. And at that age, unless a man protected himself by great gravity and chastity on his own part, and not only by rigid domestic discipline, but by an extraordinary degree of natural virtue, however he was looked after by his relations, he still could not escape some slur on his character. But any one who passed that beginning of his life in perfect purity, and free from all stain, never was liable to have any one speak against his fair fame and his chastity when his principles had gained strength, and when he was a man and among men.

Cœlius espoused the cause of Catiline, when he had been for several years mixing in the forum; and many of every rank and of every age did the very same thing. For that man, as I should think many of you must remember, had very many marks—not indeed fully brought out, but only in outline as it were—of the most eminent virtues. He was intimate with many thoroughly wicked men; but he pretended to be entirely devoted to the most virtuous of the citizens. He had many things about him which served to allure men to the gratification of their passions; he had also many things which acted as incentives to industry and toil. The vices of lust raged in him; but at the same time he was conspicuous for

great energy and military skill. Nor do I believe that there ever existed so strange a prodigy upon the earth, made up in such a manner of the most various, and different, and inconsistent studies and desires.

VI. Who was ever more acceptable at one time to most illustrious men? who was more intimate with the very basest? What citizen was there at times who took a better part than he did? who was there at other times a fouler enemy to this state? Who was more debased in his pleasures? who was more patient in undergoing labours? who was more covetous as regards his rapacity? who more prodigal in squandering? And besides all this, there were, O judges, these marvellous qualities in that man, that he was able to embrace many men in his friendship, to preserve their regard by attention, to share with every one what he had, to assist all his friends in their necessities with money, with influence, with his personal toil, even with his own crimes and audacity, if need were; to keep his nature under restraint, and to guide it according to the requirements of the time, and to turn and twist it hither and thither; to live strictly when in company with the morose, merrily with the cheerful, seriously with the old, courteously with the young, audaciously with the criminal, and luxuriously with the profligate. When—by giving full swing to this various and multiform natural disposition of his—he had collected together every wicked and audacious man from every country, so also he retained the friendship of many gallant and virtuous men, by a certain appearance of pretended virtue. Nor would that infamous attempt to destroy this empire have ever proceeded from him, if the ferocity of so many vices had not been based on the deep-rooted foundations of affability and patience.

Let that allegation then, O judges, be disregarded by you, and let not the charge of intimacy with Catiline make any impression upon you. For it is one which only applies to him in common with many other men, and even with some very good men. Even me myself—ay, even me, I say—he once almost deceived, as he seemed to me a virtuous citizen, and desirous of the regard of every good man, and a firm and trustworthy friend; so that, in truth, I detected his wickedness with my eyes, before I did so by my opinion; I was aroused to the necessity of acting against him by force, before

my suspicions were awakened. So that if Cœlius also was one of the great number of friends whom he had to boast of, there is more reason for his being vexed at having fallen into such a mistake, just as sometimes I myself repent also o having been deceived by the same person, than for his having any reason to fear the accusation of having been a friend of his.

VII. Accordingly, your speech descended from vituperations of him on the score of chastity, to endeavours to excite odium against him on account of that conspiracy. For you laid it down,—though with hesitating steps and without dwelling on it,—that he must have been an accomplice in the conspiracy, on account of his friendship with Catiline; in advancing which charge, not only the accusation itself failed to wound, but the speech of that eloquent young man lost its usual coherency. For how could Cœlius have been capable of such frenzy? What enormous depravity was there in his natural disposition, or in his habits, or what deficiency in his fortunes or prospects, to dispose him to such a crime? And lastly, when was the name of Cœlius ever heard of in connexion with any suspicion of the sort? I am saying too much about a matter about which there is not the least doubt; but I say this,—that if he had not, not merely been guiltless of any participation in the conspiracy, but been a most decided and avowed enemy of that wickedness, he would never have gone so far as to seek for an especial commendation of his youth by a prosecution of men implicated in that conspiracy.

And I know not whether I need think it equally necessary to make a reply to the charges of corruption, and to the accusations about clubs and agents (since I have lighted on these to ics). For Cœlius would never have been so insane as to accuse another man of bribery, if he had stained himself with that mean practice of corruption; nor would he seek to fix a suspicion of such conduct on another, when he wished to obtain for himself perpetual licence to commit it. Nor, if he thought there was a chance of his being put in peril but once on an accusation of corruption, would he twice over prosecute another man on the same charge. And, although his doing so is not wise, and is against my will, still it is an action of such a sort, that it is plain that a man who conducts himself so, rather thinks it open to him to attack the innocence

of another, than that he has any reason to be afraid of anything on his own account.

For, as respects the charges that have been brought against him of being in debt, as regards the reproaches which have been levelled at him on the score of prodigality, and of the demands that have been made to see his accounts, just see how briefly I will reply to them. In the first place, he, who is still under the power of his father, keeps no accounts. He has never any transactions connected with borrowing or lending. As to his extravagance, there is one particular item of expense objected to him, that for his house. You say that he dwells in a house which he rents for thirty thousand sesterces.[1] Now, I see by this, that Publius Clodius wants to sell his house; for it is his house that Cœlius lives in, at a rent, I suppose, of ten thousand sesterces.[2] And you, O prosecutors, out of your anxiety to please him, have permitted yourselves this enormous lie to suit his purposes.

You have blamed him for dwelling in a house apart from his father, a thing which is not at all to be blamed in a man of his age. For as, labouring in the cause of the republic, he had achieved a victory which was, indeed, annoying to me, but glorious to himself; and as he was now of sufficiently mature age to stand for a magistracy, not only with the permission, but in consequence of even the advice of his father, he left his house, and as his father's house was a long way from the forum, he hired a house on the Palatine Hill, at no very high rent, in order the more easily to be able to visit us at our houses, and to receive visits from his friends.

VIII. And while speaking on this topic, I may say what that most illustrious man, Marcus Crassus, said a little time before, when he was making a complaint of the arrival of king Ptolemæus:—

"I wish that in the Pelian grove." * * *

And I might go on much further in applying this poem,

"For my wandering mistress would never" * * *

have given us all this trouble.

"Medea, sick at heart, wounded in the fierce love."[3]

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[1] About two hundred and forty pounds.

[2] About eighty pounds.

[3] These lines are from Ennius's tragedy of Medea, being very nearly a translation of the first lines of the Medea of Euripides.

For in like manner, O judges, you will find, when I come to discuss this point, that it was this Medea of the Palatine Hill, and this migration, which has been the cause of all his misfortunes to this young man; or rather, of all the things that have been said about him.

Wherefore I, relying on your wisdom, O judges, am not afraid of those assertions which I perceived were some time back being invented, and fortified by the oration of the accusers. For they said that a senator would come forward as a witness, who would say that he had been driven away by the comitia for the election of a pontiff by Cœlius. And if he does come forward, I will ask, in the first place, why he did not at once take proceedings against him for such conduct? Secondly, if he preferred complaining of it in this way to bringing an action, why he is brought forward by you instead of coming forward by himself of his own accord? and why he has chosen to complain so long after the time, instead of immediately? If he gives me clear and shrewd answers to these questions, then I shall ask from what source this senator has burst forth? For if he has his origin and first springs, as it were, in himself, probably I shall be moved by him, as I usually am; but if he is only a little gutter drained and drawn off from the fountain head of your accusation, then I shall rejoice that, while your accusation relies on so much interest and such mighty influence, there has still been but one senator who could be found willing to gratify you.

Nor am I afraid of that other class of night witnesses. For they have asserted that there would be men who would say that their wives, when returning from supper-parties, have been roughly handled by Cœlius. They will be men of importance who will venture to say this on their oaths, as they will be forced to confess that they have never commenced taking any steps for redress for such great injuries, not even by a friendly arbitration.

IX. By this time, O judges, you are able to understand the whole nature of the attack which is made on my client, and when it is urged against him, it is your duty to repel it. For Marcus Cœlius is not accused by the same people as those by whom he is attacked. Weapons are shot at him openly, but they are supplied secretly. Nor do I say this with the object

of exciting odium against those men to whom it ought even to be a subject of boasting. They are discharging their duty, they are defending their friends, they are doing what the bravest men are accustomed to do. When injured they feel pain, when angry they are carried away, when provoked they fight. But, nevertheless, it belongs to your wisdom, O judges, if brave men have a reasonable ground for attacking Marcus Cœlius, not on that account to think that you also have a reasonable ground for consulting the indignation of others rather than your own good faith. You see how vast a concourse of men is assembled in the forum, of what different classes it is composed, what different objects they have in view, and how great is the difference between them in every respect. Of all this multitude, how many do you think that there are who are in the habit of offering their services of their own accord to influential, and popular, and eloquent men, when they think they are eager about anything; and to use their exertions and to promise their evidence to oblige them? If any of this class of men have by chance thrust themselves into this trial, shut out, O judges, their covetous zeal from the consideration of your wisdom, so as to appear to provide at the same time for this man's safety and for the religious discharge of your own obligations, and for the general welfare of all the citizens against the perilous influence of unscrupulous men.

In truth, I will lead you away from the witnesses. I will not permit the truth of this trial, which cannot by any means be altered, to depend on the inclination of the witnesses, which may so easily be modelled any way, and be bent and twisted in every direction without the slightest trouble. We will conduct our case by arguments. We will refute the charges brought against us by proofs clearer than daylight. Facts shall combat with facts, cause with cause, reason with reason.

X. Therefore, I willingly allow that part of the cause to be concluded, summed up, as it has been, with dignity and elegance by Marcus Crassus; the part, I mean, which relates to the seditions at Naples, to the expulsion of the Alexandrians from Puteoli, and to the property of Palla. I wish he had also discussed the transaction respecting Dio. And yet on that subject what is there that you can expect me to

say, when the man who committed the murder is not afraid, but even confesses it? For he is a king. But the man who is said to have been the assistant and accomplice in the murder, has been acquitted by a regular trial. What sort of crime, then, is this, that the man who has committed it does not deny it,—that he who has denied it has been acquitted, and yet that a man is to be afraid of the accusation who was not only at a distance from the deed, but who has never been suspected of being even privy to it? And if the merits of his case availed Ascitius more than the odium engendered by the fact of such a crime injured him, is your abuse to injure this man, who has never once had a suspicion of the crime breathed against him, not even by the vaguest report? Oh, but Ascitius was acquitted by the prevarication of the judges. It is very easy to reply to such an assertion as that, especially for me, by whom that action is defended. But Cœlius thinks that the cause of Ascitius is a just one; at all events, whatever may be its merits, he thinks it is quite unconnected with his own. And not only Cœlius, but even other most accomplished and learned young men, devoted to the most instructive studies and to the most virtuous pursuits, Titus and Caius Coponius, who grieved above all other men for the death of Dio, being bound to him as they were by a common attachment to the pursuit of learning and science, and being also connected with him by ties of hospitality, think so too. He was living in the house of Lucius Lucceius, as you have heard; they had become mutually acquainted at Alexandria. What Caius Coponius, and what his brother, a man of the very highest respectability, think of Marcus Cœlius, you shall hear from themselves if they are produced as witnesses. So let all these topics be put aside, in order that we may at last come to those facts and charges on which the cause really depends.

XI. For I noticed, O judges, that my intimate friend, Lucius Herennius, was listened to by you most attentively. And though you were induced to pay him that attention to a great extent by his own ability, and by a sort of eloquence which pervaded his oration, still I was sometimes apprehensive lest that speech of his, which was contrived with such subtlety for the purpose of giving weight to his accusation, should slowly and imperceptibly inflame your minds. For he said a great deal about luxury, a great deal about lust, a

great deal about the vices of youth, a great deal about morals. And he, who in every other action of his life had been gentle, and who has accustomed himself to behave at all times with that humane courtesy with which nearly every one is charmed, acted in this cause like a morose uncle, or censor, or lecturer. He reproached Marcus Cœlius in such a manner as no man's father ever abused him. He delivered a long harangue about incontinence and intemperance. What are you expecting me to say, O judges? I excused you for listening to him with attention, because I myself could not avoid shuddering at so morose and savage an oration. And the first allegation was one which affected me least, namely,—that Cœlius had been intimate with my own intimate friend Bestia; that he had supped with him, had been in the habit of visiting him, had aided him when he was a candidate for the prætorship. These things do not move me at all, for they are notoriously false. In fact, he is stating that those men supped together who are either in different places, or * * *

Nor am I moved by that assertion either, that he said that Cœlius had been a comrade of his own in the Lupercal games. No doubt, it is a savage and purely pastoral and uncivilized sort of companionship,[1] that of the Lupercal comrades, whose sylvan companies were established before the institution of civilization and of laws. Since these companions not only prosecute one another, but even in the accusation speak of the companionship as a crime, * * * so that they seem to be afraid, lest any one should be ignorant of it. But I will pass over these things, and reply to those which I thought of more consequence.

There was a very long reproach addressed to my client on the score of luxury; it was, however, a gentle one, and had more argument than ferocity in it; on which account it was listened to with the more attention. For while Publius Clodius, my friend, was allowing himself to be carried away by the greatest violence and impetuosity, and, being in a great state of excitement, was using the most severe language, and speaking at the top of his voice, though I had a high opinion of his eloquence, still I was not at all alarmed. For I had seen him conducting several trials without success. But I will reply to you first of all, O Balbus, with an entreaty to be

[1] See Smith, Dict. Ant. p. 583, v. *Lupercalia.*

allowed, without blame and without a charge of impiety, to defend a man who never refuses an invitation to supper, who uses perfumes, and who often goes to Baiæ.

XII. In truth, I have seen and heard of many men in this city, not only men who had just tasted this kind of life with the edge of their lips, and touched it, as people say, with the tips of their fingers, but men who had devoted the whole of their youth to pleasures, who have at last emerged from them, and have betaken themselves to prudent courses, and have become sensible and eminent citizens. For by the common consent of all men, some indulgence is given to this age, and nature itself suggests desires to youth; and if they break out without injuring any one else's life, or overturning any one else's house, they are generally accounted endurable and pardonable.

But you seemed to me to wish to bring Cœlius into some sort of odium by means of the common irregularities into which youth is apt to fall. And, therefore, all that silence with which your speech was received, was produced by the fact that, though we had but one criminal before us, we were thinking of the vices of many. It is an easy matter to declaim against luxury. The day would fail me, if I were to attempt to enumerate everything that may be said on that subject. The field of seductions, and adulteries, and wantonness, and extravagance is boundless. Even though you do not fix your eyes on any particular criminal, but only on the vices themselves, still they are capable of being made the objects of very eloquent and fluent vituperation. But it becomes your wisdom, O judges, not to be diverted from the case of the man who is on his trial before you; nor to let loose against an individual, and him too on his trial, the stings with which your severity and dignity is armed, when the accuser has sought to rouse them against the general fact of luxury, against vices in general, and the present state of morals, and the present times, while by this means the defendant is not being impeached for any crime of his own, but is having unjust odium excited against him on account of the vices of many others.

Therefore I do not venture to make the reply to your severe judgment which I ought to make. For it was my duty to plead for some sort of exemption from severe rules for

youth, to claim some indulgence. I do not venture, I say, to do this. I will not have recourse to any door of escape which my client's age might open to me; I will not mention the privileges which are allowed to all other men; I only ask that, if at this time there is a general feeling of discontent at the debts, and wantonness, and licentious conduct of the youth of the city,—and I see that such a feeling does exist to a great extent,—the offences of others, and the vices of the youth of others and of the times, may not prejudice my client. And while I ask this, I do at the same time offer no objection to being called on to reply most carefully to all the charges which are directed against him in consequence of any conduct of his own.

XIII. But there are two especial counts in the indictment. There is a charge respecting gold, and one respecting poison. And in both of them one person is concerned. Gold is said to have been taken from Clodia; poison is said to have been sought for, for the purpose of being given to Clodia. All the other statements are not charges, but are rather pieces of abuse prompted by a petulant quarrel, than adduced as a part of a criminal investigation. To call a man an adulterer, an immodest man, a pimp, is abuse, not accusation. For there is no foundation for such charges; they have nothing to rest upon; they are mere abusive expressions poured forth by an accuser in a passion, without any authority. Of these two charges I see the source, I see the author, I see the certain originator and mainspring. Gold was wanted; he received it from Clodia; he received it without any witness; he had it as long as he wanted it. I see here a great proof of some very extraordinary intimacy. Again, he wanted to kill her; he sought for poison; he tampered with every one with whom he could; he prepared it; he arranged a place; he brought it. Again, I see that a violent quarrel has sprung up between them, and engendered a furious hatred. Our whole business in this part of the case, O judges, is with Clodia, a woman not only of high rank, but also notorious; of whom I will say nothing except for the sake of repelling some accusation. But you are aware, O Cnæus Domitius, as a man of your eminent wisdom must be, that we have in this matter to deal with no one but her; for if she does not say that she lent the money to Cœlius, if she does not accuse him and say that

poison was prepared by him for her, then we are acting wantonly and groundlessly, in mentioning the name of a mother of a family in a way so different from what is due to a Roman matron. But if, if you only take away that woman, there is no longer any charge against Cœlius, nor have the accusers any longer any resources by which to attack him, then what is our duty as the advocates of his cause, except to repel those who pursue him? And, indeed, I would do so still more vigorously, if I had not a quarrel with that woman's husband—brother, I meant to say; I am always making this mistake. At present I will proceed with moderation, and go no further than my own duty to my client and the nature of the cause which I am pleading compels me. For I have never thought it my duty to engage in quarrels with any woman, especially with one whom all men have always considered everybody's friend rather than any one's enemy.

XIV. But still I will first put this question to her herself, whether she wishes me to deal with her strictly, and gravely, and according to old-fashioned notions of right and wrong; or indulgently, mercifully, and courteously? If I am to proceed in the old-fashioned way and manner of pleading, then I must summon up from the shades below one of those bearded old men,—not men with those little bits of imperials which she takes such a fancy to, but a man with that long shaggy beard which we see on the ancient statues and images,—to reproach the woman, and to speak in my stead, lest she by any chance should get angry with me. Let, then, some one of her own family rise up, and above all others that great blind Claudius of old time. For he will feel the least grief, inasmuch as he will not see her. And, in truth, if he can come forth from the dead, he will deal thus with her; he will say,—"Woman, what have you to do with Cœlius? What have you to do with a very young man? What have you to do with one who does not belong to you? Why have you been so intimate with him as to lend him gold, or so much an enemy of his as to fear his poison? Had you never seen that your father, had you never heard that your uncle, your grandfather, your great-grandfather, your great-great-grandfather, were all consuls? Did you not know, moreover, that you were bound in wedlock to Quintus Metellus, a most illustrious and gallant man, and most devoted to his country? who from the

first moment that he put his foot over his threshold, showed himself superior to almost all citizens in virtue, and glory, and dignity. When you had become his wife, and, being previously of a most illustrious race yourself, had married into a most renowned family, why was Cœlius so intimate with you? Was he a relation? a connexion? Was he a friend of your husband? Nothing of the sort. What then was the reason, except it was some folly or lust? * * * Even if the images of us, the men of your family, had no influence over you, did not even my own daughter, that celebrated Quinta Claudia, admonish you to emulate the praise belonging to our house from the glory of its women? Did not that vestal virgin Claudia recur to your mind, who embraced her father while celebrating his triumph, and prevented his being dragged from his chariot by a hostile tribune of the people? Why had the vices of your brother more weight with you than the virtues of your father, of your grandfather, and others in regular descent ever since my own time; virtues exemplified not only in the men, but also in the women? Was it for this that I broke the treaty which was concluded with Pyrrhus, that you should every day make new treaties of most disgraceful love? Was it for this that I brought water into the city, that you should use it for your impious purposes? Was it for this that I made the Appian road, that you should travel along it escorted by other men besides your husband?"

XV. But why, O judges, have I brought a person on the scene, of such gravity as to make me fear that this same Appius may on a sudden turn round and begin also to accuse Cœlius with the severity which belongs to the censor? But I will look to this presently, and I will discuss it, O judges, so that I feel sure that I shall show even the most rigid scrutineers reason to approve of the habits of life of Marcus Cœlius. But you, O woman, (for now I speak to you myself, without the intervention of any imaginary character,) if you are thinking of making us approve of what you are doing, and what you are saying, and what you are charging us with, and what you are intending, and what you are seeking to achieve by this prosecution, you must give an intelligible and satisfactory account of your great familiarity, your intimate connexion, your extraordinary union

with him. The accusers talk to us about lusts, and loves, and adulteries, and Baiæ, and doings on the sea-shore, and banquets, and revels, and songs, and music parties, and water parties; and intimate also that they do not mention all these things without your consent. And as for you, since, through some unbridled and headlong fury which I cannot comprehend, you have chosen these things to be brought into court, and dilated on at this trial, you must either efface the charges yourself, and show that they are without foundation, or else you must confess that no credit is to be given to any accusations which you may make, or to any evidence which you may give.

But if you wish me to deal more courteously with you, I will argue the matter thus with you. I will put away that harsh and almost boorish old man; and out of these kinsmen of yours here present I will take some one, and before all I will select your youngest brother, who is one of the best-bred men of his class, who is exceedingly fond of you, and who, on account of some childish timidity, I suppose, and some groundless fears of what may happen by night, has always, when he was but a little boy, slept with you his eldest sister. Suppose, then, that he speaks to you in this way. "What are you making this disturbance about, my sister? why are you so mad?

> 'Why thus with outcry loud do you exalt
> Such trifles into things of consequence?'

You saw a young man become your neighbour; his fair complexion, his height, and his countenance and eyes made an impression on you; you wished to see him oftener; you were sometimes seen in the same gardens with him, being a woman of high rank; you are unable with all your riches to detain him, the son of a thrifty and parsimonious father: he kicks, he rejects you, he does not think your presents worth so much as you require of him. Try some one else. You have gardens on the Tiber, and you carefully made them in that particular spot to which all the youth of the city comes to bathe. From that spot you may every day pick out people to suit you. Why do you annoy this one man who scorns you?"

XVI. I come now again to you, O Cœlius, in your turn; and I take upon myself the authority and strictness of a father; but I doubt which father's character I shall select to

assume. Shall I act the part of some one of Cæcilius's[1] fathers, harsh and vehement?

> "For now, in truth, at length my bosom glows,
> My heart with passion rages;"

or that other father?—

> "Oh thou unhappy, worthless son."

Those are very hard-hearted fathers;

> "What shall I say, what wishes dare I form,
> When your base actions frustrate all my prayers?"

Such a father as that would say things which you would find it difficult to bear. He would say, "Why did you betake yourself to the neighbourhood of a harlot? Why did you not shun her notorious blandishments? Why did you form a connection with a woman who was nothing to you? Squander your money, throw it away; I give you leave. If you come to want, it is you yourself who will suffer for it. I shall be satisfied if I am able to spend pleasantly the small portion of my life that remains to me." To this morose and severe old man Cœlius would reply, that he had not departed from the right path from being led away by any passion. What proof could he give? That he had been at no expense, at no loss; that he had not borrowed any money. But it was said that he had. How few people are there who can avoid such a report, in a city so prone to evil speaking! Do you wonder that the neighbour of that woman was spoken of unfavourably, when her own brother could not escape being made the subject of conversation by profligate men? But to a gentle and considerate father such as his is, whose language would be, "Has he broken the doors? they shall be mended; has he torn his garments? they shall be repaired;" the cause of his son is easily explained. For what circumstances could there be in which he would not be able easily to defend himself? I am not saying anything now against that woman: but if there were a woman totally unlike her, who made herself common to everybody; who had always some one or other openly avowed as her lover; to whose gardens, to whose house, to whose baths the lusts of every one had free access as of their own right; a woman who even kept young men, and

[1] Cæcilius, one of the old Roman comic writers, from one of whose plays these lines are taken.

made up for the parsimony of their fathers by her liberality; if she lived, being a widow, with freedom, being a lascivious woman, with wantonness, being a rich woman, extravagantly, and being a lustful woman, after the fashion of prostitutes; am I to think any one an adulterer who might happen to salute her with a little too much freedom?

XVII. Some one will say, "Is this then the discipline which you enforce? Is this the way you train up young men? Was this the object with which a parent recommended his son to you and delivered him to you, that he might devote his youth to love and pleasure, and that you might defend this manner of life, and these pursuits?"

If, O judges, any one was of such vigour of mind, and of a natural disposition so formed for virtue and continence, as to reject all pleasures, and to dedicate the whole course of his life to labour of body and to wholesome training of his mind; a man who took no delight in rest, or relaxation, or the pursuits of those of his own age, or games, or banquets; who thought nothing in life worth wishing for, except what was connected with glory and with dignity; that man I consider furnished and endowed with good qualities which may be called godlike. Of this class I consider were those great men, the Camilli, the Fabricii, the Curii, and all those men who have achieved such mighty exploits with inadequate means. But these examples of virtue are not only not found in our practice, but they occur but rarely, even in books. The very records which used to contain accounts of that old-fashioned strictness of morals, are worn out; and that, not only among us, who have adopted this school and system of life in reality more than in words, but also among the Greeks, most learned men, who, though they could not act in such a manner, were nevertheless at liberty to speak and write honourably and magnificently; when the habits of Greece became changed, other precepts arose and prevailed.

Therefore some of their wise men said that they did everything for the sake of pleasure; and even learned men were not ashamed of the degradation of uttering such a sentiment. Others thought that dignity ought to be united with pleasure, so as by their neatness of expression to unite things as inconsistent with one another as possible. Those who still think that the only direct road to glory is combined with toil, are

left now almost solitary in their schools. For nature herself has supplied us with numerous allurements, by which virtue may be lulled asleep, and at which she may be induced to connive; nature herself has at times pointed out to youth many slippery ways, on which it is hardly possible for it to stand, or along which it can hardly advance without some slip or downfal; and has supplied also an infinite variety of exquisite delights, by which not only that tender age, but even one which is more strongly fortified, may be caught.

Wherefore, if by chance you find any one whose eyes are so well tutored as to look with scorn on the outward beauty of things; who is not captivated by any fragrance, or touch, or flavour, and who stops his ears against all the allurements of sound; I, and perhaps a few others, may think that the gods have been propitious to this man, but most people will consider that he has been treated by them as an object of their anger.

XVIII. Let this path be abandoned, deserted and unculti vated as it is, and hemmed in with hedges and brambles. Let some allowance be made for age; let youth be allowed some little freedom; let not everything be refused to pleasure; let us not require that true and proper system of life to be always predominant; let us allow desire and pleasure at times to get the upper hand of reason, as long as some sort of rule and moderation is observed in that kind of licence. Let youth have a due regard for its own chastity; let it not deprive others of theirs; let it not squander its patrimony; let it not be swallowed up by usury; let it not attack the house or the fair fame of another; let it not bring shame on the chaste, or disgrace on the upright, or infamy on the virtuous; let it abstain from alarming people by violence; from mixing in plots against people; let it keep itself from wickedness; lastly, when it has yielded for awhile to pleasures, and given up some time to the sports of its age, and to these frivolous and passing passions of youth, let it in due time recal itself to attention to its domestic affairs, to forensic employment, and to the business of the state; so that it may appear from satiety to have thrown away, and from experience to have learnt to despise, those things which it had not been able properly to estimate by its unassisted reason.

And, O judges, both within our own recollection and in the time of our fathers and ancestors, there have been many most excellent men and most illustrious citizens, who, after their youthful passions had cooled down, displayed, when they became of more mature and vigorous age, the most exalted virtues; of whom there is no need for me to name to you any particular instance; you yourselves can recollect plenty. For I should not wish to connect even the slightest error on the part of any brave and illustrious man with his greatest glory. But if I did choose to do so, then I could name many most eminent and most distinguished men, some of whom were notorious for excessive licentiousness in their early days, some for their profuse luxury, their enormous debts, their extravagance, and their debaucheries, but whose early errors were afterwards so veiled over by their numerous virtues, that every one felt at liberty to make excuses for and to defend their youth.

XIX. But in Marcus Cœlius (for I will speak with the greater confidence of his honourable pursuits, because, relying on your good sense, O judges, I am not afraid freely to confess some things respecting him) no luxury will be found; no extravagance; no debt; no lasciviousness; no devotion to banquets or to gluttony. Those vices, forsooth, of the belly and the throat, age is so far from diminishing in men, that it even increases them. And loves, and those things which are called delights, and which, when men have any strength of mind, are not usually troublesome to them for any length of time, (for they wear off early and very rapidly,) never had any firm hold on this man so as to entangle or embarrass him. You have heard him, when he was speaking in his own defence; you have heard him before now, when he was acting as prosecutor; (I say this for the sake of defending him, not by way of boasting;) you have seen, your sagacity could not help seeing, his style of eloquence, his facility, his richness of ideas and language; and in that branch of study you saw not only his genius shine forth, which frequently, even when it is not nourished by industry, still produces great effects by its own natural vigour; but there was in him (unless I am greatly deceived by reason of my favourable inclination towards him) a degree of method implanted in him by liberal tastes, and worked up by care and hard labour.

And know, O judges, that those passions which are now brought up against Cœlius as an objection to him, and these studies on which I am now enlarging, cannot easily exist in the same man; for it is impossible that a mind which is devoted to lust, which is hampered by love, by desire, by passion, often with over indulgence, sometimes too by embarrassment in pecuniary matters, can support the labours, such as they are, which we go through in speaking; not merely when actually pleading, but even in thinking. Do you suppose that there is any other reason, why, when the prizes of eloquence are so great, when the pleasure of speaking is so great, when the glory is so high, the influence derived from it so extensive, and the honour so pure, there are and always have been so few men who devote themselves to this study? All pleasures must be trampled underfoot, all pursuit of amusement must be abandoned, O judges; sports and jesting and feasting; ay, I may almost say, the conversation of one's friends, must be shunned. And this is what deters men of this class from the labours and studies of oratory; not that their abilities are deficient, or that their early training has been neglected. Would Cœlius, if he had given himself up to a life of pleasure, while still a very young man, have instituted a prosecution against a man of consular rank? would he, if he shunned this labour, if he were captivated by and entangled in the pursuit of pleasure, take his place daily among this array of orators? would he court enmities? would he undertake prosecutions? would he incur danger to his life? would he, in the sight of all the Roman people, struggle for so many months for safety or for glory?

XX. Does, then, that neighbourhood of his intimate nothing? nor the common report of men? Does not even Baiæ itself speak pretty plainly? Indeed, they not only speak, but cry aloud; they proclaim that the lust of that one woman is so headlong, that she not only does not seek solitude, and darkness, and the usual concealments of wickedness, but even while behaving in the most shameless manner, exults in the presence of the most numerous crowd, and in the broadest daylight.

But if there be any one who thinks that youth is to be wholly interdicted from amours with courtesans, he certainly

is very strict indeed I cannot deny what he says; but still he is at variance not only with the licence of the present age, but even with the habits of our ancestors, and with what they used to consider allowable. For when was the time that men were not used to act in this manner? when was such conduct found fault with? when was it not permitted? when, in short, was the time when that which is lawful was not lawful? Here, now, I will lay down what I consider a general rule: I will name no woman in particular; I will leave the matter open for each of you to apply what I say as he pleases.

If any woman, not being married, has opened her house to the passions of everybody, and has openly established herself in the way of life of a harlot, and has been accustomed to frequent the banquets of men with whom she has no relationship; if she does so in the city, in country-houses, and in that most frequented place, Baiæ; if, in short, she behaves in such a manner, not only by her gait, but by her style of dress, and by the people who are seen attending her; and not only by the eager glances of her eyes and the freedom of her conversation, but also by embracing men, by kissing them, at water-parties and sailing-parties and banquets, so as not only to seem a harlot, but a very wanton and lascivious harlot; I ask you, O Lucius Herennius, if a young man should happen to have been with her, is he to be called an adulterer, or a lover? does he seem to have been attacking chastity, or merely to have aimed at satisfying his desires? I forget, for the present, all the injuries which you have done me, O Clodia; I banish all recollection of my own distress; I put out of consideration your cruel conduct to my relations when I was absent. You are at liberty to suppose that what I have just said was not said about you. But I ask you yourself, since the accusers say that they derived the idea of this charge from you, and that they have you yourself as a witness of its truth; I ask you, I say, if there be any woman of the sort that I have just described, a woman unlike you, a woman of the habits and profession of a harlot, does it appear an act of extraordinary baseness, or extraordinary wickedness, for a young man to have had some connexion with her? If you are not such a woman,—and I would much rather believe that you are not,—then, what is it that they impute to Cœlius? If they try to make you out to be such a woman, then why need we fear

such an accusation for ourselves, if you confess that it applies to you, and despise it? Give us then a path to and a plan for our defence. For either your modesty will supply us with the defence, that nothing has been done by Marcus Cœlius with any undue wantonness; or else your impudence will give both him and every one else very great facilities for defending themselves.

XXI. But since my speech appears at last to have raised itself out of the shallows, and to have passed by the rocks, the rest of my course is made plain and easy to me. For there are two charges, both relating to one woman,—both imputing enormous wickedness; one respecting the gold which is said to have been received from Clodia, the other respecting the poison which the prosecutors accuse Cœlius of having prepared with the view of assassinating Clodia. He took gold, as you say, to give to the slaves of Lucius Lucceius, by whom Dio of Alexandria was slain, who at that time was living in Lucceius's house. It is a great crime to intrigue against ambassadors, or to tamper with slaves to induce them to murder their master's guest; it is a design full of wickedness, full of audacity. But with respect to that charge, I will first of all ask this—whether he told Clodia for what purpose he was then taking the gold, or whether he did not tell her? If he did not tell her, why was it that she gave it? If he did tell her, then she has implicated herself as an accomplice in the same wickedness. Did you dare to take gold out of your strong-box? Did you dare to strip that statue of yours of Venus the Plunderer of men of her ornaments? But when you knew for what an enormous crime this gold was required,—for the murder of an ambassador,—for the staining of Lucius Lucceius, a most pious and upright man, with the blot of everlasting impiety,—then your well-educated mind ought not to have been privy to so horrible an atrocity; your house, so open to all people, ought not to have been made an instrument in it. Above all, that most hospitable Venus of yours ought not to have been an assistant in it.

Balbus saw that. He said that Clodia was kept in the dark, and that Cœlius alleged to her as his reason for wanting the gold, that he wanted it for the ornamenting of his arms If he was as intimate with Clodia as you make him out when

you say so much about his amorous propensities, he, no doubt, told her what he wanted the gold for. If he was not so intimate with her, then, no doubt, she never gave it. Therefore, if Cœlius told you the truth, O you most ill-regulated woman, you knowingly gave gold to promote a crime; if he did not venture to tell you, you never gave it at all.

XXII. Why need I now bring forward arguments, of which I have a great number, to repel this accusation? I might say that the habits of Marcus Cœlius are wholly foreign to such atrocious wickedness; that it is absolutely incredible that it should never have occurred to so able and prudent a man, that a deed of such guilt was not to be entrusted to the slaves of another man, slaves of whom he had himself no knowledge. I might put these questions also to the prosecutor, in accordance with the custom of other pleaders in defence of accused persons and with my own,—where Cœlius met with the slaves of Lucceius? how he got access to them? If he negotiated with them by himself, what rashness it was! If he employed the agency of another, who was that other? I might, in the course of my speech, go through every circumstance beneath which suspicion could be supposed to lurk. No cause, no opportunity, no facility, no accomplice, no hope either of effecting or of concealing the crime, no means whatever of executing it; in short, no trace of such enormous guilt can be found connected with Cœlius. But all these topics, which belong peculiarly to the orator, and which might do some service in my hands if I were to work them up and dilate upon them in this presence, not because of any natural ability that I possess, but because of my constant practice in, and habit of, speaking, I, from a view to brevity, forbear to urge. For I have, O judges, a man whom you will willingly allow to be connected with you by the religious obligation of taking a similar oath with yourselves, Lucius Lucceius, a most religious man, and a most conscientious witness; who, if such guilt, so calculated to compromise his credit and his fortunes, had been brought into his household by Cœlius, could not have failed to hear of it, and would never have been indifferent to it, and would never have borne it. Could such a man as he,—a man of such humanity,—a man devoted to such pursuits as his, and embued with all his

learning and accomplishments, have been indifferent to the imminent danger of that man to whom he had become attached on account of these very studies and pursuits? And when he would have been most indignant at hearing of such a crime if it had been committed against a stranger, would he have omitted taking any notice of it when it affected his own guest? When he would have grieved if he had found out that such a deed had been perpetrated by strangers, would he have thought nothing of it when attempted by his own household? An action which he would blame if done in the fields or in public places, was he likely to think lightly of when it was begun in his own city and in his own house? What he would not have concealed if it threatened any country person with danger, can he, a learned man himself, be supposed to have kept secret when a plot was laid against a most learned man? But why, O judges, do I detain you so long? You shall have the authority and scrupulous faith of the man himself on his oath before you, and listen carefully to every word of his evidence. Read the evidence of Lucius Lucceius.

[*The evidence of Lucceius is read.*]

What more do you wait for? Do you think that the case itself, or even that truth of itself can utter any actual words in its own defence? This is the defence made by innocence,—this is the language of the cause itself,—this is the single, unassisted voice of truth.

In the circumstances of the crime itself there is no suspicion; in the facts of the case there is no argument. In the negotiation which is said to have been carried on, there is no trace of any conversation, of any opportunity, of either time or place. No one is named as having been a witness of it. No one is accused of having been privy to it. The whole accusation proceeds from a house that is hostile to him,—that is of infamous character, cruel, criminal, and lascivious. And that house, on the other hand, which is said to have been tampered with, with a view to this nefarious wickedness, is one full of integrity, dignity, kindness and piety. And from this last you have had read to you a most authoritative declaration under the sanction of an oath. So that the matter which you have to decide upon is one on which very little doubt can arise,—namely, whether a rash, libidinous, furious woman appears to have invented an accusation, or a dignified,

and wise, and virtuous man is to be believed to have given his evidence with a scrupulous regard to truth.

XXIII. There remains the charge respecting the poison for me to consider; a charge of which I can neither discover the origin nor guess the object. For what reason was there for Cœlius desiring to give poison to that woman? Was it in order to save himself from being forced to repay the gold? Did she demand it back? Was it to save himself from being accused? Did any one impute anything to him? In short, would any one ever have mentioned him if he had not himself instituted a prosecution against somebody? Moreover, you heard Lucius Herennius say that he would never have caused annoyance to Cœlius by a single word, if he had not prosecuted his intimate friend a second time on the same charge, after he had been already acquitted once. Is it credible, then, that so enormous a crime was committed without any object? And do you not see that an accusation of the most enormous wickedness is invented against him, in order that it may appear to have been committed for the sake of facilitating the other wickedness? To whom, then, did he entrust its execution? Whom did he employ as an assistant? Who was his companion? Who was his accomplice? To whom did he entrust so foul a crime; to whom did he entrust himself and his own safety? Was it to the slaves of that woman? For that is what is imputed to him. Was he, then, so insane, —he to whom, at least, you allow the credit of good abilities, even if you refuse him all other praise in that hostile speech of yours,—as to trust his whole safety to another man's slaves? And to what slaves? For even that makes a considerable difference? Was it to slaves whose slavery, as he was aware, was one of no ordinary condition, but who were in the habit of being treated with indulgence and freedom, and even familiarity, by their mistress? For who is there, O judges, who does not see, who is there who does not know, that in such a house as that, in which the mistress of the house lives after the fashion of a prostitute,—in which nothing is done which is fit to be mentioned out of doors,—in which debauchery, and lust, and luxury, and, in short, all sorts of unheard-of vices and wickednesses are carried on, the slaves are not slaves at all? men to whom everything is confided; by whose agency everything is done; who are occupied in the same pleasures

as their mistress; who have secrets entrusted to them, and who get even some, and that no inconsiderable, share of the daily extravagance and luxury. Was Cœlius, then, not aware of this? For if he was as intimate with the woman as you try to make him out, he certainly knew that those slaves also were intimate with her. But if no such intimacy existed between him and her as is alleged by you, then how could he have arrived at such familiarity with her slaves?

XXIV. But, however, of the poison itself what account is invented? where was it got? how was it prepared? by what means? to whom was it delivered, and where? They say that he kept it at home, and that he made trial of its strength on one of his slaves whom he provided with that express object, and that his rapid death led him to think highly of the poison. O ye immortal gods! why do you at times appear to wink at the greatest crimes of men, or why do you reserve the punishment of present wickedness to a future day? For I saw, I saw, and I myself experienced that grief, the bitterest grief that I ever felt in my life, when Quintus Metellus was torn from the heart and bosom of his country, and when that man who considered himself born only for this empire, but three days after he had been in good health, flourishing in the senate-house, in the rostrum, and in the republic; while in the flower of his age, of an excellent constitution, and in the full vigour of manhood, was torn in a most unworthy manner from all good men, and from the entire state; at which time he, though dying, when on other points his senses appeared to be bewildered, retained his senses to the last as far as his recollection of the republic was concerned; and beholding me in tears, he intimated with broken and failing voice, how great a storm he saw was impending over the city,—how great a tempest was threatening the state; and frequently striking that wall which separated his house from that of Catulus, he kept on mentioning Catulus by name, and me myself, and the republic, so as to show that he was grieving, not so much because he was dying, as because both his country and I were about to be deprived of his aid and protection.

But, if no violence of sudden wickedness had carried off that great man, with what vigour would he, as a man of consular rank, have resisted that frantic cousin of his,—he, who as

consul said in the hearing of the senate, at a time when he was beginning and endeavouring to give reins to his fury, that he would slay him with his own hand! And shall that woman, proceeding from this house, dare to speak of the rapidity of the operation of poison? Is she not afraid of the very house itself, lest she should make it utter some sound? Does she not dread the very walls, which are privy to her wickedness? does she not shudder at the recollection of that fatal and melancholy night?

But I will return to the accusation: but this mention of that most illustrious and most gallant man has both weakened my voice with weeping, and overcome my mind with sorrow.

XXV. But still there is no mention made of whence the poison came from, or how it was prepared. They say that it was given to Publius Licinius, a modest and virtuous young man, and an intimate friend of Cœlius. They say that an arrangement was entered into with the slaves, that they should come to the strangers' baths; and that Licinius should come thither also, and should give them the box containing the poison. Now, here first of all I ask this question, What was the object of all this being done in that previously arranged place? Why did not the slaves come to Cœlius's house? If that great intimacy and that excessive familiarity between Cœlius and Clodia still subsisted, what suspicion would have been excited by one of the slaves of that woman having been seen at Cœlius's house? But if a quarrel had already sprung up between them, if the intimacy was over, and enmity had taken its place,

"Hence arose those tears."

This is the cause of all that wickedness, and of all those crimes. Very true, says he; and when the slaves had reported to their mistress the whole transaction, and the guilty designs of Cœlius, that crafty woman enjoined her slaves to promise Cœlius everything; but in order that the poison, when it was being delivered to them by Licinius, might be clearly detected, she commanded them to appoint the strangers' baths as the place where it was to be delivered; in order to send thither friends to lie in ambush there; and then on a sudden, when Licinius had arrived and was delivering the poison, to jump out, and arrest the man.

XXVI. But all these circumstances, O judges, furnish me

with a very easy method of refuting them. For why had she appointed the public baths, of all places in the world? where I cannot find any spot which may serve as an ambush for men in their gowns For if they were in the vestibule of the baths, they would not be lying hid at all; if they wished to enter into the inner parts of the baths, they could not conveniently do it with their shoes and garments on, and perhaps they would not be admitted; unless, perchance, by a species of barter,—instead of the proper piece of money paid for admission into the baths,—that vigorous woman had made a friend of the bathing-man. And, in truth, I was waiting eagerly to see who those virtuous men were, who would be stated to have been witnesses of this poison having been so clearly detected. For none have been named as yet. But I have no doubt that they are men of very high authority indeed, as, in the first place, they are the intimate friends of such a woman; and, in the second place, they took upon themselves that share of the business,—that, namely, of being thrust down into the baths; which she, even were she as powerful as she could possibly wish to be, could never have prevailed on any men to do, except such as were most honourable men, and men of the very greatest natural dignity. But why do I speak of the dignity of those witnesses? Learn yourselves how virtuous and how scrupulous they are. They lay in ambush in the baths. Splendid witnesses, indeed! Then they sprung out precipitately. O men entirely devoted to their dignity! For this is the story that they make up: that when Licinius had arrived, and was holding the box of poison in his hand, and was endeavouring to deliver it to them, but had not yet delivered it, then all on a sudden those splendid nameless witnesses sprung out; and that Licinius, when he had already put out his hand to give them over the box of poison, drew it back again, and, alarmed at that unexpected onset of men, took to his heels. O how great is the power of truth! which of its own power can easily defend itself against all the ingenuity, and cunning, and wisdom of men, and against the treacherous plots of all the world.

XXVII. But how destitute of all proof is the whole of the story of this poetess and inventress of many fables! How totally without any conceivable object or result is it! For what does she say? Why did so numerous a body of men,

(for it is clear enough it was not a small number, as it was requisite that Licinius should be arrested with ease, and that the transaction should be more completely proved by the eye witness of many witnesses,)—why, I say, did so numerous a body of men let Licinius escape from their hands? For why was Licinius less liable to be apprehended when he had drawn back in order not to deliver up the box, than he would have been if he had delivered it up? For those men had been placed on purpose to arrest Licinius; in order that Licinius might be caught in the very fact, either of having just delivered up the poison, or of still having it in his possession. This was the whole plan of the woman. This was the part allotted to those men who were asked to undertake it: but why it is that they sprung forth so precipitately and prematurely as you say, I do not find stated.

They had been invited for this express purpose; they had been placed with this especial object, in order to effect the undeniable detection of the poison, of the plot, and of every particular of the crime. Could they spring forward at a better time than when Licinius had arrived? when he was holding in his hand the box of poison? and if, after that box had been delivered to the slaves, the friends of the woman had on a sudden emerged from the baths and seized Licinius, he would have implored the protection of their good faith, and have denied that that box had been delivered to them by him. And how would they have reproved him? Would they have said that they had seen it? First of all, that would have been to bring the imputation of a most atrocious crime on themselves: besides, they would be saying that they had seen what, from the spot in which they had been placed, they could not possibly have seen. Therefore, they showed themselves at the very nick of time when Licinius had arrived, and was getting out the box, and was stretching out his hand, and delivering the poison. This is rather the end of a farce than of a regular comedy; in which, when a regular end cannot be invented for it, some one escapes out of some one else's hands, the whistle[1] sounds, and the curtain drops.

[1] *Scabillum* is the Latin word. "*Scabillum*, a kind of musical instrument which by the pressure of the foot always produced the same tone. They danced to it on the stage, and it seems to have been used to denote the beginning and end of an act."—Riddle, Lat Dict in voc.

XXVIII. For I ask why that army under the command of the woman allowed Licinius, when embarrassed, hesitating, receding, and endeavouring to fly, to slip through their fingers? why they did not seize him? why they did not prove beyond all denial a crime of such enormous wickedness by his own confession, by the eye-witness of many people, by even the voice of the crime itself, if I may say so? Were they afraid that so many men would not be able to get the better of one, that strong men would not be able to beat a weak man, or active men to surprise one in such a fright?

No corroborative proof is to be found in the circumstances; no ground for suspicion in any part of the case, no object for or result of the crime, can be imagined. Therefore, this cause, instead of being supported by arguments, by conjecture, and by those tokens by which the truth generally has a light thrown upon it, rests wholly on the witnesses. And those witnesses, O judges, I long to see, not only without the least apprehension, but with a sort of hope of great enjoyment. My mind is exceedingly eager to behold them, first, because they are luxurious youths, the intimate friends of a rich and high-born woman; secondly, because they are gallant men, placed by their Amazonian general in ambush, and as a sort of garrison to the baths. And, when I see them, I will ask them how they lay hid, and where; whether it was a canal, or a second Trojan horse, which bore and concealed so many invincible men waging war for the sake of a woman? And this I will compel them to tell me, why so many gallant men did not either at once seize this man, who was but a single individual, and as slight and weak a man as you see, while he was standing there; or, at all events, why they did not pursue him when he fled.

And, in truth, they will never be able to get out of their perplexity, if they ever do go into that witness-box; not though they may be ever so witty and talkative at banquets, and sometimes, over their wine, even eloquent. For the forum is one thing, and the banqueting couch another. The benches of counsellors are very different from the sofas of revellers. A tribunal of judges is not particularly like a row of hard-drinkers. In short, the radiance of the sun is a very different thing from the light of lamps. So that we will soon scatter all those gentlemen's delicate airs, all their absurdities, if they

do appear. But if they will be guided by me, let them apply themselves to some other task; let them curry the favour of some one else, by some other means; let them display their capacity in other employments; let them flourish in that woman's house in beauty, let them regulate her expenses, let them cling to her, sup with her, serve her in every possible way; but let them spare the lives and fortunes of innocent men.

XXIX. But those slaves have been emancipated, by the advice of her relations,—most highly-born and illustrious men. At last, then, we have found something which that woman is said to have done by the advice and authority of her own relations,—men of the highest respectability of character. But I wish to know what proof there is in that emancipation of slaves, so that either any charge against Cœlius can be made out of that, or any examination of the slaves themselves by means of torture prevented, or any pretext found for giving rewards to slaves who were privy to too many transactions which it is desired to keep secret? But her relations advised it. Why should not they advise it, when you yourself stated that you were reporting to them a matter which you had not received information of from others, but which had been discovered by yourself?

Here also we wonder whether any most obscene story followed the tale of that imaginary box. There is nothing which may not seem applicable to such a woman as that. The matter has been heard of, and has been the subject of universal conversation. You have long ago perceived, O judges, what I wish to say, or rather what I wish not to say. For even if such a crime was committed, it certainly was not committed by Cœlius; for what concern was it of his? It may perhaps have been committed by some young man, not so much foolish as destitute of modesty. But if it be a mere fiction, it is not indeed a very modest invention, but still it is not destitute of wit;—one which in truth the common conversation and common opinion of men would never have sealed with their approbation, if every sort of story which involved any kind of infamy did not appear consistent with and suited to that woman's character.

The cause has now been fully stated by me, O judges, and summed up. You now understand how important an action this is which has been submitted to your decision; how serious

a charge is confided to you. You are presiding over an investigation into a charge of violence;—into a law which concerns the empire, the majesty of the state, the condition of the country, and the safety of all the citizens;—a law which Quintus Catulus passed at a time when armed dissensions were dividing the people, and when the republic was almost at its last gasp;—a law which, after the flame which raged so fiercely in my consulship had been allayed, extinguished the smoking relics of the conspiracy. Under this law the youth of Marcus Cœlius is demanded, not for the sake of enduring any punishment called for by the republic, but in order to be sacrificed to the lust and profligate pleasures of a woman.

XXX. And even in this place the condemnation of Marcus Camurtius[1] and Caius Cæsernius is brought up again! Oh the folly, or shall I rather say, oh the extraordinary impudence! Do you dare,—you prosecutors,—when you come from that woman's house, to make mention of those men? Do you dare to re-awaken the recollection of so enormous a crime, which is not even now dead, but is only smothered by its antiquity? For on account of what charge, or what fault, did those men fall? Forsooth, because they endeavoured to avenge the grief and suffering of that same woman caused by the injury which they believed she had received from Vettius. Was, then, the cause of Camurtius and Cæsernius brought up again in order that the name of Vettius might be heard of in connexion with this cause, and that that farcical old story, suited to the pen of Afranius, might be rubbed up again? For though they were certainly not liable under the law concerning violence, they were still so implicated in that crime, that they seemed men who ought never to be released from the shackles of the law.

But why is Marcus Cœlius brought before this court? when no charge properly belonging to this mode of investigation is imputed to him, nor indeed anything else of such a nature that, though it may not exactly come under the provisions of any law, still calls for the exercise of your severity. His early youth was devoted to strict discipline; and to those pursuits by which we are prepared for these forensic labours,—for taking part in the administration of the republic,—for honour,

[1] It is quite unknown to us what these allusions of Cicero to passing events refer to.

and glory, and dignity * * * * and to those friendships with his elders, whose industry and temperance he might most desire to imitate; and to those studies of the youths of his own age: so that he appeared to be pursuing the same course of glory as the most virtuous and most highly-born of the citizens. Afterwards, when he had advanced somewhat in age and strength, he went into Africa, as a comrade of Quintus Pompeius the proconsul, one of the most temperate of men, and one of the strictest in the performance of every duty. And as his paternal property and estate lay in that province, he thought that some knowledge of its habits and feelings would be usefully acquired by him, now that he was of an age which our ancestors thought adapted for gaining that sort of information. He departed from Africa, having gained the most favourable opinion of Pompeius, as you shall learn from Pompeius's own evidence.

He then wished, according to the old-fashioned custom, and following the example of those young men who afterwards turned out most eminent men and most illustrious citizens in the state, to signalise his industry in the eyes of the Roman people, by some very conspicuous prosecution.

XXXI. I wish indeed that his desire for glory had led him in some other direction; but the time for this complaint has passed by. He prosecuted Caius Antonius, my colleague; an unhappy man, to whom the recollection of the great service which he did the republic was no benefit, but to whom the belief of the evil which he had designed was the greatest prejudice. After that, he never was behind any of his fellows in his constant appearance in the forum, in his incessant application to business and to the causes of his friends, and in the great influence which he acquired over his relations. He achieved by his labour and diligence all those objects which they cannot attain who are other than vigilant, and sober, and industrious men. At this turning-point of his life, (for I place too much reliance on your humanity and on your good sense to conceal anything,) the fame of the young man stood trembling in the balance, owing to his new acquaintance with this woman, and his unfortunate neighbourhood to her, and his want of habituation to pleasure; for the desire of pleasure when it has been too long pent up, and repressed, and chained down in early youth, sometimes bursts forth on a sudden, and throws

down every barrier. But from this course of life, and from being in this way the subject of common conversation, (though his excesses were not by any means as great as report made them out to be;)—however, from this course of life, I say, whatever it was, he soon emerged, and delivered himself wholly from it, and raised himself out of it, and he is now so far removed from the discredit of any familiarity with that woman, that he is occupied in warding off the attacks which are instigated against him by her enmity and hatred.

And in order to put a violent end to the reports which had arisen of his luxury and inactivity,—(what he did, he did in fact greatly against my will, and in spite of my strongest remonstrances, but still he did it,)—he instituted a prosecution against a friend of mine for bribery and corruption. And after he is acquitted he pursues him still, drags him back before the court, refuses to be guided by any one of us, and is far more violent than I approve of. But I am not speaking of wisdom,—which indeed does not belong to men of his age,—I am speaking of his ardent spirit, of his desire for victory, of the eagerness of his soul in the pursuit of glory. Those desires indeed in men of our age ought to have become more limited and moderate, but in young men, as in herbs, they show what ripeness of virtue and what great crops are likely to reward our industry.

In truth, youths of great ability have always required rather to be restrained from the pursuit of glory, than to be spurred on to it: more things required to be pruned away from that age,—if, indeed, it deserves distinction for ability and genius,—than to be implanted in it. If, therefore, the energy, and fierceness, and pertinacity of Cœlius appear to any one to have boiled over too much, either in respect of his voluntarily incurring, or of his mode of carrying on enmities; if even any of the most trifling particulars of his conduct in this respect seem offensive to any one; or if any one feels displeased at the magnificence of his purple robe, or at the troops of friends who escort him, or at the general splendour and brilliancy of his appearance, let him recollect that all these things will soon pass away,—that a riper age, and circumstances, and the progress of time, will soon have softened down all of them.

XXXII. Preserve, therefore, to the republic, O judges, a

citizen devoted to liberal studies, and to the most virtuous party in the state, and to all good men. I promise you this, —and I give this undertaking to the republic, provided we ourselves have by our own conduct given satisfaction to the republic,—that Cœlius's conduct will never be at variance with our own. And I promise this, not only because I rely on the intimacy that subsists between him and me, but also because he has taken upon himself already the obligation of the most stringent engagements. For a man who has ventured on such a step as that of prosecuting a man of consular rank because he says that the republic has been injured by his violence, cannot possibly behave as a turbulent citizen in the republic himself: a man who will not allow another to be at peace, even after he has been acquitted of bribery and corruption, can never himself become a briber of others with impunity.

The republic, O judges, has two prosecutions, which have been carried on by Marcus Cœlius, as pledges to secure it from any danger from him, and guarantees of his good-will and devotion. Wherefore I do pray and entreat you, O judges, after Sextus Clodius has been acquitted within these few days in this very city; a man whom you have seen for the last two years acting on all occasions as the minister or leader of sedition;—a man who has burnt sacred temples, and even the census of the Roman people, and all the public records and registers, with his own hands;[1]—a man without property, without honesty, without hope, without a home, without any character or position, polluted in face, and tongue, and hand, and in every particular of his life;—a man who has degraded the monument of Catulus, who has pulled down my house, and burnt that belonging to my brother;—who on the Palatine Hill, and in the sight of all the city, stirred up the slaves to massacre and to the conflagration of the city;—I entreat you, I say, not to suffer that man to have been acquitted in this city by the influence of a woman, and at the same time to allow Marcus Cœlius to be sacrificed, in the same city, to a woman's lusts. I entreat you never to permit the same woman, in conjunction with a man who is at the same time her brother and her husband, to save a most infamous robber,

[1] This refers to Clodius having set on fire the temple of the Nymphs, where the registers of the censors were kept.

and to overwhelm a most honourable and virtuous young man.

And when you have given due consideration to the fact of his youth, then place also before your eyes, I entreat you, the old age of his miserable father whom you see before you; whose whole dependence is on this his only son; who reposes on the hopes which he has formed of him; who fears nothing but the disasters which may befal him. Support, I pray you, that old man, now a suppliant for your mercy, the slave of your power, who while he throws himself at your feet, so appeals more strongly still to your virtuous habits, and to your kind and right feelings; support him, I say, moved either by the recollection of your own parents, or by the affection with which you regard your own children, so as, while relieving the misery of another, to yield to your own pious or indulgent dispositions. Do not, O judges, cause this old man, who is already, by the silent progress of nature, declining and hastening to his end, to fall prematurely through a wound inflicted by you, before the day which his natural destiny has appointed for him. Do not overthrow this other man, now flourishing in the prime of life, now that his virtue has just taken firm root, as it were by some whirlwind or sudden tempest. Preserve the son for the father, the father for the son, lest you should appear either to have despised the old age of a man almost in despair, or on the other hand not only to have abstained from cherishing, but even to have struck down and crushed, a youth pregnant with the greatest promise. And if you do preserve him to yourselves, to his own relations, and to the republic, you will have him dedicated, devoted, and wholly bound to you and to your children, and you will enjoy, O judges, in the greatest possible degree, the abundant and lasting fruits of all his exertions and labours.

# THE SPEECH OF M. T. CICERO ON THE SUBJECT OF THE CONSULAR PROVINCES.

THE ARGUMENT.

This speech was delivered about the middle of the year of the consulship of Cnæus Cornelius Lentulus Marcellinus, and Lucius Marcius Philippus, A.U.C. 698. Before the new consuls were elected, the senate assembled to deliberate on what provinces should be allotted to them on the expiration of their year of office. The provinces about which the question really was were the two Gauls which Cæsar had, and Macedonia and Syria, which had been given to Lucius Calpurnius Piso Cæsonius, and to Aulus Gabinius, the consuls of the year 696. Several senators had spoken when Cicero rose; and had all, except Servilius, advocated the taking one or both of the Gauls from Cæsar, which was in fact what the senate was desirous to do; but Cicero, who had himself been treated with the greatest indignity by Piso and Gabinius, was anxious instead to get them recalled with some marks of disgrace, and to have their provinces assigned to the consuls; and he urged also that Cæsar's command should be continued to him till he had finished the war which he was carrying on with such success, and till he had settled the conquered countries. This was much against the wishes of the senate, and even of the existing consuls, who were principally concerned in the matter; so that Philippus reproached Cicero, and reminded him that he had received worse treatment from Cæsar than he had even from Gabinius, since Cæsar had been the real author of the calamities which had befallen him. But Cicero replied that his object was not the satisfying of his own private resentment, but the promotion of the real interests of the republic; that Cæsar was deserving well of his country; that if he remained in his province he would soon reduce all Gaul to subjection; but that Piso and Gabinius were only tyrannising over and draining their provinces, while they were objects of contempt to all foreign enemies.

The result was, that he brought the senate entirely over to this opinion, and they continued Cæsar's command in Gaul, and recalled Piso and Gabinius from their provinces, which were given to the new consuls.[1]

I. If any one of you, O conscript fathers, is waiting to see what provinces I shall propose to decree to the consuls, let him consider in his own mind what men I must think it most desirable to recal from the provinces; and then he will not

[1] See the oration against Piso.

have any doubt what ought to be my sentiments, when he has once seriously thought what it is absolutely inevitable that they should be. And if I were the first to deliver the opinion which I am about to state, you would in truth praise it; if I were to stand alone in it, at all events you would pardon me. Even if my opinion were to appear to you on the whole somewhat ineligible, still you would make some allowance for my just indignation. But, as the case stands at present, O conscript fathers, I feel no ordinary delight because it is so entirely for the advantage of the republic that Syria and Macedonia should be the provinces decreed to the consuls, that my own private feelings are in no respect at variance with the general good; and because also I can cite the authority of Publius Servilius, who has delivered his opinion before me, a most illustrious man, and of singular good faith and attachment both to the republic in general, and to my safety in particular. And if he, both just now, and whenever he has had any opportunity or possibility of speaking on the subject, has thought it his duty to brand not only with his adverse opinion but with the greatest severity of language, Gabinius and Piso, as the two monsters who have been almost the destruction of the republic, both on other accounts, and also most especially because of their extraordinary wickedness and unseemly inhumanity towards me, with what feelings ought I myself to be actuated towards those men,—I whose safety they devoted and ruined for the gratification of their own evil passions?

But in declaring my sentiments at this time, I will not be guided by my indignation, nor will I make my speech subservient to my enmity. The same feelings which every individual among you ought to entertain towards those men, shall influence me also. My own predominant and peculiar feeling of private indignation, which, however, you have always considered as belonging to yourselves in common with me, I will put aside while delivering my opinion, and reserve for a more fitting opportunity of revenge.

II. There are four provinces, O conscript fathers, concerning which I understand that opinions have as yet been delivered: the two Gauls, which at present we see united under one command; and Syria; and Macedonia; which, against your will, and when you were suffering under oppres-

sion and constraint, those pernicious consuls seized on as their reward for having overturned the republic. According to the provisions of the Sempronian law, we have now to decree two to the consuls. How is it possible for us to doubt about Syria and Macedonia being these two? I say nothing of the fact that those men are holding them at present who procured them in such a way, that they did not get them till they condemned this order of ours, till they had destroyed your authority and put an end to it in the state; till they had destroyed all public credit and good faith, endangered the lasting safety of the Roman people, and harassed me and all my friends and relations in the most shameful and barbarous manner.

All these private matters, all these transactions which took place in the city, I say nothing about; though they are of such a nature that Hannibal himself never wished so much evil to this city, as those men have done. I come to the case of the provinces themselves, of which Macedonia, which was formerly fortified not by the towers built, but by the trophies erected by numbers of our generals, which had long ago been reduced to a state of tranquillity by many victories and triumphs, is now so harassed by the barbarians, who are not allowed to rest in peace in consequence of the avarice of the late consul, that the people of Thessalonica, placed in the lap as it were of our empire, are compelled to abandon their town and to fortify their citadel; that that military road of ours, which reaches all through Macedonia as far as the Hellespont, is not only infested by the incursions of the barbarians, but is even studded with and divided among Thracian encampments. And so, those nations which had given large sums of money to our illustrious commanders, to purchase the blessings of peace, in order to be able to replenish their houses which had been thus drained, instead of the peace which they had purchased, have waged against us what is little short of a regular war. And now that very army of ours, collected by a most splendid enlistment, and by a very rigid levy, has almost entirely perished. I say this with the most real grief.

III. The soldiers of the Roman people have been taken prisoners, put to death, abandoned, and dispersed in a most miserable manner. They have been wasted away by neglect,

by famine, by disease, by every sort of disaster; so that (and it is a most scandalous thing) the wickedness of the general appears * * * to have been chastised by the punishment of the army. And this Macedonia, as all the neighbouring nations had been subdued, and all the barbarians checked, we used to be able to preserve by its own resources, in a peaceable state, and in perfect tranquillity, with a very slight garrison, and a small army, even without a commander-in-chief, by means of lieutenants, and by the bare name of the Roman people. And yet now, when there is a man there with consular command and a consular army, it is so harassed that it is scarcely able to recruit its strength by a peace of any duration. And in the meantime who is there of you who has not heard and who does not know that the Achæans are every year paying a vast sum to Lucius Piso? that all the revenues and harbour duties of the Dyrrachians have been converted to a source of profit for this one man? that the city of the Byzantines, a city most loyal to you and to this empire, is harassed as if it belonged to an enemy? to which city he, after he could no longer squeeze anything out of them, because of the poverty to which he had reduced them, and could not by any acts of violence extort anything more from them, miserable as they were, sent his cohorts into winter quarters, and gave them commanders whom he thought likely to be his most complying and diligent agents in wickedness, and ministers to his desires.

I say nothing of the way in which he exercised his jurisdiction in a free city contrary to the laws and to the resolutions of the senate. I pass over his murders, I omit all mention of his acts of lust; of which there is a most bitter token, for the lasting recollection of his infamy, and almost bringing even our sovereignty into just odium, in the fact that it is notorious that some virgins of the noblest birth threw themselves into wells, and by a voluntary death escaped from otherwise inevitable disgrace. Nor do I omit them now because they are not most enormous atrocities, but because I am speaking without the support of any witnesses.

IV. But who is there who is ignorant that the city of the Byzantines was entirely filled and superbly decorated with statues? which the citizens, even when exhausted by the great

expenses of important wars, while sustaining the attacks of Mithridates, and the whole force of Pontus, boiling over and pouring itself over all Asia, which they repulsed with difficulty at their own great risk,—even then, I say, and afterwards, the Byzantines preserved those statues and all the other ornaments of their city, and guarded them most religiously. But when you, O most unhappy and most infamous of men, became the commander there, O Cæsoninus Calventius, then a free city, and one which had been made so by the senate and people of Rome, on account of its recent services, was so plundered and stripped of everything, that, if Caius Virgilius the lieutenant, a very brave and incorruptible man, had not interfered, the Byzantines would not have retained one single statue out of all their great number.

What temple in all Achaia, what spot, or what grove in the whole of Greece, was there of such sanctity that a single statue or a single ornament has been left in it? You purchased from a most infamous tribune of the people, at the time of that general shipwreck of the city, which you, the very man who were bound to govern it rightly, had been the main agent in overturning; you purchased, I say, at that time, for an immense sum of money, the power of pronouncing judgment on the people of the free cities, with respect to the moneys which had been advanced, contrary to the resolutions of the senate, and the law of your own son-in-law. What you had bought, you sold in such a manner that you either never gave any decision at all, or else you deprived Roman citizens of their property. But I am not bringing forward these facts at this moment, O conscript fathers, as charges against this man; I am merely arguing with respect to the province. Therefore, I pass over all those things which you have often heard of, and which you are well aware of, even when you do not hear of them. I say nothing of his audacious conduct in the city, which he has fixed deep in the recollection of your eyes and minds; I say nothing of his arrogance, of his insolence, of his cruelty. Let those dark acts of lust of his lie hid, acts which he tried to conceal by his stern countenance and supercilious look, not by modesty and temperance. I am arguing about the province, the welfare of which is at stake in this matter. Will you not send a successor to such a man as this? Will you allow him to remain any longer? a man whose fortune, from the very moment

that he first reached the province, has so vied with his wickedness, that no one could decide whether he was more undeserving or more unfortunate.

But as for Syria, is that Semiramis any longer to be retained there? a man whose march into the province bore the appearance of king Ariobarzanes having hired your consul to come and commit murder, as if he were some Thracian. His very first arrival in Syria was signalized by the destruction of the cavalry; after that, all his best cohorts were cut to pieces. Therefore, in Syria, since he has been the commander-in-chief, nothing has been done beyond making money-bargains with tyrants, and selling decisions, and committing robbery and piracy and massacre; while the general of the Roman people, with his army in battle array, stretching forth his right hand, did not exhort his soldiers to the pursuit of glory, but only kept crying out that everything had been bought by him and was to be bought still.

V. And as for the miserable farmers of the revenue, (miser able man that I also am, when I see the miseries and sufferings of those men who have deserved so well at my hands,) he handed them over as slaves to the Jews and Syrian nations, themselves born for slavery. He laid down as a rule from the very beginning, and he persevered in it, never to decide an action in favour of a farmer of the revenue; he rescinded covenants that had been made without any injustice, he took away all the garrisons established for their protection; he released many people who were subject to pay tributes and taxes from such payments; whatever town he was living in or whatever town he arrived at, there he forbade any farmer of the revenue or any servant of such farmer to remain. Why need I enlarge on this? He would be considered a cruel man if he had shown such a disposition towards our enemies, as he did show towards Roman citizens, especially towards those of that order which has hitherto always been maintained by its own dignity and by the goodwill of the magistrates.

Therefore, O conscript fathers, you see that the farmers of the revenue were ground down and nearly ruined, not by any rashness with which they had entered into their contracts, nor by any ignorance of the proper methods of transacting business, but by the avarice, the pride, and the cruelty of Gabinius. And to their assistance indeed, in the present difficulties of the trea-

sury, it is actually indispensable that you should come. Although there are many of them whom you cannot now relieve; men who, by the means of that enemy of the senate, of that most bitter foe of the equestrian order and of all virtuous men, wretched that they are, have lost not only their property but their honourable position; men whom neither parsimony, nor temperance, nor virtue, nor labour, nor respectability of character, have been able to protect against the audacity of that glutton and robber.

What are we to do? shall we suffer those men to perish, who are even now supporting themselves on the resources of their patrimony, or on the liberality of their friends? Or, suppose any man has been prevented by the enemies' means from enjoying his public rights, is that man protected by the law of the censors? but in the case of a man who is prevented by one who is an enemy, though he may not be actually called one, is that a man whom we ought not to assist? Retain, then, in the province a little longer that man who makes covenants with the enemy respecting the allies, and with the allies respecting the citizens,—who thinks himself a more important man than his colleague on this account, that he has deceived you by his morose appearance and by his countenance, while he himself has never once pretended to be less worthless than he really is. But Piso boasts in another sort of fashion, that he in a very short time has brought it to pass that Gabinius is not thought the most infamous of all men.

VI. Do not you think that you ought to recal these men from their provinces, even if you had no one to send thither in their places? Would you, could you retain there these two pests of the allies, these men who are the destruction of the soldiers, the ruin of the farmers of the revenue, the desolators of the provinces, the disgracers of the empire? But you, yourselves, in the preceding year, did recal these very men, when they had only just arrived in the provinces. And, if at that time your judgment had been unfettered, and if the matter had not been so frequently adjourned, and, at the last, taken wholly out of your hands, you would have restored your authority, as you were most anxious to do, recalling those men by whom it had been lost, and compelling them to render up the rewards which they had received, and which had been conferred on them in return for their wickedness and for the

overthrow of their country. And if they at that time escaped from that punishment, through no merit of their own, but through the influence of others, greatly against your consent, still they have undergone a much greater and severer punishment.

For what severer punishment could befal any one, in whom there exists, if not any respect for his reputation, at all events some fear of punishment, than to have those letters of theirs utterly disbelieved which announced that the republic had been very successful in war? The senate decided this, when in a very full house it refused Gabinius a supplication; they decided, in the first place, that no belief at all could be given to a man polluted with every sort of guilt and wickedness; and, secondly, that the affairs of the republic could not possibly be managed successfully by a traitor, especially by that man who was known to be at the time an enemy of the republic; and, lastly, that even the immortal gods themselves did not choose their temples to be thrown open, and supplications to be addressed to them in the name of a most profligate and wicked man.

Therefore, that other man is either himself a learned man, and one well instructed by his Greek slaves, with whom he now sups behind the scenes, as he used to do before the curtain, or else he has wiser friends than Gabinius, from whom no letters are produced.

VII. Shall we then have these men for our generals? the one of whom does not venture to inform us whether * * * * he is styled Imperator; and the other must in a few days repent of having ventured to mention such a thing to us, if his clerks do not tire of writing. And if that man has any friends, or indeed, if it be possible that any one should be a friend to so savage and foul a brute, they comfort themselves with this consolation, that this senatorial order once refused an application to Titus Albucius. But, first of all, the cases are very unlike. The proprætor had had a battle with one auxiliary cohort against a lot of banditti clad in sheepskins in Sardinia. And a war against the mightiest nations and tyrants of Syria was brought to a termination by means of a consular army, and a magistrate invested with the supreme miltary command. In the next place, Albucius had had already decreed to himself in Syria the same thing which he was solicit-

ing from the senate. For it was notorious that he, like a Greek, and like a light-headed inconsiderate man as he was, had celebrated something like a triumph in the province itself. And therefore the senate marked their displeasure at this precipitate conduct of his, by the refusal of a supplication. But let him, in truth, enjoy this as some comfort; and let him think this very eminent mark of disgrace all the less considerable, because it has been inflicted on himself alone; provided only that he is content to expect the same end as that man by whose precedent he consoles himself. Especially as Albucius was not liable to the reproach of either Piso's lust, or Gabinius's audacity, and yet fell by this one blow, the infamy with which he was branded by the senate.

But the man who proposes to decree the two Gauls to the two consuls, would retain both these men in their provinces. But he who proposes to decree them one of the Gauls, and either Syria or Macedonia, still would retain one of these men; and while they are both equal in wickedness, he proposes to make their future condition unequal. No, I will make them, says he, prætorian provinces, in order that Piso and Gabinius may have successors appointed immediately. Yes; if you are allowed to do so. For then the tribune will be able to intercede with his veto; but at present he cannot do so. Therefore, I myself, who now propose to decree to the consuls who are to be elected, Syria and Macedonia, am prepared also to make them prætorian provinces, in order that the prætors may have their provinces for a year, and that we may see those men among us as soon as possible whom we cannot see at all with any equanimity.

VIII. But believe me, those men will never have successors appointed to them, except when a motion shall be made in accordance with the provisions of that law by which it is unlawful for any one to interpose his veto while the debate is pending about the provinces; therefore, as this opportunity is lost, you must now wait an entire year; during which interval the calamities of the citizens, the miseries of the allies, and the impunity of the most wicked men may be extended.

But even if they were the most excellent of men, still, in my opinion, it could never be advisable to appoint a successor to Caius Cæsar. Now, concerning this matter, O conscript

fathers, I shall declare my real sentiments, and I shall not be disconcerted by that interruption of my most intimate friend, who did a little while ago interrupt my speech, as you heard. That excellent man says that I ought not to be more hostile to Gabinius than to Cæsar; for that all that storm, to which I yielded, was raised by the instigation and assistance of Cæsar. And if I were in the first instance to reply that I was having regard to the common advantage, and not to my own private sufferings, could I not establish that, when I say that I am doing what I well may do according to the example of other most valiant and most illustrious citizens? Did Tiberius Gracchus (I am speaking of the father, and would that his son had never degenerated from that father's virtue!) gain such great glory because he, while tribune of the people, was the only one of the whole college who was any assistance to Lucius Scipio, though he was the bitterest possible enemy, both to him and to his brother Africanus; and did he not swear in the public assembly that he had by no means become reconciled to him, but that it seemed to him quite inconsistent with the dignity of the empire that, after the generals of the enemy had been led to prison while Scipio was celebrating his triumph, the very man also who had triumphed should be led to the same place?

Who had a greater number of enemies than Caius Marius? There were Lucius Crassus, Marcus Scaurus, (were there no more?) and all the Metelli. But those men not only forbore to recal that enemy of theirs from Gaul by their votes, but also, out of consideration for the Gallic war, they even voted him the province out of the regular order. A most important war has been waged in Gaul; very mighty nations have been subdued by Cæsar; but they are not yet established with laws, or with any fixed system of rights, or by a peace which can be very thoroughly depended on. We see that the war has been carried on, and, to say the truth, nearly brought to a conclusion; but we shall only see it all actually terminated in a successful manner, if the man who commenced it remains to follow it up to the last. If a successor is appointed to him, there is great danger that we may hear that the embers of this momentous war are again fanned into a flame and rekindled. Therefore I, a senator, an enemy, if you please, of the man himself, feel it my duty to be, as I always have been,

a friend to the republic. What if I lay aside my enmity itself for the sake of the republic, who, I should like to know, would have a right to blame me? especially as I have at all times thought that I ought to seek for the models for all my intentions and for all my actions in the conduct of the most illustrious men.

IX. Was not, I should like to know, was not that great man Marcus Lepidus, who was twice consul, and also Pontifex Maximus, praised not only by the evidence of men's recollection, but also in the records of our annals, and by the voice of an immortal poet, because on the day that he was made censor, he immediately, in the Campus Martius, reconciled himself to Marcus Fulvius, his colleague, a man who was his bitterest enemy, in order that they might perform their common duty devolving on them in the censorship with one common feeling and union of good-will? And to pass over ancient instances, of which there is no end, did not your own father, O Philippus, did not he become reconciled at one and the same time with all his greatest enemies? to all of whom the same attachment to the republic now reconciled him which had previously separated him from them. I pass over many instances, because I see before me these lights and ornaments of the republic, Publius Servilius and Marcus Lucullus; would that that great man, Lucius Lucullus, were still alive! What enmities were ever more bitter in this city that those which subsisted between the Luculli and the Servilii? But in those most gallant men the welfare of the republic, and their own dignity, not only put an end to that ill-feeling, but even changed it into friendship and intimacy. What? did not Quintus Metellus Nepos, while consul, in the temple of the all-good and all-powerful Jupiter, influenced by your authority, and also by the incredible dignity of eloquence of that same Publius Servilius, become reconciled to me though I was far away, and do me the greatest possible service? Is it possible for me to be an enemy to this man, by whose letters, by whose glory, and by whose messengers my ears are every day saluted with previously unknown names of tribes, and nations, and places? I burn, believe me, O conscript fathers, (as indeed you do believe of me, and as you feel yourselves,) with an incredible love for my country; which love compelled me formerly to encounter most terrible

dangers which were hanging over it, at the risk of my own life; and again, when I saw every sort of weapon aimed from all quarters against my country, drove me to put myself in their way, and to expose myself singly to their blows on behalf of the whole body of citizens. And this, my ancient and perpetual disposition towards the republic, now reunites and reconciles me to and unites me in friendship with Caius Cæsar. In short, let men think what they please; it is impossible for me to be other than a friend to one who deserves well of his country.

X. In truth, if I have not only taken on myself the enmity of, but have declared and waged open war against those men who wished to destroy all these things with fire and sword; though some of them were my own personal acquaintances, and some had been saved on capital trials through my defence of them; why should not the same republic which was able to make me hostile to my friends, be able also to reconcile me to my enemies? What reason had I for hating Publius Clodius, except that I thought him likely to prove a mischievous citizen to my country, inasmuch as, inflamed by the most infamous lust, he trampled under foot by one crime two most holy considerations, religion and chastity? Is it, therefore, doubtful from these actions, which he has done and which he is doing every day, that I in opposing him was consulting the interests of the republic more than my own tranquillity; but that some others, who defended him, thought more of their own ease than they did of the peace of the community?

I admit that I was of a different opinion to Cæsar with respect to the affairs of the republic, and that I agreed with all of you: but now I am agreeing also with you with whom I felt in common before. For you,—to whom Lucius Piso does not venture to send letters respecting his exploits,—you who have condemned the letters of Gabinius with a most remarkable stigma, and an unprecedented mark of disgrace, have decreed supplications to Caius Cæsar in such number, as were never decreed before to any one in one war, and with such attending circumstances of honour as were never voted to any one at all. Why, then, need I wait for any man to act as a mediator between us, in order to reconcile me to him? This most honourable order has mediated between us; that

order which is the instigator and the leader both of the public counsels and of all my own designs. I am following you, O conscript fathers, I am obeying you, I am adopting your opinions;—yours, I say, who, as long as you had no very favourable opinion of the designs of Caius Cæsar with respect to the republic, saw that I too was very little connected with him; since you changed your opinions and inclinations on account of his great achievements, you have seen me also not only the sharer of your sentiments, but also the panegyrist and advocate of them.

XI. But what is the reason why in this cause men so exceedingly marvel at and find fault with my opinions, when I also before now proposed and voted for many things which concerned that man's dignity, more than they did the safety of the republic? I proposed and carried a supplication of fifteen days in Cæsar's honour, the bill being passed in the terms which I drew up. It would have been sufficient for the good of the republic, to have had it last only the same number of days as the supplication in honour of Caius Marius. That could not have been accounted by the immortal gods a scanty thanksgiving, which was as great as had heretofore been offered in the most important wars. Therefore, that increased number of days was given to the dignity of the man. And in respect of that, I, who as consul brought forward the motion, first, for decreeing a supplication of ten days to Cnæus Pompeius, after Mithridates had been slain and the Mithridatic war been terminated,—I, in compliance with whose opinion it was that the ordinary number of days that a supplication in honour of a consul lasted, was doubled, (for you all agreed with me, when, having had the letters of that same Pompeius read, and knowing that all wars both by sea and land were happily terminated, you decreed a supplication of twelve days,)—I, I say, admired the virtue and greatness of mind of Pompeius, in that, when he himself had hitherto been preferred to all other men in every sort of honour, he now was giving a more ample honour to another than he himself had received. Therefore, in that supplication which I proposed, the honour was paid to the immortal gods, and to the established usages of our ancestors, and to the welfare of the republic. But the dignity of the language in which the decree was couched, and the honour, and the novelty of the attendant circumstances,

and the number of the days,[1] was meant as a compliment to the renown and glory of Cæsar himself.

A motion was lately brought forward before our body concerning the pay of the army. I not only voted for it myself, but I laboured earnestly to induce you to vote for it; I replied to many of the arguments of those who objected to it; I supported it also by writing. In that case also, I was rather considering the dignity of the man who commanded the army, than any particular necessity that existed for the measure. For I thought that he, even without this additional supply of money, was able to maintain his army with the booty that he had already acquired, and to terminate the war. But I thought it would be unbecoming to diminish the glory and splendour of that triumph of his by any parsimony on our part.

A discussion took place also about the ten lieutenants whom he wished to have appointed; and some voted altogether against giving them, others asked for precedents, others wished to adjourn the consideration of the question, and others declared their opinion in favour of it without any complimentary expressions to Cæsar himself. But on that occasion, I spoke in such a manner as to let all men see that, though I thought the measure advantageous to the republic, I was promoting it

[1] A *supplicatio* was a solemn thanksgiving or supplication to the gods, decreed by the senate, when all the temples were opened, and the statues of the gods were frequently placed in public upon couches, (*pulvinaria*,) to which the people offered up their thanksgivings and prayers. (See Cic. in Cat. iii. 10.)

It was decreed after great victories, and also in times of public danger and distress, and on account of prodigies, to avert the anger of the gods.

When decreed for a victory, the number of days during which it was to last was proportioned to the importance of the victory. Sometimes it was decreed for only one day, but more commonly for three or five days. After the supplication mentioned here of fifteen days, one of twenty days was decreed to Cæsar in honour of his victory over Vercingetorix; and from this time forward the senate appears to have increased the number of days out of compliment to the general, so that we find mention of supplications for forty and fifty days, (see Cic. Phil. xiv. 14.) and even sixty days. It was generally regarded as a prelude to a triumph, but was not always followed by one; as in the case of Cicero himself, to whom a supplication was decreed for his suppression of Catiline's conspiracy, which was no subject for a triumph, being a civil transaction. *Vide* Smith, Dict. Ant. v. *Supplicatio.*

more cordially out of a desire to pay due honour to the dignity of Cæsar.

XII. And I, who have been received in all those discussions with silent attention, now that the question is about the provinces which are to be decreed to the consuls, am interrupted; though in all the former transactions it was only a compliment to an individual that I urged, while now I have no motive but the consideration of the war, and the general welfare of the republic. For, as for Cæsar himself, what reason can there be why he should wish any longer to remain in the province, except for the purpose of not giving over to the republic the measures which have been undertaken by him before they are completely consummated? It is the delightful nature of the country, I suppose, and the splendour of the cities, and the civilized state and accomplished habits of those nations and natives,—it is a desire for victory, it is a wish to extend the boundaries of our empire, that detains him there! What is there anywhere more severe than those countries? what more uncivilized than their towns? what more barbarous than their citizens? Moreover, what can be imagined more desirable than the victories which he has already gained, or what can be discovered beyond the ocean? Is his return to his country likely to be disagreeable to any one? Can it be so either to the people by whom he was sent on his command, or to the senate from whom he has received so many distinctions? Does time foster his wish to see his country again, or does it rather increase his forgetfulness of it? And do those laurels of his which he has gained amid such dangers, lose their greenness by the time that elapses after their acquisition? If, then, there be any one who is not attached to that man, still such an one has no reason for recalling him from his province. It is only recalling him to glory, to triumph, to receive congratulations, to receive the highest honours which the senate can bestow, to receive the thanks of the equestrian order, and to become the object of the devoted affection of the people.

But if he, out of his regard for the interests of the republic, does not hasten to the enjoyment of that extraordinary good fortune which is in store for him, preferring to remain and finish everything; what ought I to do as a senator,—I, who ought to think only of the advantage of the republic, even if

his wishes were opposed to it? For I feel, O conscript fathers, that we at this time, while engaged in decreeing provinces to the consuls, ought to have a regard to the preservation of perpetual peace. For who is there who is not aware that all our other possessions are safe from all danger, and even from all suspicion of war? We have for some time seen that immense sea,—by the disturbed condition of which not only our voyages by sea were impeded, but even our cities and our military marches and roads were exposed to annoyance,—now, in consequence of the valour of Cnæus Pompeius, possessed from the ocean to the very extremity of Pontus, like one vast harbour in a safe and defensible state; and as for those nations, which by their mere numbers and the immensity of their population were sufficient to overflow our provinces, we have seen some of them so thinned in numbers, and others so severely checked by that same man, that Asia, which was formerly the limit of our empire, is now itself bounded on the further side by three of our provinces. I might go on speaking of every region and of every race of men. There is no nation which is not either so far destroyed as scarcely to have any existence at all, or so utterly subdued as to be quite tranquil; or else so entirely at peace with us, as to share our exultation at our victories and at the extension of our empire.

XIII. The war with Gaul, O conscript fathers, has been carried on actively since Caius Cæsar has been our commander-in-chief; previously, we were content to act on the defensive, and to repel attacks For our generals at all times thought it better to limit themselves to repulsing those nations, than to provoke their hostility by any attack of our own. Even that great man, Caius Marius, whose godlike and amazing valour came to the assistance of the Roman people in many of its distresses and disasters, was content to check the enormous multitudes of Gauls who were forcing their way into Italy, without endeavouring to penetrate himself into their cities and dwelling-places. And lately, that partner of my labours, and dangers, and counsels, Caius Pomptinus, that most gallant man, crushed in battle a war of the Allobroges which rose up suddenly against us, and which was excited by that impious conspiracy, and defeated those tribes who had provoked us, and then he remained quiet, contented

with the victory by which he had delivered the republic from alarm.

But I see that the counsels of Caius Cæsar are widely different. For he thought it his duty, not only to war against those men whom he saw already in arms against the Roman people, but to reduce the whole of Gaul under our dominion. Therefore, he fought with the greatest success against those most valiant and powerful nations, the Germans and Helvetians; and the other nations he alarmed, and drove back, and defeated, and accustomed to yield to the supremacy of the Roman people; so that those districts and those nations which were previously known to us neither by any one's letters, nor by the personal account of any one, nor even by vague report, have now been overrun and thoroughly examined by our own general, by our own army, and by the arms of the Roman people.

Hitherto, O conscript fathers, we have only known the road into Gaul. All other parts of it were possessed by nations which were either hostile to this empire, or treacherous, or unknown to us, or, at all events, savage, barbarian, and warlike;—nations which no one ever existed who did not wish to break their power and subdue: nor has any one, from the very first rise of this empire, ever carefully deliberated about our republic, who has not thought Gaul the chief object of apprehension to this empire. But still, on account of the power and vast population of those nations, we never before have had a war with all of them; we have always been content to resist them when attacked. Now, at last, it has been brought about that there should be one and the same boundary to our empire and to those nations.

XIV. Nature had previously protected Italy by the Alps, not without some especial kindness of the gods in providing us with such a bulwark. For if that road had been open to the savage disposition and vast numbers of the Gauls, this city would never have been the home and chosen seat of the empire of the world. Now, indeed, they are at liberty to sink down if they please; for there is nothing beyond those lofty heights as far as the ocean itself, which can be any object of fear to Italy. But still it will be the work of one or two summers finally to bind the whole of Gaul in everlasting chains either by fear, or hope, or punishment, or reward, or

arms, or laws. And if our affairs there are left in an unfinished state, and while there is still some bitterness of feeling remaining, although the enemy may be pruned back severely for the present, still they will raise their heads again some time or other, and come forth with recruited strength to renew the war. Let, then, Gaul be left in the guardianship of that man to whose valour, and good faith, and good fortune it has already been entrusted. If, in truth, he, having been distinguished by such marked kindness of Fortune, were unwilling to risk the favour of that fickle goddess too often; if he were anxious himself to return to his country, to his household gods, to that dignity which he sees in store for him in this city, to his most charming children, and to his most illustrious son-in-law;[1] if he were impatient to be borne in triumph as a conqueror to the Capitol, crowned with the illustrious laurel of victory; if, in short, he were apprehensive of some disaster, as no event can now add so much glory to him as a mishap might deprive him of; still it would be your duty to insist on all those affairs being brought to a termination by the same man who has begun them so successfully. But when he has not yet satisfied his own desire for glory and for the safety of the republic, and as he prefers coming at a later period to reap the rewards of his toils rather than not discharging to the full the duty which the republic has committed to him; then certainly, we, for our part, ought not to recal a general who is so eager to conduct the affairs of the republic gloriously, nor to throw into confusion and to hinder his plans for the whole Gallic war, which are now almost matured and accomplished.

XV. For I cannot at all approve of those opinions which have been expressed by some most illustrious men, one of whom proposes to give the consuls the further Gaul and Syria, and the other inclines to the nearer Gaul. He who proposes the further Gaul, throws all those matters into confusion about which I have just been speaking, and shows at the same time that he is advocating a law which he affirms to be no law at all; and that he is taking away that part of the province to which no interruption can be given, but is not touching that part which has a defender. The effect of his conduct also is not to meddle with that which has been con

[1] Pompeius.

ferred by the people, while at the same time he, a senator, is anxious to take away what has been given by the senate.

The other disregards all consideration of the Gallic war; he discharges the duty of a virtuous senator: though he thinks the law invalid, still he observes it; for he fixes beforehand a day for his successor to enter on his office. * * * But it seems to me that nothing is more inconsistent with the dignity and principles of our ancestors, than for the consul, who on the first of January is to have a province, to have it promised to him in this way, and not regularly decreed to him. Suppose he were during the whole of his consulship without a province, though, even before he was elected, a province was decreed to him, is he to cast lots for a province, or not? For it is absurd not to draw lots for one,—absurd also not to get that which one has drawn by lot. Is he to march out in the robe of a commander-in-chief? Whither is he to march? Why, to a place where he may not arrive before a certain fixed day. All January and February he is not to have a province. At last, on the first of March, up will spring a province for him all on a sudden. Nevertheless, if these sentiments prevail, Piso will remain in his province.

And though these are weighty considerations, still none of them are more serious than this—that it is an insulting thing for a commander-in-chief to be mulcted, as it were, by a diminution of his provinces; and we ought to take great care that such a thing should not be allowed to happen, not only not in the case of a most illustrious man, but not even in that of a man of moderate reputation.

XVI. I am well aware, O conscript fathers, that you have decreed many extraordinary honours to Caius Cæsar; honours which are almost unprecedented. In that he has amply merited them, you have been grateful; if I add, too, that he is a man most thoroughly attached to this order of the senate, you have been wise and provident. For this order has never heaped its distinctions and kindnesses on any one who has subsequently thought any dignity preferable to that which he had obtained by your favour. For it is not possible for any one to be the leading man in this body who has preferred courting the favour of the people. But all men who have done this, have either distrusted themselves on account of their consciousness of their want of worth, or else they have

been driven away from a union with this order on account of the disparagement of their merits by the rest, and so they have been almost constrained to throw themselves out of this harbour on those stormy billows. And if, after they have been tossed about on those surges, and have become wearied of their voyage amid the whims of the people, having been successful in the conduct of the affairs of the republic, they show their faces again in the senate-house, and wish to gain the favours of this most honourable order, I say that they are not only not to be repelled, but are to be received with open arms, and courted.

We are warned by the bravest man and most admirable consul who has ever existed in the memory of man, to take care that the nearer Gaul be not decreed against our will to any one after the election of those consuls who are now about to be elected, and that it be not for the future occupied for ever by these men who are the constant attackers of this order, by some turbulent system of currying favour with the mob. And although I am not indifferent to the evil consequences of such a measure, O conscript fathers, especially when warned of them by a consul of the greatest wisdom, and one who is an especial guardian of peace and tranquillity, still I think that there is an evil to be regarded with even more apprehension than that,—the evil, I mean, of diminishing the honours of most illustrious and powerful citizens, and rejecting their zeal for the maintenance of this order.

For even supposing that Caius Julius, having been distinguished by all sorts of extraordinary and unprecedented honours by the senate, were compelled to deliver up this province to one whom you would be very unwilling to see there, still I cannot possibly be induced to suspect that he would deprive that body of liberty by which he himself had had the greatest glory conferred on him. Lastly, what disposition every one will have I know not; I am aware only of what my own hopes are. I, as a senator, am bound to take care, as far as I can, that no illustrious or powerful man shall appear to have any right to feel offended with this body. These sentiments I should express out of regard to the republic, even were I ever so great an enemy to Caius Cæsar.

XVII. But I do not think it foreign to the present discussion, with the object of being for the future less frequently

interrupted by certain persons, or less reproved in the opinion of some who forbear to interrupt me, to explain briefly what is the nature of my relations with Cæsar. And in the first place, I pass over that period of familiarity and intimacy which existed between him and me, and my brother, and Caius Varro our cousin, from the time that we were all young men. After that I became deeply engaged in public affairs, my sentiments on matters of state were so different from his, that we were of entirely opposite public parties, though without any interruption of our private friendship. He, as consul, adopted measures in which he wished to have me for a partner; and if I was opposed to the measures themselves, still I could not avoid being pleased at the opinion of me which he displayed by that wish. He entreated me also to accept the office of quinquevir.[1] He wished me to be one of three men of consular rank[2] most closely connected with himself; and he offered me any lieutenancy or embassy I pleased, with as much honour and distinction as was agreeable to me. All which offers I rejected with great firmness in my own sentiments, but not without feeling obliged to him for them. How wisely I acted is not now the question; for many will not approve of my conduct. At all events, I acted with consistency and firmness, inasmuch as, though by accepting them I might have fortified myself by the most irresistible assistance against all the wickedness of my enemies, and should have been able to repel the attacks of popularity-hunters by the protection of popular men, I preferred to meet any fortune, to encounter any violence and any injury, rather than differ from the wise and righteous senti-

[1] Some read here *vigentiviratum*, referring it to the commission of twenty citizens for the division of the lands in Campania, a place in which was offered to Cicero, and refused by him. And Orellius thinks that reading not to be disregarded, but retains the one translated in the text (*quinqueviratum*), because (Epist. ad Att. ii. 7,) he also speaks of a *quinqueviratus*, which therefore Orellius thinks may refer to some project which was never brought to bear.

[2] Cicero speaks also, in his Letters to Atticus, (ii 3,) of Cæsar's overtures to him to join him and Pompeius and Crassus in their partition of all power between them; and of Cæsar's sending him word by Balbus that he would be governed in all his proceedings by him and Pompeius and Crassus; but Cicero refused entering into any engagements with the three, whose union he thought dangerous to the state, and at that time too he certainly had great suspicions of Cæsar.

ments of the senate, or deviate from the line of conduct which I had marked out for myself.

But a man is bound to be grateful, not only if he has received a kindness, but if he has had an opportunity of receiving one. I did not think that all those compliments and distinctions with which he was loading me became me, or were suited to the exploits which I had performed. But I saw that he regarded me with the same friendly disposition with which he looked on that chief of the citizens, his own son-in-law. He afterwards assisted my great enemy in passing over to the ranks of the plebeians, either because he was angry with me when he saw that I could not be allured, not even by all his kindness, to unite with him, or because he was unable to withstand the entreaties of Clodius. And even that was no injury to me in his opinion; for he afterwards not only advised but actually entreated me to act as his lieutenant. Even that I would not accept; not because I thought it inconsistent with my dignity, but because I had no suspicion that such wicked designs against the republic were entertained by the succeeding consuls as afterwards proved to be.

XVIII. Therefore I have much more reason to fear that I may be blamed for arrogance of conduct with respect to his liberality towards me, than that I should be reproached with the injuries which he has done me in spite of our friendship.

Turn your eyes to that tempest,—to that season of darkness to all good men,—to that sudden and unforeseen danger which overwhelmed all things,—to that cloud which came over the republic,—to the ruin and conflagration of the city,—to the alarm given to Cæsar with respect to all the acts of his consulship,—to the fear of massacre with which all good men were struck,—to the wickedness, and covetousness, and indigence, and audacity of the consuls! If I was not aided by him then, he was under no obligation to aid me; if I was deserted by him, perhaps he was providing for his own safety; if I was even attacked by him, as some men think, or at all events wish me to think, then our friendship was violated, I received an injury, and he has deserved that I should be his enemy. I do not deny it; but still, if he was anxious for my safety when you were all regretting me like the dearest of your sons, and if you all at the same time thought it of great

importance to my cause that the inclinations of Caius Cæsar should not be averse to my safety; and if I have his son-in-law as a witness of his good-will towards me at that time, who himself stirred up all Italy in the municipal towns, and the Roman people in the assembly, and you too, who were always most devoted to me, in the Capitol, to take measures for my safety; if, in short, Cnæus Pompeius is at the same time a witness to me of the good-will which Cæsar entertains for me, and a surety to him of my attachment to him; does it not appear to you that I ought rather to recollect the times that are long past, and also to remember this time which is nearest to us now, and by means of these memories to eradicate that middle time so full of infamy and misery, if not from the history of events, (which indeed may be impossible,) at all events from my own mind?

But I, if I may not (as some people think I ought not) boast that I have sacrificed my own private feelings of indignation and enmity to the republic, which it appears to me to be the duty of a great and wise man to do, will at all events avail myself of this plea,—which is of force not so much to gain praise as to avoid reproach,—namely, that I am a grateful person, and that I am inclined to be moved, not only by such exceeding services as his, but even by a moderate display of good-will towards me.

XIX. I entreat of some most gallant men, who have done me great service, that, if I have been unwilling that they should be partakers of my labours and distresses, they will also spare me from being the partaker of their enmities; especially as they have granted to me that I have a right to defend those acts of Cæsar's which I neither attacked nor defended before. For the most eminent men of the state, by whose counsels I acted when I preserved the republic, and in deference to whose authority I avoided that union with Cæsar to which he invited me, deny that the Julian laws, and the others which were passed during his consulship, were legally passed at all. And at the same time they say that the bill for my proscription was passed in a manner contrary to the safety of the republic, but still without any illegal disregard of the auspices. Therefore a man of the highest authority, and of the greatest eloquence, said with great positiveness that that disaster of mine was a funeral of the republic, but

a funeral performed with all regular solemnity. To me myself it is altogether excessively complimentary, that my departure should be called the funeral of the republic. His other expressions I do not find any fault with, but I will assume them as a foundation for the sentiments which I feel. For if men have ventured to say that that proposition was carried in a regular manner, for which there was no precedent, nor any law authorizing such a bill to be carried, merely because no one had been observing the heavens at the time, had they forgotten that, at the time that the man who carried this bill was made a plebeian by a lex curiata, it was announced that a magistrate was observing the heavens? And if it was absolutely irregular for him to be made a plebeian, how could he be made a tribune of the people? And if his tribuneship be declared valid, there is then no one of Cæsar's acts which can possibly be invalid; and so, will not, not merely his tribuneship, but also other matters the most mischievous imaginable, appear to have been passed with proper regularity, if it be decided that the religious respect due to the auspices was preserved?

Wherefore you must decide either that the Ælian law still exists, that the Fufian law has not been abrogated, and that it is not lawful for a law to be passed on every one of the dies fasti; that, when a law is being passed, there is no objection to observations of the heavens being taken, or to such an announcement being made by the magistrates, or to any one interposing his veto; that the decisions and animadversions of the censors, and that most strict inspection of morals, has not been abolished in the city by nefarious laws; that if a patrician has been tribune of the people, he has been so in violation of the most sacred laws,—if a plebeian, in disregard of the auspices: or else men must grant to me that it is not necessary for me in the case of good measures to be bound by those rules which they themselves do not adhere to in shameful ones; especially as it has been a proposal made by them to Caius Cæsar several times, that he should carry the same measures in some other manner, (in some manner, that is, which the auspices required and which the law sanctioned;) and when, in the case of Clodius, the history of the auspices is just the same, and all the laws of the state have been overturned and destroyed.

XX. This is the last thing which I have to say. If I had any enmity against Caius Cæsar, still at this time I ought to consult the interests of the republic, and to reserve my hostility for another time. I might even, following the precedent of most eminent men, lay aside my enmity altogether for the sake of the republic; but as I have never entertained any enmity to him, and as the idea of having been injured by him has been extinguished by services which he has done me, I, by my opinion, O conscript fathers, if the dignity of Caius Cæsar is at stake, shall vote for the man;—if any honour to be paid to him is under discussion, I shall consult the unanimous feeling of the senate;—if the authority of your decrees is the main point to be regarded, I shall uphold the consistency of our order by voting distinctions to this same commander-in-chief;—if the everlasting consideration of the Gallic war is to be taken into the account, I shall consult the interests of the republic;—if I may have respect to my own private duty, I shall show that I am not ungrateful.

And I wish, O conscript fathers, to induce you all to approve of my sentiments; but I shall not be greatly concerned if I fail to induce those men to approve of them who shielded my enemy in spite of your authority; or those who found fault with my reconciliation with their enemy, while they themselves do not hesitate to be reconciled both to my enemy and to their own.

# THE SPEECH OF M. T. CICERO IN DEFENCE OF LUCIUS CORNELIUS BALBUS.

THE ARGUMENT.

Lucius Cornelius Balbus was a native of Gades,[1] in Spain, and of an illustrious family in that city. He had been of great service to the Roman generals in Spain, both generally, and also especially at the time of the war with Sertorius, and, as a reward for his fidelity, he had had the freedom of the city given to him by Pompeius, by virtue of a law which authorized him to grant it to as many people as he chose. But the validity of this act of Pompeius was now disputed, on the ground that Gades was not one of the cities whose inhabitants were capable of receiving such a privilege, and that the law of Lucius Gellius Publicola and of Cnæus Cornelius Lentulus Clodianus did not apply to them; the prosecution against Balbus being instigated in reality out of hatred to Pompeius and Cæsar, in whose army he had at this moment an important command, and by whom he was highly trusted in many most important affairs.

He was defended by Pompeius and Crassus, and at their request by Cicero also, to whom they gave the post of honour. He was confirmed by the judges in his privileges as a citizen, and was afterwards (A.U.C. 714) made consul, being the first foreigner and adopted citizen who had ever attained that honour in Rome.

I. If the authority of those who are advocates in a person's defence be of any weight, the cause of Lucius Cornelius has been defended by the most honourable men; if their experience be to be regarded, it has been defended by the most skilful lawyers; if we look to their ability, by the most eloquent of orators; or if it be their sincerity and zeal that we should regard, it has been upheld by those who are his greatest friends, and who are united to Lucius Cornelius not merely by mutual services, but by the greatest intimacy. What part, then, have I in this defence? That which is given to me by such influence as you have been pleased to allow me; by moderate experience; and by an ability which is by no means equal to my inclination to serve him. For as to the other men by whom he has been defended, I see that to them

[1] The modern Cadiz.

he is under great obligations; but how much I am under obligations to him I will explain to you at another time. This I assert at the beginning of my speech,—that if I cannot by my exertions properly requite all those men who have been friendly to my safety and to my dignity, I will at all events recompense them as far as in my power by at all times both feeling and declaring my obligations and my gratitude.

How great was the energy displayed by Cnæus Pompeius in speaking yesterday, O judges, how great his fluency, how great the riches of his eloquence, was shown plainly enough, not only by the secret feelings of your minds, but by your evident and unconcealed admiration. For I never heard anything which appeared to me more acute as regards the state of the law, * * * I never heard a more copious recollection of precedents; I never heard a more skilful argument concerning treaties, nor any statements of more illustrious authority concerning our wars, or of more weight and dignity with reference to the general interests of the republic; I never heard any one speak more modestly concerning himself, or more eloquently concerning the cause and the charge. So that that saying appeared to me to be a true one, which though some men devoted to literature and to learned studies were said to have given utterance to it, appeared nevertheless to be something incredible; namely, that the man whose soul contained every virtue, could with the most perfect ease do everything which he might wish to do. For how could there have been a greater fertility, and variety, and richness of eloquence in Lucius Crassus, a man born to a most singular gift of oratory, if even he had pleaded this cause, than was displayed by that man who was able to devote just so much time to this study as he spared from the uninterrupted succession of wars and victories in which his life has been passed from childhood up to this time?

And all this makes my task of summing up the more difficult. For, in truth, I am coming after an oration which has not just passed by your ears, but has sunk deep into the minds of all of you, so that you may very probably derive more pleasure from the recollection of that speech, than you can from the hearing not only of mine, but of any one else's speech whatever.

II. But in this I am forced to comply with the wishes not

only of Cornelius, whose desires I cannot possibly thwart in this his hour of danger, but also with those of Cnæus Pompeius, who has wished me the panegyrist of and the assistant in this action, and this determination, and this kindness of his, as I lately was in another cause which was pleaded before you, O judges.

And it appears to me that this is what the defendant himself deserves, that this is what the unexampled renown of this excellent man deserves, that this is what essentially belongs to the discharge of your duty, and that this is due to the cause itself, that, what it is quite notorious that Cnæus Pompeius did, all men should allow he had a lawful right to do. For there is nothing more true than that which he himself said yesterday, that Lucius Cornelius had now all his fortunes at stake, without being accused of any single crime of any description. For he is not said to have stolen the rights of a citizen, nor to have given any false account of his family, nor to have proceeded in an underhand manner by any shameless falsehood, nor to have crept fraudulently into the register. One thing alone is imputed to him, that he was born at Gades; a fact which no one denies. All the rest the prosecutor admits. He admits that he served in Spain, in a most severe war, with Quintus Metellus, with Caius Memmius; that he served both in the fleet and in the army; and, when Pompeius came into Spain and began to have Memmius for his quæstor, that he never left Memmius; that he went to take possession of Carthage; that he was present at those two hardly contested and most important battles of Sucro and the Durius; that he remained with Pompeius to the end of the war. These are the battles of Cornelius. Such were his exertions; such was his industry; such were his dangers encountered on behalf of our republic; such was his valour, worthy of a general; while his hopes were hopes of a reward in proportion to his dangers. The rewards themselves are not the actions of him who obtained them, but of him who conferred them.

III. Therefore on account of this conduct he was presented by Cnæus Pompeius with the freedom of the city. That the prosecutor does not deny; but he finds fault with it, in such a manner that, as far as Balbus himself is concerned, his cause is approved of even at the moment that it is sought to punish

him; in the case of Pompeius, his conduct is disapproved of, but no punishment is designed for him. And this is the way in which they wish to condemn the fame and fortune of a most innocent man, and the conduct of a most admirable commander. Therefore it is the status of Cornelius as a citizen, and the action of Pompeius, that are now on their trial before this court. For you admit that this man was born of a most honourable rank, in that state to which he belongs; and that from his earliest manhood, disregarding all his private affairs, he has passed his whole time in our wars, in the company of our own generals, and that he has been absent from no labour, from no siege, and from no battle. All these things are full of glory, and are the peculiar glory of Cornelius; nor is there any crime in any part of such conduct.

Where then is his crime? Is it because Pompeius presented him with the freedom of the city? Is that a crime of Balbus's? By no means, unless honour is to be accounted ignominy. Whose crime is it then? In reality nobody's at all; but if we look at the pleading of the prosecutor, it is clearly the crime of that man alone who gave him the freedom of the city. But if he had been influenced by interest, he would probably have selected some less worthy man for that reward. Even had he selected a good man, he would not have chosen one who had deserved as well of the state as Balbus; even if his action had been one of which it could not have been said that it was contrary to what was lawful, it would have been said that it was contrary to what was becoming. But all such vituperation would have deserved to be rejected by you, O judges. But at present what is it that is said? What does the prosecutor say? That Pompeius did what it was not lawful for him to do; which is a more serious charge than if he were to say that that had been done by him which was not expedient. For there are things which are not expedient, even if they are lawful. But whatever is not lawful is most certainly not expedient.

IV. Am I now, O judges, to hesitate to urge that it is impossible to doubt that we ought to confess that what it is notorious that Cnæus Pompeius did was not only lawful, but also expedient for him to do? For what qualification is wanting in this man, that, if he had it, we should consider that this liberty might lawfully be given and allowed to him?

Is it experience in affairs? a man who during even the latter days of his childhood was beginning his course of the most important wars and commands? most of whose equals in age have seen a camp less frequently than he has celebrated a triumph? who has celebrated as many triumphs as there are countries and parts of the world? who has won as many victories in war as there are kinds of war in the nature of things? Is it ability? when even the very results and terminations of transactions have been, not the guides, but the companions of his counsels? a man in whom the most extraordinary good fortune has so kept pace with extraordinary valour, that, in the opinion of all men, more credit was due to the man than to the goddess. Have modesty, or integrity, or religion, or diligence ever been wanting in that man? a man than whom our provinces, and all free nations, and all kings, and the very most distant people of the earth have not only never seen one more chaste, more moderate, and more religious, but have never in their hopes or wishes even imagined one. Why need I speak of his authority, which is as great as it ought to be, springing from such great virtue and glory?

Is it not then, O judges, a shameful thing for the Roman people, that, after the senate and people of Rome have conferred on that man the rewards of the most honourable dignity; when he not only did not ask for commands, but when he even refused them, an inquiry into his conduct should be now taking place, in such terms that there should be a discussion as to whether it was lawful for him to do what he has done; or whether, I will not say, it was lawful, but whether it was impious for him to do so? (for he is said to have done it in contravention of a treaty,—that is to say, in contradiction to the religion and good faith of the Roman people.) Is it not disgraceful to you yourselves?

V. I, when a boy, have heard my father say this. When Quintus Metellus, the son of Lucius, was prosecuted for extortion and peculation, he, that man to whom the safety of his country was dearer than the sight of it, who had rather abandon his city than his opinion; when he, I say, was before the court, and when his account-books were being carried round to the judges that they might see the entry of one item, I have heard that there was not one judge among the

Roman knights, most excellent men as they were, who did not avert his eyes, and turn himself altogether away, lest any one of them should appear for a moment to have doubted whether what such a man had entered in his public accounts was true or false. And shall we open the question of the legality of a decree of Cnæus Pompeius, pronounced in accordance with the vote of the senate? Shall we compare it with the words of the laws? with the treaties? Shall we scrutinise everything with the most unfriendly minuteness? They say that at Athens, when some man, who had lived among the Athenians with a high character for piety and wisdom, had given his evidence in public, and (as is the custom of the Greeks) was approaching the altar for the purpose of taking an oath in confirmation of it, all the judges cried out that he need not take the oath. When Greeks were unwilling to appear to imagine that the good faith of a well-proved man felt itself more bound by the formality of an oath than by the simple obligation of truth, shall we have a doubt as to what sort of man Cnæus Pompeius has been in respect of his regard for the religious observance of laws and treaties? For do you mean that he acted in violation of the treaties ignorantly, or knowingly? If you say that he did so knowingly, O, for the name of our empire! O, for the preeminent dignity of the Roman people! O, for the glory of Cnæus Pompeius, so widely and universally diffused, in such a manner that the home of his renown has but the same boundaries and limits as our common empire! O you nations, and cities, and peoples, and kings, and tetrarchs, and tyrants, you witnesses not only of the valour of Cnæus Pompeius in war, but also of his conscientiousness in peace! You, too, I implore, you, O voiceless lands, and you, O soil of the most remote districts; you, O seas, O harbours, O islands, O shores! For what land is there, what place of habitation, what spot in which there are not the deeply imprinted traces of this man's courage, and humanity, and spirit, and wisdom? Will any one venture to say that this man, endued with such incredible and unheard-of dignity, and wisdom, and virtue, and consistency, has knowingly neglected, and violated, and broken treaties!

VI. The prosecutor indulges me with a gesture. He intimates that Cnæus Pompeius acted ignorantly. As if he were

a lighter charge, when one has been occupied in affairs of state in so important a republic, and been presiding over the most serious transactions, to do anything which you know not to be legal, or to be utterly ignorant what is legal. Do you really mean that he did not know, he who had waged a most formidable and important war in Spain, what were the rights of the city of Gades? or that he did not catch the correct interpretation of a treaty made with the people, as not understanding their language? Will any one then dare to say that Cnæus Pompeius is ignorant of that which the most ordinary men, men of no knowledge of the world, of no military experience, which every common amanuensis professes to be acquainted with? I, indeed, think on the contrary, O judges, that while Cnæus Pompeius excels in every kind and variety of accomplishment, even of those which are not easily learnt without the most perfect leisure for their study, his most extraordinary credit and his most admirable knowledge consists in his thorough acquaintance with the treaties, and agreements, and conditions of other peoples, kings, and foreign nations, in short, with the entire laws of war and peace; unless, indeed, you mean to make out that the things which our books teach us while in the shade and at our leisure, Cnæus Pompeius was incapable of learning, either from books, when he was in the enjoyment of peace, or from the actual transactions, when he was engaged in the business of the state.

It is my opinion, O judges,[1] this action is more to be attributed to the fault of the times than of the individual. Nor will I say any more about a trial of so scandalous a description. For it is the stain and disgrace of this age to envy virtue, and to seek to crush the budding flower of worth and dignity. In truth, if Cnæus Pompeius had lived five hundred years ago, that man from whom, while a young man and a Roman knight, the senate had often sought aid for the general safety; whose exploits had had all nations for their stage, being crowned everywhere by the most illustrious victories, both by land and sea; of which three triumphs had been the witnesses, proving that the whole world was made subject to

[1] Orellius considers the text here as hopelessly corrupt, I have translated the reading of Hottomann, which Orellius approves, and gives in his note.

our empire; whom the Roman people had distinguished with unexampled honours;—in that case, if it were now said among you that anything that he had done had been done in contravention of a treaty, who would listen to such a statement? No one. For his death would have put an end to the envy of him, his achievements would rest in the glory of his undying name. As, then, his virtue, if it were only heard of by us, would leave no room for doubt or question, shall it when present among us, when it has been experienced and beheld by ourselves, be injured by the voice of detractors?

VII. I will, therefore, say nothing about Pompeius in the rest of my speech; but I entreat you, O judges, to retain in your minds and memories what I have said. On the subject of the law, of the treaty, of precedents, and of the uninterrupted usage of our state, I shall repeat those things which have been said already. For neither has Marcus Crassus, who, as was natural to expect from his eloquence and from his honesty, has in the most careful manner explained the whole bearings of the case to you, nor has Cnæus Pompeius, whose speech abounded in every possible ornament of oratory, left me anything new, anything untouched by them, to dilate upon: but since, though I drew back, they both wished that this last labour of putting, as it were, a finishing stroke to their work, should be undertaken by me, I beg of you that you will consider that I have undertaken this office and employment more out of regard for what I thought my duty, than from any desire of making a display as an orator.

And, before I approach the law of the case and the cause of Cornelius, it seems to me desirable to say a little about the common condition of all of us, for the sake of deprecating the malevolence of any one. If, O judges, whatever may be the rank in which any one is born, or whatever the station in which he is placed by birth in respect of fortune, that same station he ought to maintain to his old age, and if all men whom either fortune has raised, or whom their own labour or industry has ennobled, are to be visited with punishment, then there does not appear to have been a more severe law or condition of life imposed on Lucius Cornelius than on many other virtuous and gallant men. But if the virtue and genius and humanity of many men, though born in the meanest class of life, and in the lowest degree of fortune has not only

obtained them friendship and a plentiful estate, but has gained them also the greatest praise and honour and glory and dignity, then I cannot understand why envy should be more prompt to attack Lucius Cornelius, than your justice should to come to the assistance of his modesty. And therefore I do not ask of you what it is very important to ask, in order that I may not seem to throw any doubts on your wisdom or your humanity; but I must beg of you not to feel any hatred towards genius, not to be enemies of industry, not to think that humanity deserves to be oppressed, or virtue to be punished. This I beg also; that if you see that my client's cause is of itself a sound and just one, you will allow his personal good qualities and accomplishments to be an assistance to him now that he is on his trial, rather than a hindrance.

VIII. The cause of Cornelius, O judges, arises from the law which Lucius Gellius and Cnæus Cornelius passed in accordance with the resolution of the senate. By that law we see that it is provided that those men shall be Roman citizens whom Cnæus Pompeius shall separately present with the freedom of the city in accordance with the opinion of his council. Pompeius here in court asserts that Lucius Cornelius was so presented with it. The public records prove this to be the fact: the prosecutor admits it. But he says that no man of a people joined to us by treaty was capable by law of becoming one of our citizens, unless his own people ratified the measure. Oh what a splendid interpreter of the law! what a fine authority on points of antiquity! what an admirable corrector and reformer of our state, to imagine that treaties impose such a penalty on those who are bound by them, as to make them all incapable of receiving our rewards and kindnesses! For what can possibly be said more ignorant than that it is requisite for the federate cities to ratify such a transaction? For that is not a right peculiar to federate cities, but to all free nations. But the whole of this, O judges, has at all times depended on this consideration, and on this intention,—that when the Roman people had ordered anything, if the allied peoples and the Latins had adopted and ratified it, and if the law which we had among ourselves was in this manner established among some people on a firm footing, then that people should be bound by the obligations of that law; not in such a manner as to detract in the least from our privileges,

but that those nations might enjoy either that law which was established among us, or some other advantage and benefit.

Caius Furius, in the time of our ancestors, passed a law concerning wills. Quintus Voconius passed another concerning the inheritances of women; innumerable other laws have been passed about civil law; the Latins have adopted whatever of them they have chosen; even by the Julian law itself, by which the rights of citizenship were given to the allies and to the Latins, it was decreed, that those people who did not ratify the law should not have the freedom of the city, which circumstance gave rise to a great contention among the people of Heraclea, and among the people of Neapolis,[1] as a great part of the population in those states preferred the liberty which they enjoyed by virtue of their treaty with us to the rights of citizenship.

Lastly, this is the meaning both of that law and of that expression, that the peoples who do ratify it, enjoy its advantages owing to our kindness, and not owing to any right of their own.

When the Roman people has enacted anything, if it be a matter of that sort, that it appears it may be granted also to some other nations, whether joined to us by a treaty, or free to decide themselves which law they prefer using, not about our affairs, but about their own; then it seems necessary to inquire whether they have adopted and ratified our law, or not; but the senate never intended that those peoples should have the power of ratifying or declining to ratify measures which concern our republic, our empire, our wars, our victory, and our safety.[2]

[1] Now Naples.

[2] In the seventh century of Rome the terms *fœderatæ civitates, fœderati socii*, expressed those Italian states which were connected with Rome by a treaty. These names did not include Roman colonies or Latin colonies, or any place which had obtained the Roman *civitas*, or rights of citizenship. They were independent states, yet under a general liability to furnish a contingent to the Roman army. It was the discontent among the *fœderati*, and their claim to be admitted to the privileges of Roman citizens, that led to the Social war.

The *Julia lex*, mentioned in the text, gave the *civitas* to the *Socii* and *Latini*. It was passed B.C. 90.

The expression *fundus fio* occurs frequently in the text here; for this *lex Julia*, and another law passed the next year, contained a condition that the federate states should consent to accept what the *lex* offered,

IX. But if it is not to be lawful for our generals, and for the senate, and for the Roman people, by holding out rewards to them, to tempt all the bravest and most virtuous men out of the cities of our allies and friends to encounter dangers in behalf of our safety, then we shall be deprived of what is a most exceeding advantage to us, and of what has often been a very great protection and support to us in dangerous and critical times. But, in the name of the immortal gods! what sort of alliance, what sort of friendship, what sort of treaty is that, by virtue of which our city in its time of danger is to have no defender from Massilia, or from Gades, or from Saguntum; or, if there should arise an assistant to us from those cities, any one who may have aided our generals with the help afforded by his labour, or by his riches, or by his personal danger,—any one who may have often fought hand to hand in our ranks against our enemies, who may have repeatedly exposed himself to the weapons of the enemy, to battle for his life, to imminent death,—that such an one can by no possible means be rewarded with the honours contained in our rights of citizenship?

For it is a very serious consideration for the Roman people, if they are not to be able to avail themselves of the help of allies who are endued with any extraordinary virtue, and who may be willing to join themselves to us, and to consider our danger their own; and it is also an injurious and insulting thing towards the allies, and for those federate states that we are now discussing, that our most faithful and united allies should be shut out from these rewards and from these honours, which are open to our mercenary troops, which are open to

or, as it was technically expressed, "populus fundus fieret." Those who did not become *fundi populi* did not obtain the *civitas*. There were a few *fœderatæ civitates* out of Italy, of which, as we see, Gades was one. Massilia (Marseilles) and Saguntum (Murviedro) were so too. *Vide* Smith, Dict. Ant. p. 427, v. *Fœderatæ civitates*. In which article Professor Long says, with reference to this cause, "It was objected to Balbus that he could not have the *civitas*, unless the state to which he belonged *fundus factus esset*, which was a complete misapprehension; for the term *fundus* in this sense applied to the whole state or community, whether federate or other free state, which accepted what was offered, and not to an individual of such state or community, who might accept the Roman *civitas* without asking the consent of his fellow-citizens at home, or without all of them receiving the same privilege that was offered to himself."

our enemies, which are open often even to our slaves. For we see that mercenary troops in numbers from Africa, Sicily, Sardinia and other provinces have had the freedom of the city conferred on them, and we know that those enemies who have come over to our commanders, and have been of great use to our republic, have been made citizens; and lastly, that slaves,—beings whose rights, and fortune, and condition are the lowest of all,—who have deserved well of the republic, we see constantly presented publicly with liberty, that is to say, with the rights of citizenship.

X. Do you then, O you patron of all treaties and federate states, lay down this as the condition of the people of Gades, your fellow-citizens, that what is lawful for those nations which we have subdued with our arms, and reduced under our dominion, having the people of Gades for our assistants while doing so,—namely, that if the Roman people shall permit it, they may have the rights of citizenship conferred on them by the senate or by our generals,—is not to be lawful for the men of Gades themselves?

Suppose they had determined by their own decrees or laws, that no one of their fellow-citizens should enter the camp of a general of the Roman people; that no one should incur any personal risk or danger of his life in defence of our empire; that we should not be allowed to avail ourselves of the assistance of the people of Gades whenever we chose; and that in his private capacity no individual, being eminent for courage and valour, should dare to struggle to his own personal danger, in defence of our empire; we should naturally be very indignant at that, at the resources of the Roman people being diminished, at the courage of brave men being damped, and at our being deprived of the aid afforded us by the zeal of nations unconnected with us in our behalf, and by the valour of foreign peoples.

But it makes no difference, O judges, whether the federate states enact these laws, that no one shall be permitted to leave those states for the purpose of sharing in the dangers of our wars, or that those things cannot possibly be ratified which we have given to their citizens on account of their virtue. For we should not any the more have the advantage of these men for our assistants, if we once take away all the rewards of virtue, than we should if we were to make it

absolutely unlawful for them to meddle at all in our laws. In truth, as, ever since the original birth of man, there have been but few men found, who, without any hope of reward, have been willing to expose their lives to the weapons of the enemy even for the sake of their own country, do you suppose that there will be any one who will expose himself to dangers in the defence of a republic with which he has not any connexion, when not only no reward is held out to him, but when all reward for such conduct is prohibited from being bestowed?

XI. But not only was that a most ignorant thing to say, which was said, about states ratifying and accepting our laws, as that is a privilege common to all free peoples, and not peculiar to federate cities; from which it must inevitably be understood, either that no one of the allies can be made a Roman citizen, or else that an inhabitant of the federate states may likewise be made one; but this great teacher of ours is ignorant also of the whole bearings of the law respecting a man's change of citizenship; which, O judges, is a thing which is not only clearly laid down in the public laws, but which depends also on the inclination of individuals. For, according to our law, no one can change his city against his will, nor can he be prevented from changing it, if he pleases, provided only that he be adopted by that state of which he wishes to become a citizen. As, for instance, if the people of Gades passed a bill concerning any Roman citizen by name, that he should become a citizen of Gades, our citizen would in consequence of that bill acquire a complete power of changing his city, and would not be hindered by any treaty from becoming a citizen of Gades after having been a citizen of Rome.

According to our civil law, no one can be a citizen of two cities at the same time; a man cannot be a citizen of this city, who has dedicated himself to another city. And he may do so not only by dedication, which is a thing which we have seen happen in their misfortunes to most illustrious men, to Quintus Maximus, and Caius Lænas, and Quintus Philippus at Nuceria, and to Caius Cato at Tarraco, to Quintus Cæpio and Publius Rutilius at Smyrna, who all became citizens of those cities. (They could not lose their rights of citizenship here, before they had as it were changed their country by their change of citizenship.)

But a change of citizenship can also take place by a man's

returning to his original city. Nor was it without eason that a motion was submitted to the people concerning Cnæus Publicius Menander, a freedman, whom in the time of our ancestors some ambassadors of ours when going into Greece wished to take with them as an interpreter, that that Publicius if he returned to his home, and after that again came back to Rome, should still be a Roman citizen. For, in the recollection of earlier times, many Roman citizens of their own free will, not having been condemned by any process of law, nor having been in danger, have left our state and joined themselves as citizens to other cities.

XII. But if it is lawful for a Roman citizen to become a citizen of Gades, either by exile, or by a return to his original city, or by a discarding of his rights of citizenship here, (to come now to the treaty, which, however, in fact has nothing to do with the cause in hand; for what we are discussing is the right of citizenship, and not the treaties,) what reason is there why a citizen of Gades may not be allowed to become a citizen of this city? My opinion, indeed, goes quite the other way. For as there is a path from all cities to our city, and as the road to all other cities is open to our citizens, so also, in proportion as each city is more closely united with us in alliance and friendship, by agreement, and covenant, and treaty, the more does that state appear to me to be entitled to a participation in our kindness and in our rewards. * * *

But all other cities would without any hesitation receive our men into the rights of citizenship with them, if we also had the same laws that other nations have. But we cannot be citizens of this city and of any other city at the same time, though in all other cities this is allowed. Therefore, in the Greek cities we see that Rhodians, and Lacedæmonians, and men from all quarters, are enrolled among the citizens of Athens, and that the same individuals are citizens of many cities at the same time. And I have seen some ignorant men, citizens of ours, led by this mistake, sitting at Athens among the judges and members of the Areopagus, in a regular tribe and class of Athenian citizens, being ignorant that if they acquired the rights of citizenship there they lost their rights here, unless they recovered them by a subsequent return to their rights here, and a renunciation of the others. But no one who had any acquaintance with our laws or our cus-

toms, who wished to retain his rights as a citizen of Rome, ever dedicated himself to another city.

XIII. But the whole of this topic of my speech, and the whole of this discussion, O judges, has reference to the common right of changing one's city; it has nothing in it which is peculiar to the religious observance of treaties. For I am defending the universal principle, that there is no nation on the whole face of the earth,—whether at variance with the Roman people through some quarrel and hatred, or, on the other hand, united with us by the closest loyalty and mutual good-will,—as to which we are forbidden to adopt any one of its citizens as our own, or to present any one of them with the freedom of our city. Oh how admirable are our laws, and with what god-like wisdom were they established by our ancestors from the very first beginning of the Roman name! especially the law that no one of our people can be a citizen of more than one city, (for it is inevitable that dissimilar states must have a great variety in their laws,) and that no one can be compelled against his will to change his city, nor against his will to remain a citizen of any city. For these are the firmest foundations of our liberty, that every individual should have it in his own power to retain or abandon his privileges.

And without any dispute, that has been the most solid foundation of our empire, and the thing which has above all others increased the renown of the Roman name, that that first man, the creator of this city, Romulus, taught by the treaty which he made with the Sabines, that it was expedient to increase the population of this city by the adoption of even enemies as citizens. And in compliance with his authority and with the precedent which he established, the presentation of the freedom of our city to others has never been interrupted by our ancestors. Therefore, many tribes from Latium, the people of Tusculum, the people of Lanuvium, and all other peoples of all other races, have been received into the privileges of our city;—as, for instance, the Sabines, the Hernici, and the Volsci; the citizens of which cities were not compelled to change the city to which they belonged, if they were unwilling to do so; nor if any of them had acquired the privileges of our citizens by the kindness of the Roman people, would the treaty made with them appear to have been violated

XIV. But some treaties are in existence, as for instance those with the Germans, the Insubres, the Helvetians, and the lapidæ, and with some of the barbarian tribes in Gaul, in which there is a special exception made that no one of them is to be received by us as a citizen of Rome. And if the exception prevents such a step from being lawful, it is quite evident that it is lawful where there is no such exception made. Where, then, is the exception made in the treaty between us and the city of Gades, that the Roman people is not to receive any one of the citizens of Gades into their citizenship? Nowhere. And if there were any such clause, the Gellian and Cornelian law would have annulled it, which expressly gave to Pompeius a power of giving the freedom of the city to anybody whatever. "The whole treaty," says the prosecutor, "is such an exception, because it was ratified with solemn oaths." I can excuse you if you do not know much about the laws of the Carthaginians; for you had left your own city; and you were not able to examine our laws very strictly; for they prevented your having any opportunity of instituting such an examination by a public sentence.

What was there in that enactment which was passed concerning Pompeius by Gellius and Lentulus in their consulship, in which any exception appears to have been made of treaties which had been ratified by an oath? For, first of all, nothing can be ratified in such a manner, except what the burgesses or the common people have so ratified. In the second place, such ratifications are to be accounted sacred, either because of the form of ratification itself, or because the invocation of the gods and dedication of the law, * * * or else, because of some punishment to which the life of that man is devoted who acts in contravention of it. What argument, then, of this sort can you allege with respect to our treaty with the city of Gades?[1] Do you assert that that treaty was solemnly ratified by the devotion of the life of any offender against it, or by any invocation of the gods to uphold the law? I assert, that nothing was ever submitted to the burgesses or to the common people with respect to that treaty, [I assert that no law was enacted, and no punishment appointed.]

When, therefore, even if it had been enacted that we were

[1] There is a good deal of corruption and conjecture in the text here, and whatever reading may be adopted, the sense is far from plain.

not to receive any man as a citizen, still that would have been ratified which the people enacted subsequently, nor would any exception have appeared to have been made by that expression, "If anything had been formally ratified by an oath," do you venture to say that anything is formally ratified in this way, with respect to which the Roman people has never come to any decision at all?

XV. Nor, O judges, has this argument of mine any tendency to invalidate our treaty with the city of Gades. For it would not become me to say anything against the rights of a city which has deserved very well at our hands, against the invariable opinion of antiquity, and against the authority of the senate. For once, at a very critical period of this republic, when Carthage, being exceedingly powerful by sea and land, relying on the two Spains, was threatening this empire, and when those two thunderbolts of our empire, Cnæus and Publius Scipio, had suddenly perished in Spain, Lucius Marcius, a centurion[1] of the first division, is said to have made a treaty with the people of Gades. And as this treaty was maintained more in consequence of the loyalty of that people, of our justice, and, indeed, of its own antiquity, than because it was ratified by any public bond of religion, the people of Gades, being wise men and well instructed in public law, when Marcus Lepidus and Quintus Catulus were consuls, made a request to the senate for a more regular treaty; and then the treaty was renewed or made (whichever you please to call it) with the men of Gades. And concerning that treaty the Roman people never recorded any vote; and they cannot possibly be bound by any religious obligation which has been contracted without their orders.

And so the city of Gades obtained what it was well entitled

[1] "Polybius, in the fragments of the sixth book, has left an accurate account of the election of centurions. From each division of the legion, *i e. hastati principes*, and *triarii*, they elect ten men in order of merit to command in their own division. After this a second election of a like number takes place, in all sixty, who are called centurions. The centurions of the first election usually command the right of the *maniple;* but if either of the two is absent, the whole command of the *maniple* devolves on the other. He who is chosen first is admitted to the councils of the general (*primipilus*). The *primipilus* was the first centurion of the first *maniple* of the *Triarii*. He was entrusted with the care of the eagle, and had the right of attending the councils of the general."—Smith, Dict. Ant. v. *Centurio*.

to obtain by its services done to our republic, by the testimony borne in its favour by our commanders, by the antiquity of its alliance with us, by the authority of Quintus Catulus, a most illustrious man, by the formal decision of the senate, and by a regular treaty; but it has not received any additional sanction from any public religious ceremonies of ratification. For the people has in no respect whatever bound itself,—nor is the cause of the men of Gades any the worse for that; for it is upheld by many, and those the very weightiest of circumstances. But, however, there is at present no room for that discussion; for nothing can be so ratified as to be sacred, unless it be something that has been adopted by the burgesses or by the common people.

XVI. But if this treaty, which the Roman people, with the authority of the senate, with the recommendation and decision of antiquity in its favour, approves not only by its tacit inclination, but also by its open expression of opinion, had been also sanctioned by its votes, what reason was there, from the words of the treaty itself, why it should not have been lawful to receive a citizen of Gades into our city? For there is nothing else provided for in the treaty except that there be a pious and everlasting peace. What has that to do with the rights of citizenship? That, also, is added which does not occur in every treaty:—"Preserve, with all courtesy and respect, the majesty of the Roman people." And that expression carries this force with it, that it shows that the people of Gades is the inferior party in the treaty. First of all, the very description of word used, "Preserve," which is a form that we are more accustomed to use in laws than in treaties, is an expression of one giving a command, not of one addressing an entreaty. In the next place, as the majesty of the one people is ordered to be preserved, and no mention is made of the other, most certainly that people is placed on the higher footing and in the superior condition whose majesty is defended by the sanction of the treaty. And in respect of this, the interpretation of the prosecutor is quite undeserving of any reply, who said, that the expression "with courtesy and respect," meant the same as "respectively;" just as if he were explaining some ancient and nearly obsolete word. Men are called courteous, kind, affable, pleasant.

"A man who courteously points out the way to a wanderer;"—

goodnaturedly, not sulkily;—"respectively" has surely no connexion with the rest of the sentence, or with the subject.

And, at the same time, it is a perfect absurdity for a provision to be made in the treaty that they should "respectively" preserve the majesty of the Roman people; that is to say, that the Roman people is to wish its own majesty to be uninjured. And if it were so now, as it cannot be, still the fact would remain, that provision had been made for our majesty, but none at all for theirs. Can our majesty then be preserved with good feeling by the people of Gades, if we are not able to tempt the men of Gades by rewards to be anxious for its preservation? Can there, in fact, be any majesty at all, if we are prevented from availing ourselves of the consent of the Roman people to confer on our commander-in-chief the power of distributing honours and kindnesses as a reward of virtue?

XVII. But why am I arguing against statements which it would seem to me might be uttered with truth, if the people of Gades were speaking against me? for, if they were to demand back Lucius Cornelius, I should reply, that the Roman people had enacted a law with respect to giving the freedom of the city; and that there was no occasion, nor was it usual, for the entire people to ratify laws of this sort; that Cnæus Pompeius, in accordance with the advice of his council, had given the freedom of the city to this man, and that the people of Gades had no single law whatever of the Roman people in their favour. Therefore, that nothing had been sanctified by any peculiar solemnity, which appeared to be excepted against by the law; that if there were, still there had been no provision made in the treaty respecting anything but peace. That this clause also was added, that they were bound to preserve our majesty unimpaired; which certainly would be diminished, if it was unlawful either for us to avail ourselves of the citizens of those nations as assistants in our wars, or if we were to have no power whatever of rewarding them.

But, now, why should I speak against the people of Gades, when the very thing which I am defending is sanctioned by their desire, by their authority, and by a deputation which they have sent hither on purpose? For they, from the very first beginning of their existence as a separate people, and of their republic, have turned all their affections from zeal for the

Carthaginians and eagerness in their cause, to the upholding of our empire and name. And accordingly, when the Carthaginians were waging most tremendous wars against us, they excluded them from their city, they pursued them with their fleets, they repelled them with their personal exertions, and with all their resources and power. They have at all times considered that phantom of a treaty made by Marcius as more inviolable than any citadel; and by this treaty and by that of Catulus, and by the authority of the senate, they have considered themselves as most intimately connected with us. Their ambition, and our ancestors' wish, has been, that their walls, their temples, their lands, should be the boundaries of the Roman name and Roman empire, as Hercules wished them to be of his journeys and of his labours.

They invoke as witnesses our deceased generals, whose memory and glory survive for everlasting,—the Scipios, the Bruti, the Horatii, the Cassii, the Metelli, and this man also, Cnæus Pompeius, whom you see before you; whom, when he was carrying on a great and formidable war far from their walls, they assisted with supplies and money: and at this very time they invoke as witnesses the Roman people, whom now, at a time of great dearness of provisions, they have relieved with a large supply of corn, as they had often done before. They call them, I say, to witness, that they wish this to be their privilege,—to have a place permitted to them and to their children, whenever there are any of distinguished virtue in our camps, and in the tent of the general, and among our standards, and in our line of battle; and that by these steps they should have a power of rising up to the freedom of the city.

XVIII. And if it be lawful to Africans, to Sardinians, to Spaniards,—men who have been punished by the deprivation of their lands and by the imposition of tribute,—to acquire the rights of citizenship among us by their virtue, but if it be not allowed to the men of Gades, who are united to us by duty, and by the antiquity of their alliance with us, and by their loyalty, and by our mutual dangers, and by an express treaty, to acquire the same rights, then they will think that they have not a treaty with us, but that most iniquitous laws have been imposed on them by us. And, O judges, the very circumstances of this case show that this assertion is

not one just invented by me for the purpose, but that I am saying what the men of Gades have instructed me to say. I say that the men of Gades publicly entered into a connexion of mutual hospitality many years before this time with Lucius Cornelius. I will produce witnesses, I will produce ambassadors who will prove this; I will bring forward panegyrists, whom you see here, having been sent expressly to this trial,—men of the highest character and of the most noble birth,—to seek to avert the danger of my client by their prayers. Lastly, by an act perfectly unheard-of among the people of Gades before this time, the moment that it was known that the prosecutor was preparing to bring Balbus before this court, the men of Gades passed most solemn resolutions of their senate respecting their own fellow-citizen. Could the people of Gades have ratified this act of Pompeius more decidedly, (since I have taken a great fancy to the expression,)—if what is meant by ratifying is, to approve of our decrees and commands by its decision,—than when it enters into connexions of hospitality for the express purpose of admitting, by so doing, that Balbus had changed his city, and of showing that it considered him entirely worthy of the honour of this city? Was it possible for it to exhibit its own opinion and inclination more undeniably, than when it imposed a fine and a penalty on my client's prosecutor? Was it possible for it to give its decision on the subject more plainly, than when it sent its most honourable citizens as deputies to this trial which is now taking place before you, to be the witnesses of Balbus's rights, and the panegyrists of his conduct through life, and his saviours from danger by their prayers?

In truth, who is there so insane as not to perceive that it is an object with the men of Gades to retain this right, and to prevent the road to this the most honourable reward which the city can confer from being closed against them for ever? and that they have cause to rejoice exceedingly that this goodwill of Lucius Cornelius towards his friends is still in existence at Gades, and that his interest and power of serving his friends is now settled in this city? For who is there of us to whom that city of Gades is not the more recommended owing to his zeal and care and diligence?

XIX. I say nothing of the great distinction with which Caius Cæsar, when he was prætor in Spain, loaded that people;

—how he put an end to their disputes; how he established laws among them with their own permission; how he eradicated from the manners and customs of the citizens of Gades a sort of barbarism that had become almost inveterate among them; and how, at the request of this my client, he displayed the greatest zeal for, and conferred the greatest services on, that city. I pass over many things which they obtain every day in consequence of this man's exertions and zeal, either wholly, or at all events with more facility than they otherwise would have done. Therefore, the chief men of the city are here to stand by him and to defend him: with affection, as being their fellow-citizen; with their evidence, as a citizen of ours; with kindness, as one who is now their most religiously-connected friend, from having been one of their noblest citizens; and with earnestness, as a most diligent advocate of all their interests.

And that the people of Gades may not think,—although they suffer no actual personal inconvenience,—if it is lawful for their citizens to acquire the freedom of our city as a reward for their virtue, that still in this respect their treaty is a more unfavourable one than that which has been made with the other states, I will console those who are present here,—most excellent men,—and also that city which has ever been most faithful and most friendly to us; and at the same time I will put you in mind, O judges, though you are not ignorant of the truth, that there has never hitherto been the slightest doubt expressed about that privilege concerning which this trial has been appointed.

Who, then, are the men whom we consider the wisest interpreters of treaties, and the men of the greatest experience in military law, and the most diligent authorities in examining into the different conditions and states of towns? Surely those men who have already been placed in command and have had the conduct of wars.

XX. In truth, if that celebrated augur, Quintus Scævola, when he was consulted about the laws relating to mortgages;—a man most skilful in law,—occasionally referred those who consulted him to Furius and Cascellius, as men who had invested their money in such securities; and if we, in the transaction referring to our aqueduct, consulted Marcus Tugio, rather than Caius Aquillius, because constant practice devoted

to one particular line of business often proves superior to ability and to general information, who can hesitate to prefer our generals to all the most experienced lawyers on earth in any case respecting treaties, and the whole state of the law of peace and war? May I not, therefore, mention, with your approbation, Caius Marius, the original author of that conduct and of that precedent which is found so much fault with by you? Do you require any more weighty example? any one of more consistent wisdom? any one more eminent for virtue and prudence, and conscientiousness and equity? Did he, then, confer the freedom of the city on Marcus Annius Appius, a most gallant man, and one endued with the most admirable virtue, when he knew that the treaty made with Camertum had been most solemnly ratified, and was in all respects a most equitable one? Is it possible, then, O judges, that Lucius Cornelius should be condemned, without condemning also the conduct of Caius Marius?

Let, then, that great man be present for a while to your thoughts, as he cannot appear before you in reality, so that you may behold him with your minds whom you cannot behold with your eyes. Let him state to you that he has not been altogether unversed in treaties, nor wholly inexperienced in the nature of precedents, nor entirely ignorant of war; that he was the pupil and soldier of Publius Africanus; that he was trained in campaigns and in many warlike lieutenancies; that if he had read of as many wars as he has served in and conducted, and brought to a termination,—that if he had served under consuls as often as he himself was consul, he might have learnt and become thoroughly acquainted with all the laws of war; that he never doubted for a moment that no treaty could hinder him from doing anything which was for the advantage of the republic; that he carefully selected all the bravest men out of every city which was closely connected with and friendly to us; that none of the people of Iguvium or of Camertum were excepted by treaty, so that their citizens were incapable of receiving from the Roman people the rewards of their virtue.

XXI. Therefore, when, a few years after this present of the freedom of the city, a very important and strenuously-contested question arose concerning the rights of citizenship according to the provisions of the Licinian and Mucian law

was any prosecution instituted against any one of those men of the federate states who had had the freedom of the city conferred on him? For Titus Matrinius, of Spoletum, one of those men whom Caius Marius had presented with the freedom of the city, was indeed prosecuted, being a man of a Latin colony, which was among the first for vigour and high character. And when Lucius Antistius, a very eloquent man, prosecuted him, he never said that the people of Spoletum had not ratified the deed of Marius; for he saw that states were accustomed to ratify laws which concerned their own rights, not those which affected ours. But as colonies had not been established by the law of Appuleius, by which law Saturninus had carried, in favour of Marius, a proposition that he should have authority to make three Roman citizens in every colony, he said that this power which was so granted could have no validity, since the case for which it had been intended to provide did not exist.

There is no resemblance to this case in the present prosecution. But still so great was the authority of Caius Marius, that he did not employ the oratory of Lucius Crassus, his own relation, a man of extraordinary eloquence, but himself in a few words defended his conduct with the weight and wisdom which belonged to him, and proved his case to everybody's satisfaction. For who could there be, O judges, who would wish that the power of selecting men for distinction on account of their valour in war, in the line of battle, and in the army, should be taken from our generals; or that all hope of rewards for the energy shown in defending the republic should be taken from our allies, and from the federate states? But if the countenance of Caius Marius, and his voice,—if that quickness of eye so advantageous to a general,—if his recent triumphs, and the authority of his presence, had such influence, then let his authority, and his exploits, and his memory, and the undying name of that most illustrious man, prevail still. Let there be this difference between agreeable citizens and brave ones,—that the former, while living, may have all the enjoyment of their influence, but that the authority of the latter may flourish without decay even after they are dead themselves, (if indeed any defender of this empire can be properly said to die at all.)

XXII. What? Did not Cnæus Pompeius, the father of

this man, after he had performed mighty achievements in the Italian war, present Publius Cæsius, a Roman knight and a virtuous man, who is still alive, a native of Ravenna, a city of a federate state, with the freedom of the city of Rome? What? did he not give the same gift also to two entire troops of the Camertines? What? Did not Publius Crassus, that most distinguished man, give the same gift to Alexas, the Heraclean, a man of that city with which there was a treaty, such as I may almost say there is no other instance of, made in the time of Pyrrhus, by Caius Fabricius, the consul? What? Did not Sylla do the same to Aristo of Massilia? What? Since we are speaking of the people of Gades, did not that same man[1] make nine men of the citizens of Gades, citizens of Rome at the same time? What? Did not that most scrupulously correct man, that most conscientious and modest man, Quintus Metellus Pius, give the freedom of the city to Quintus Fabius, of Saguntum? What? Did not this very man who is here in court, by whom all these cases, which I am now lightly running over, were all most carefully wrought up and set before you; did not Marcus Crassus give the freedom of the city to a man of Aletrium, which is a federate town,—Marcus Crassus, I say, a man not only eminent for wisdom and sobriety of conduct, but also one who is usually even too sparing in admitting men as citizens of Rome? And do you now attempt to disparage Cnæus Pompeius's kindness, or I should rather say, his discretion and conduct, in doing what he had heard that Caius Marius had done; and what he had actually seen done in his own town by Publius Crassus, by Lucius Sylla, by Quintus Metellus; and, though last not least, what he had a family precedent for in his own father? Nor was Cornelius the only instance of his doing this. For he also presented Hasdrubal, of Saguntum, after that important war in Africa, and several of the Mamertines[2] who came across him, and some of the inhabitants of Utica, and the Fabii from Saguntum, with the freedom of the city.

In truth, as those men are worthy of all other rewards too who defend our republic with their personal exertions and at the expense of their own personal danger, so certainly those

[1] There is some great corruption in the text here.

[2] There is probably corruption in both these names; especially in the latter. The Mamertines were a people of Sicily.

men are of all others the most worthy of being presented with the freedom of the city, in defence of which they have encountered dangers and wounds. And I wish that those men in all quarters of the world who are the defenders of this empire, could all enter this city as citizens; and, on the other hand, that all the enemies of the republic could be got rid of out of it. Nor, indeed, did that great poet of our country intend that exhortation, which he put into the mouth of Hannibal, to be peculiarly his language, but rather the common address of all generals,—

> "The man who slays a foe, whate'er his race,
> Come whence he will, I call my countryman."

And from what country an ally comes, all men consider and always have considered unimportant. Therefore, they have at all times adopted brave men as citizens from all quarters, and have often preferred the valour of men who may have been meanly born, to the inactivity of the nobility.

XXIII. You have before you the interpretation put upon the law and upon treaties by the most consummate generals, by the wisest men, and the most illustrious citizens. I will add now that given by the judges who presided at this investigation; I will add that of the whole Roman people; I will add the most conscientious and sensible decision of the senate. When the judges were stating openly and were explaining without any disguise what they intended to decide with respect to the Papian law in the case of Marcus Crassus, when the Mamertines claimed him back as a citizen of theirs, the Mamertines, though they had commenced the cause under the sanction of the public authority of their state, abandoned it. Many men who had been admitted to the freedom of this city from the free states, or the federate cities, were released from all apprehension on the subject. No one was ever prosecuted on account of his rights as a citizen, either because his own state had not ratified his admission, or because his right to change his city was hindered by any treaty. I will venture also to assert even this; that no one ever lost his action who was proved to have been presented with the freedom of the city by any one of our generals.

Listen now to the decision of the Roman people, given on many different occasions, and approved of in the most important cases, in consequence both of the facts of the case, and

of precedent. Who is there that does not know that a treaty was made with all the Latins in the consulship of Spurius Cassius and Postumus Cominius? Which, indeed, we recollect to have been in existence till quite lately, engraved and written on a brazen column at the back of the rostra. How then was Lucius Cossinius, a man of Tibur, the father of our present Roman knight of the same name, a most excellent and most accomplished man, after Titus Cœlius had been condemned; and how was Titus Coponius, of the same city, he also being a citizen of the very greatest virtue and dignity, (his grandsons Titus and Caius Coponius you are all acquainted with,) after Caius Masso had been condemned, made a Roman citizen? Are we going to affirm that the path to the freedom of the city is open to eloquence and genius, but shall not be open to courage and virtue? Was it lawful for the federate states to acquire spoils from us, and shall it not be lawful for them to carry them off from the enemy? Or shall it be impossible for them to acquire by fighting what they are enabled to acquire by speaking? Or did our ancestors intend that the rewards of a prosecutor should be greater than those of a warrior?

XXIV. But if by that most severe Servilian law, the chief men of the city, men of the greatest dignity, citizens of the most profound wisdom, allowed this road to the freedom of the city to be opened, in accordance with the resolution of the people, to the Latins, that is to say to the federate states, and if this was found no fault with by the Licinian and Mucian law, especially when the very nature and name of a prosecution, and the reward which no one could obtain except through the misfortune of some senator,[1] could not be over pleasant either to a senator or to any virtuous man; was it possible to doubt that the decisions of our generals were to be of force with respect to that kind of reward in which the decisions of the judges had already been ratified? Do we suppose, then, that the sanction of the Latin tribes was given to the Servilian law, or to the other laws in which the reward of the freedom of the city was held out to men of the Latin towns, as an encouragement to such and such conduct?

Listen now to the decision of the senate, which has at all times been approved of by the decision of the people. Our

[1] Orellius considers all this sentence corrupt and unintelligible.

ancestors, O judges, ordained that the sacred rites of Ceres should be performed with the very strictest religious reverence and the greatest solemnity; which, as they had been originally derived from the Greeks, had always been conducted by Grecian priestesses, and were called Grecian rites. But when they were selecting a priestess from Greece to teach us that Greek sacred ceremony, and to perform it, still they thought it right that it should be a citizen who was sacrificing for citizens, in order that she might pray to the immortal gods with knowledge, indeed, derived from a distant and foreign source, but with feelings belonging to one of our own people and citizens. I see that these priestesses were for the most part Neapolitans or Velians, and those are notoriously federate cities. I am not speaking of any ancient cases; I am only mentioning things that have happened lately; as, for instance, that before the freedom of the city was conferred on the Velians, Caius Valerius Flaccus, being the city prætor, did, in accordance with a resolution passed by the senate, submit a motion to the people concerning a woman of Velia, called Calliphana, mentioning her expressly by name, for the purpose of making her a Roman citizen. Are we then to suppose that the Velians ratified the law which was then passed about her; or that that priestess was not made a Roman citizen; or that the treaty was violated by the senate and people of Rome?

XXV. I am aware, O judges, that in a cause that is so plain and so little liable to any doubt, many more arguments have been adduced and more men of great experience have spoken than the case at all required. But that has been done, not in order by our speaking to prove to you a matter which required proof so little, but in order to check the hostile disposition of all spiteful, and wicked, and envious men, whom the prosecutor has sought to inflame, hoping that some of the reports current among men who grieve over the prosperity of another might reach your ears, and have their effect on the result of this trial; and on that account you saw aspersions scattered about with great art in every part of his speech; especially with respect to the riches of Lucius Cornelius, which do not deserve to be brought into odium, and which, whatever their amount may be, are such as to seem to have been rather acquired by care than by any illicit or

unfair means; and with respect to his luxury, which he attacked, not by bringing any definite charge of licentiousness against him, but by mere general abuse. Then, too, he attacked him about his farm at Tusculum, which he recollected had belonged to Quintus Metellus, and to Lucius Crassus; but he was not aware that Crassus had bought it of a man who was a freedman, Sotericus Marcius by name; that it had come to Metellus as part of the property of Venonius Vindicius; and also, he did not know that lands do not belong to any particular family, that they are accustomed to pass by sale to strangers, often even to the very lowest people, not being protected by the laws like guardianships. It has been imputed to him also that he has become one of the tribe Crustumina, a privilege which he obtained by means of the law concerning bribery, and which is less invidious than the advantages acquired by those men who, by the assistance of the laws, obtain the power of delivering their opinion as prætor, and of wearing the prætexta. And then, too, the adoption of Theophanus was discussed; by means of which Cornelius gained nothing beyond being confirmed in his possession of the inheritances of his own relations.

XXVI. Although it is not a very difficult matter to propitiate the minds of those men who themselves are envious of Cornelius. They show their envy in the ordinary way; they attack him at their feasts; they abuse him at their conversaziones; they carp at him, not in a downright hostile spirit, but in a disparaging manner. They who are enemies to the friends of Lucius Cornelius, or who envy them, are much more greatly to be feared by him. For who has ever been found who would confess himself an enemy to the man himself? Or who could be so with any reason? What good man has he not cultivated the friendship of? Who is there whose fortune and dignity he has not promoted? Living in the closest intimacy with the most influential man in the state, at a time of our greatest misfortunes and most bitter dissensions, he has never offended any one of either party, either by act or word, or even by a look. It was my fate, or the fate of the republic, that the whole weight of distress and ill-will at that time should fall upon me alone. Cornelius was so far from exulting in my disasters or in your dissensions, that while I was absent he aided all my friends with his kind

assistance, with his tears, with his exertions, and with consolation. And I have been induced by their testimony in his behalf, and by their entreaties, to offer him my service now, which he has so well deserved, and which on my part is only a repayment of just and reasonable gratitude. And I hope, O judges, as you love and consider dear to you those men who were the chief agents in my preservation and safety, and in the restoration of my dignity, that so also the things which were done by this man to the extent of his power and of the opportunities which were afforded him, will be grateful to and approved of by you. He, then, is not now attacked by his own enemies, for he has none, but by those of his friends; enemies who are both numerous and powerful; men whom yesterday Cnæus Pompeius, in a very eloquent and dignified oration, desired to come forward and contend with him if they chose, but to abandon the unequal contest and unjust persecution which they were carrying on against this man.

XXVII. And it was a fair condition, and one very advantageous, O judges, for us and for all those who are connected with us in intimacy, that we should carry on our own enmities against one another as we chose, but that we should spare the friends of our enemies. And if my authority had in this matter much weight with those men, especially as they see that I am well instructed in such matters, both by the variety of circumstances in which I have found myself, and by special experience in cases of this sort, I would exhort them to give up even those greater dissensions. For I have at all times considered it the part both of fearless citizens and of virtuous men, to labour in the administration of the affairs of the republic in such a way as to defend whatever one really thinks best; nor have I myself ever failed in this labour or duty or line of exertion. But contention is only wise so long as it either does some good, or, if it does not do any good, at all events does no harm to the state. We ourselves have had wishes, we have urged points; we have tried to carry measures, and we have not succeeded. Other men have felt indignation; we have undergone real sorrow and distress. Why should we choose to destroy those things which exist rather than to preserve them, merely because we are not allowed to alter them exactly as we wish? The senate complimented Caius Cæsar with the most honourable distinction of a sup-

plication lasting for a number of days which was quite unprecedented. The senate again, though at a time when the treasury was in great difficulties, gave his victorious army a large sum for pay, appointed ten lieutenants to assist the commander-in-chief at his request, and by the Sempronian law decided not to send any one to supersede him. Of all these resolutions, I was the prime mover and the chief author; nor did I think myself bound to preserve a consistency with the previous differences which I had had with him, rather than to consult what was advantageous with regard to the present necessities of the republic and to unanimity. Other men may perhaps think differently. They are, maybe, firmer in their opinions. I find fault with no one; but I do not agree with all of them. Nor do I think it any proof of inconsistency to regulate one's opinions, as one would do a ship or a ship's course on a voyage, according to the weather which might be prevailing in the republic.

But if there be any people who never abandon any dislike which they have ever conceived against anybody,—(and I see that there are some such people,)—then let them fight with the leaders themselves, not with their train and followers. Some of them, perhaps, will consider that conduct obstinacy, and some will think it courage; but this attacking of the subordinate parties all will look upon as injustice, mixed with some little cruelty. But if there be some men, O judges, whose minds we cannot propitiate by any means whatever, at all events we feel sure that your inclinations are favourable to us, not because of our speeches, but because of your own natural humanity.

XXVIII. For, what reason is there why the intimate friendship of Cæsar should not avail to procure this my client the highest praise rather than the very slightest injury? Cæsar knew him when a young man; he, that most able man, thought highly of him, and though he had a most excessive multitude of friends, Balbus was accounted by him one of his most intimate friends of all. In his prætorship and in his consulship he appointed him prefect of the engineers; he thought highly of his prudence, he loved him for his integrity. he was grateful to him for his constant assistance and attention. He was at different times the partner of very many of his labours; he is perhaps even now the partaker of some of

his benefits. And if they are to be an injury to my client in your judgment, I do not see what is ever to be an advantage to any one before such judges.

But since Caius Cæsar is a great distance off, and is now in those places which, if we regard their situation, are the boundaries of the world, or, if we regard his exploits, of the Roman empire, do not, I entreat you in the name of the immortal gods, O judges, do not allow such bitter news to be taken to him, as that his own prefect of engineers, the man of all others most dear to and most intimate with him, is crushed by your decision, not on account of any offence of his own, but because of his intimacy with him. Pity the man who is now before the court at his own peril, not on account of any offence of his own, but because of the action of this great and most illustrious man,—who is contesting not any charge which is brought against him, but a point of public law and of general interest. And if Cnæus Pompeius, and Publius Crassus, and Quintus Metellus, and Cnæus Pompeius the father of this man, and Lucius Sylla, and Marcus Crassus, and Caius Marius, and the senate and people of Rome, and all those who have ever given a decision under similar circumstances, and the federate states, and the allies, and those ancient men of the Latin tribes whom I have mentioned, are all ignorant of this law, consider whether it may not be more advantageous and honourable for you to err with those men for your guides, than to be rightly instructed with this man for your teacher.

But if you see that you are now come to a decision about a law which is certain, and clear, and advantageous, and well established and determined, then beware of establishing any new principle in a case which has been so long and so repeatedly decided on. And at the same time, O judges, place all these considerations before you:—first of all, that all those most illustrious men who have ever given any man of a federate city the freedom of this city, are now on their trial after death; secondly, that the senate is so too, which has repeatedly decided in favour of such an act, and the people which has voted it, and the judges who have approved of it. Then consider this also, that Cornelius does live and always has lived in such a manner, that, though investigations are appointed for every imaginable offence, still he is now brought before the court, not for the sake of any punishment which is sought to be inflicted on his vices, but for that of the rewards

which have been conferred on his virtue. Add this consideration also; that you by your decision are about to determine whether you choose that for the future the friendship of illustrious men should be a calamity to men, or an ornament. Lastly of all, O judges, keep this fixed in your minds, that in this action you are about to decide, not on any crime imputed to Lucius Cornelius, but on a kindness shown by Cnæus Pompeius.

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## THE ORATION OF M. T. CICERO AGAINST LUCIUS CALPURNIUS PISO.

### THE ARGUMENT.

After the decision which the senate came to in consequence of Cicero's speech on the subject of the consular provinces, Piso returned home from Macedonia, being the first senator of consular rank who had ever had that province, and had returned from it without a triumph. On the contrary, he had lost most of his troops in engagements with the barbarians on the frontiers. When he arrived in Rome, he stripped his forces of their laurels, and entered the city as obscurely and quietly as he could. But on his first appearance in the senate, relying on the influence of Cæsar, who was his son-in-law, he attacked Cicero violently, complaining that he had treated him ill in his absence, especially in promoting the measure which deprived him of his province. And among other topics he reproached him with having been banished; on which the whole senate interrupted him with violent indignation. He reproached him also with his bad verses, and with his vanity in praising himself in them.

Cicero was exasperated by this attack to break out with the following invective against him by way of reply, of which a good deal of the beginning is lost, and one or two other portions are in a very corrupt or doubtful state.

I. O YE immortal gods, what a day is this which has dawned * * * *

* * * * What specimen, even the slightest, have you ever given of ability? Of ability, do I say? Rather should I say, what proof have you ever given of being an honourable or a free man? You, who by your complexion seem to throw a doubt on your country, by your speech on your family, by your morals on your name * * * *

* * * * This has nothing to do with leading us to think slightly of Placentia, of which place he boasts that he is a native: for my nature does not incline me to his; nor does the dignity of a municipal town, especially of one which has

deserved exceedingly well at my hands, allow me to entertain such feelings * * * *

* * * * There was a certain Insubrian who was both a merchant and a crier; he, when he had come to Rome with his daughter, ventured to call a young man of high birth, named Cæsoninus, the son of a most thorough rogue: he gave his daughter in marriage to * * * * And she became the mother of you, a beast rather than a man.

[*Concerning Piso's maternal grandfather*] * * * * When he had settled on the banks of the Po at Placentia, a few years afterwards he obtained the freedom of that city; for it was a city at that time. For before that he was considered a Gaul; then a man of Gallic extraction; and at last he began to be considered a sort of half-Placentian * * * *

* * * * That Insubrian grandfather of his adopted the elder * * * *

* * * * Your father wanted a more luxurious son-in-law than Caius Piso did at that time of his distress * * * * I did not give my daughter in marriage to that man whom, when I had the power of choosing from all the world, I should have selected in preference to any one. * * * *

* * * * When the whole of your relations arrive in a waggon * * * *

* * * You put out your head, butting at him * * * *

* * I was sitting next to Pompeius * * * *

I. 1. * * * * * * Do you not see now, do you not feel, O you beast, what complaints men make of your impudence? No one complains that a Syrian, that a man whom nobody knows, that some one of that body of lately emancipated slaves, was made consul. For that complexion, like that of slaves, and those hairy cheeks and discoloured teeth, did not deceive us: your eyes, your eyebrows, your brow, in short your whole countenance, which is, as it were, a sort of silent language of the mind, led men into error; this it was which led those to whom this man was unknown into mistake, and error, and blunders. There were but few of us who were acquainted with those foul vices of yours; few of us who knew the deficiency of your abilities, your stolid manner, and your embarrassed way of speaking. Your voice had never been heard in the forum; no one had had any experience of your wisdom in counsel: you had not only never performed any, I will not say illustrious exploit but any action at all

that was known of either in war or at home. You crept into honours through men's blunders, by the recommendation of some old smokedried images, though there is nothing in you at all resembling them except your colour. Will he also boast to me that he obtained even magistracy without one repulse? I am able to make that boast concerning myself with true exultation; for the Roman people did confer all its honours on me in that way—on me, a new man. But when you were made quæstor, even men who had never seen you gave that honour to your name. You were made ædile. A Piso was elected by the Roman people; but not the Piso that you are. The prætorship also was conferred in reality on your ancestors. They, though dead, were well known; but no one had as yet known anything of you, though you were alive.

When the Roman people made me quæstor among the first of the candidates, and first ædile, and first prætor, as they did by a unanimous vote, they were paying that compliment to me on my own account, and not to my family,—to my habits of life, not to my ancestors,—to my proved virtue, and not to any nobleness of birth of which they had heard. For why should I speak of my consulship? whether as to the manner in which it was obtained, or in which it was conducted? Wretched man that I am! am I comparing myself to this disgrace and plague of the republic? But I will say nothing with the view of drawing any comparison; but I will bring together those circumstances which are very widely separated. You were declared consul (I will say nothing more severe than what all men admit to be true) at a time when the affairs of the republic were in a state of great embarrassment, when the consuls Cæsar and Bibulus were at variance, when you had no objection to those men by whom you were declared consul thinking you undeserving of the light of day if you did not prove more worthless than Gabinius. All Italy, all ranks of men, the entire city declared me the first consul with acclamation even before they gave in their voting tablets.

ii. But I say nothing of the circumstances under which each of us was elected. I will allow that chance may have been the mistress of the Campus Martius. It is more to the purpose to say how we conducted ourselves in our respective consulships, than how we obtained them.

I, on the first of January delivered the senate and all

virtuous citizens from the fear of an agrarian law and of extravagant largesses. I preserved the Campanian district, if it was not expedient that it should be divided; if it was expedient, I reserved it for more respectable authors of the division. I, in the case of Caius Rabirius, a man on his trial for high treason, supported and defended against envy the authority of the senate, which had been interposed forty years before the time of my consulship; I, at the cost of incurring great enmity myself, but without any enmity falling on the senate, deprived some young men—virtuous and brave men indeed, but still men in such a peculiar condition that, if they had obtained magistracies, they would have convulsed the constitution of the republic—of the opportunity of canvassing the comitia. By my patience and complaisant conduct I propitiated Antonius my colleague, eager for a province, and cherishing many designs injurious to the republic. I, in the public assembly, renounced the province of Gaul, fully equipped and well-appointed with an army and with funds by the authority of the senate, which I had taken in exchange from Antonius, because I thought it advantageous to the republic at that time that I should do so, in spite of the outcry raised by the Roman people against my doing so. I ordered Lucius Catiline, planning not obscurely, but openly, the slaughter of the senate and the destruction of the city, to depart from the city, in order that we might be protected by our walls from his designs, from which our laws were insufficient to defend us. I wrested from the nefarious hands of the conspirators the weapons which in the last month of my consulship were aimed at the throats of the citizens. I seized, and brought to light, and extinguished the firebrands which were already kindled for the conflagration of the city.

III. Quintus Catulus, the chief of this body, the great leader of the public council, in the fullest possible house, called me the father of my country. This most illustrious man, who is at this moment sitting close to you, Lucius Gellius, in the hearing of all these people, said that a civic crown[1] was owed to me by the republic. Though I was only clad in the garb of peace, the senate, by an unprecedented sort of supplication, opened the temples of the gods in my

[1] A civic crown was given to those who had saved the life of a citizen.

honour; not because I had successfully governed the republic, that being a compliment which had been paid to many, but because I had saved it, that being an honour which has never been conferred on any one. When in the assembly of the people, on giving up my office, I was prevented saying what I had intended by the tribune of the people, and when he would only allow me to take the oath, I swore without any hesitation that the republic and this city had been saved by my single exertions. On that day, the entire Roman people gave me in that assembly, not a congratulation to be remembered for the rest of the day, but they gave me immortality and eternal glory, when they themselves swearing also, with one voice and consent approved of my oath couched in such proud and triumphant words. And on that occasion, my return home from the forum was of such a nature that there did not appear to be a single citizen who was not in my train. And my consulship was conducted throughout in such a manner, that I did nothing without the advice of the senate, —nothing without the approbation of the Roman people; that in the rostra I constantly defended the senate,—in the senate-house I was the unwearied advocate of the people; that, in that manner, I united the multitude with the chief men, and the equestrian order with the senate. I have now briefly described my consulship.

IV. Dare now, O you Fury, to describe yours; the beginning of which was the Compitalitian games, then first celebrated since the time that Lucius Metellus and Quintus Marcius were consuls, contrary to the inclination of this order: games which Quintus Metellus (I am doing injury to a gallant man who is dead when I compare him, to whom this city has produced few equals, to this ill-omened beast) —but he, being consul elect, when a certain tribune of the people, relying on his own power, had ordered the master of the games to celebrate them in contempt of a resolution passed by the senate, though still a private individual, forbade it to be done, and he carried that point by the weight of his character, which he had not as yet any power to enforce. You, when the day of the Compitalitia[1] had fallen on the first

[1] The *compitalicii ludi*, or *compitalia*, as they are called a few lines after, were a festival celebrated once a-year in honour of the *lares compitales*, to whom sacrifices were offered at places where two ways

of January, permitted Sextus Clodius, who had never before filled any office which entitled him to wear the prætexta, to celebrate the games, and to strut about in a prætexta like a profligate man, as he was, a man thoroughly worthy of your countenance and regard. Therefore, when you had laid this foundation of your consulship, three days after, while you were looking on in silence, the Ælian and Fufian law, that bulwark and wall of tranquillity and peace, was overturned by Publius Clodius, that fatal prodigy and monster of the republic. Not only the guilds which the senate had abolished were restored, but countless new ones were established of all the dregs of the city, and even of slaves. The same man, immersed in unheard-of and impious debaucheries, abolished that old preceptress of modesty and chastity, the severity of the censor; while you in the mean time, you sepulchre of the republic, you who say that you were at that time consul at Rome, never by one single word intimated any opinion of your own amid such a terrible shipwreck of the state.

V. I have not yet said what you did yourself, but only what you allowed to be done. Nor does it make much difference, especially in a consul, whether he himself harasses the republic with pernicious laws and infamous harangues, or allows others to harass it. Can there be any excuse for a consul, I will not say being disaffected to the state, but sitting with his hands before him, dawdling, and sleeping amid the greatest commotions of the republic? For nearly a hundred years had we possessed the Ælian and Fufian law; for four hundred years had we enjoyed the censor's power of deciding on, and animadverting on, the conduct of citizens; laws which, I will not say no wicked man has ever dared to attempt, but which no one has ever been able to uproot; a power which no one, not if he were ever so profligate, has ever attempted to diminish, so as to

met. It is said to have been instituted by Tarquinius Priscus, in honour of the birth of Servius Tullius; and Tarquinius Superbus is said to have sacrificed boys at them to Mania, the mother of the Lares; but after his expulsion this custom was abolished, and the offerings were garlic and poppies. The exact day on which the games were celebrated varied, but it was always in the winter. In one of Cicero's letters to Atticus, (vii. 7,) he speaks of them as falling one year on the second of January According to some editions, the proper reading here is the thirtieth of December Smith, Dict. Ant. p. 279, v. *Compitalia.*

prevent a formal judgment from being passed every fifth year on our morals.

These things now, O worst of men, are entombed in the bosom of your consulship. Proceed on to the days which followed their funeral obsequies. In front of the tribunal of Aurelius, while you were not only shutting your eyes to the measure, which of itself would have been wicked enough, but while you were looking on with a more delighted countenance than usual, a levy of slaves was held by that man who never considered anything too infamous for him either to say or to do. Arms (O you betrayer of all temples) were placed in the temples of Castor by that robber, while you were looking on, to whom that temple, while you were consul, was a citadel for profligate citizens,—a receptacle for the veteran soldiers of Catiline,—a castle for forensic robbery, and the sepulchre of all law and of all religion. Not only my house, but the whole Palatine Hill, was crowded by the senate, by Roman knights, by the entire city, by the whole of Italy, while you not only never once came near that Cicero (for I omit all mention of domestic circumstances, which perhaps you would deny, and speak only of those facts which were done openly and are notorious)—you never, I say, came near that Cicero to whom all the comitia in which you were elected consul had given the first tablet of the prerogative tribe, but who in the senate was the third person whose opinion you asked; but more, you were present, ay, and you presided in the most cruel manner, over all the counsels which were entertained for the purpose of crushing me.

VI. But what was it that you dared to say to me myself, in the presence of my son-in-law, your own relation? "That Gabinius was a beggar, without either house or property; that he could not exist if he did not obtain a province; that you had hopes from a tribune of the people, if you united your plans to his; that you had no hope at all from the senate; that you were complying with his covetousness as I had done in the case of my colleague; that there was no reason why I should implore the protection of the consuls; that every one ought to take care of his own interests." And these things I scarcely venture to say. I am afraid that there may be some one who does not clearly see his enormous wickedness, concealed as it is under his impenetrable countenance; still I

will say it: he himself, at all events, will recognise the truth, and will feel some pain in recollecting his crimes.

Do you recollect, you infamous fellow, when about the fifth hour of the day I came to you with Caius Piso, that you came out of some hovel or other with your head wrapped up, and in slippers? and when you, with that fetid breath of yours, had filled us with the odour of that vile cookshop, that you made the excuse of your health, because you said that you were compelled to have recourse to some vinous remedies? and when we had admitted the pretence, (for what could we do?) we stood a little while amid the fumes and smell of your gluttony, till you drove us away by filthy language and still more filthy behaviour?

About two days afterwards you were brought forward in the assembly of the people by that man with whom you had shared your consulship in that manner; and when you were asked what were your sentiments respecting my consulship, you, a very grave authority, some Calatinus, I suppose, or Africanus, or Maximus, surely not a Cæsoninus half-Placentian Calventius, make answer, lifting one eyebrow up to your forehead, and depressing the other down to your chin, "that you did not approve of its cruelty."

VII. On this, that noble man, so exceedingly worthy of being admitted into your counsels, praised you. Do you, then, you scoundrel, do you as consul condemn the senate for cruelty before an assembly of the people? For you are not condemning one who only obeyed the senate;—for that salutary and diligent report of the conspiracy was the work of the consul; the sentence and the punishment were the act of the senate. And when you find fault with them, you show what sort of consul you would have been at that time, if by chance it had so happened. You, I make no doubt, would have considered that Catiline deserved to be aided with pay and provisions. For, what was the difference between Catiline and that man to whom you sold the authority of the senate, the safety of the state, and the whole republic, for the reward of a province? For the consuls assisted Clodius while doing those very things which Catiline was only attempting when I as consul defeated his machinations. He, indeed, wished to massacre the senate; you two abolished it. He wished to destroy the laws by fire and sword; you two abrogated them.

He wished the country to perish; you two aided him. What, during your consulship, was ever accomplished except by force of arms? That band of conspirators wished to fire the city; you two sought to burn the house of that man, to whom it was owing that the city was not burnt. And even these men, if they had a consul like you, would never have thought of burning the city. For they did not wish to deprive themselves of their homes; but as long as those consuls flourished, they thought that there would be no home for their wickedness. They desired the slaughter of the citizens; you desired to bring them to slavery; and in this were even more cruel than they; for, until your consulship, the spirit of liberty was so deeply implanted in this people, that they would have thought it preferable to die rather than to become slaves. But that pair of you, acting on the designs of Catiline and Lentulus, expelled me from my house, and confined Cnæus Pompeius to his; for they did not think that, as long as I stood firm, and remained in the city exerting all my vigilance for its defence, and as long as Cnæus Pompeius, the conqueror of all the world, opposed them, they should ever be able utterly to destroy the republic. You sought even to inflict punishment on me, by which you might make atonement to the shades of the dead conspirators. You poured forth upon me all the hatred which had been long nursed in the wicked feelings of impious men. And if I had not yielded for a while to their frenzy, I should have been murdered in the tomb of Catiline, under your leadership. But what greater proof do you want that there is no real difference between you and Catiline, than is the fact, that you awakened again that same band from the half-dead relics of Catiline's army? that you collected all abandoned men from all quarters? that you let loose against me the dregs of the prisons? that you armed conspirators? that you sought to expose my person and the lives of all good men to their frenzy and to their swords?

VIII. But I come back now to that splendid harangue of yours. You are the man who disapprove of cruelty, are you? you who, when the senate had decided on displaying its grief and indignation by a change of their garments, and when you saw that the whole republic was grieving in the mourning of its most honourable order, you, O merciful man, what do you

do? Why, what no tyrant in any country of barbarians ever dreamt of. For, I say nothing of the fact of a consul issuing an edict, that the senate should not obey a resolution of the senate; an action than which none more shameful can either be done or imagined. I return to the merciful disposition of that man, who thinks that the senate were over-cruel in preserving the country. He with his mate—whom however he was desirous to surpass in all vices,—dared to issue an edict that the senate should return to its usual dress, contrary to the resolution which that body itself had passed. What tyrant in any part of Scythia ever behaved in such a way as not to permit those men to mourn whom he was loading with misery? You leave them their grief, you take away the emblems of grief; you take away their tears, not by comforting them, but by threatening them. But even if the conscript fathers had changed their attire, not in consequence of any public resolution, but out of private affection or pity, still it would have been an intolerable stretch of power, that your interdict should prohibit them from doing so; but when the senate in a full house had passed a resolution to that effect, and all the other orders in the state had already changed their attire, then you, a consul dragged out of a dark dirty cookshop, with that shaved dancing girl of yours, forbade the senate of the Roman people to mourn for the setting and death of the republic.

IX. But a little time before, he even asked me what need I had of his assistance? why I had not resisted my enemies with my own resources? Just as if not only I, who had often been of assistance to many others, but as if any one were ever in so wholly desperate a condition, as to consider himself not only safer if he had that man for a protector, but more ready for the struggle if he had him only for an advocate or seconder. Was I, forsooth, anxious to lean on the counsel or protection of that piece of senseless cattle, of that bit of rotten flesh? was I likely to seek for any support or ornament for myself from that contemptible carcass? I suppose I was looking for a consul, I say, but one (that I was not likely to find in that hog) who might uphold the cause of the republic with his dignity and wisdom; not one who, like a stock or like a trunk of a tree if he only stood upright, might maintain the title of consul. For, as the whole of my cause was the cause of a consul and of the senate, I had need of the assistance of the

consul and senate; one of which sources of aid was even turned by you when you were consuls to my injury; the other was entirely suspended, if not abolished in the republic.

But if you ask what were my intentions; I would not have yielded, and the republic should still have retained me in its embrace, if I had only had to contend with contemptible gladiators,[1] and with you, and with your colleague. For the cause of that most admirable man Quintus Metellus was a wholly different one; a citizen whom, in my opinion, I consider equal in glory to the immortal gods; who thought it best for him to leave the city in order to avoid a contest with Caius Marius—a most gallant man, a consul, ay, a man who had been consul six times—and with his invincible legions. For what contest like this lay before me? Should I have had to fight with Caius Marius or with any one like him, or rather with one consul who was a sort of barbarian Epicurus, and with the other, a mere hut-boy of Catiline's? I was not, in truth, afraid of your supercilious looks, or of the cymbals and castanets of your colleague; nor was I so nervous, after having guided the vessel of the state amid the most terrible storms and billows of the republic, and placed it safe in harbour, as to fear the little cloud which gathered on your brow, or the polluted breath of your colleague.

They were other gales which I beheld threatening; they were other storms which my mind foresaw; and I did not so much yield to those other storms which were impending, but rather exposed myself alone to them to secure the safety of all the rest of the citizens.

Accordingly at that time, on my departure, all those wicked swords fell from the hands of those most cruel men; when you, O senseless and insane man,—while all good men shut themselves up and hid themselves out of grief, and lamented for the temples, and bewailed the very houses of the city,—you, I say, embraced that fatal monster, the progeny of nefarious licentiousness, and civil bloodshed, and the foulness of every sort of wickedness, and the impunity of every crime; and in the same temple, at that very same time and in the very same place, you forbade the senate to express its opinion not only on my destruction, but on that of their country.

[1] The Latin is *bustuarius;* literally, one who fights at the funeral pile in honour of the dead.

X. Why need I speak of the banquets of those days, why of your joy and self-congratulation, why of your most intemperate drinking-bouts with your crew of infamous companions? Who in those days ever saw you sober, who ever saw you doing any thing which was worthy of a freeman; who, in short, ever saw you in public at all? while the house of your colleague was resounding with song and cymbals, and while he himself was dancing naked at banquets; in which even then, when he was going round in the circle of the dance, he seemed to have no fear of any revolution of fortune. But this man, who is not quite so refined in gluttony nor so musical, lay stupified amid the reeking orgies of his Greek crew. The banquets celebrated by that fellow at the time of all this misery of the republic, resembled what is reported of the feast of the Centaurs and Lapithæ; and it is quite impossible to tell in what sort of debauchery he indulged to the most disgraceful excess.

Will you dare to make mention of your consulship? will you dare to say that you ever were consul at Rome? What? do you think that the consulship consists in being attended by lictors and in wearing the toga prætexta? ornaments which, while you were consul, you wished to belong also to Sextus Clodius. And do you, O you dog of Clodius's, think that the consulship consists wholly in the possession of these insignia? A consul ought to be a consul in courage, in wisdom, in good faith, in dignity, in vigilance, in prudence, in performing all the labours and duties of the consulship, and above all things—as, indeed, the name of the magistracy itself points out—in consulting the interests of the republic. Am I to think that man a consul who thought that the senate had no existence in the republic? and am I to account him a consul, who takes no heed of that great council without which, even in the time of the kingly power, the kings could not have any existence at Rome? But I pass over all those points. When a levy of slaves was being held in the forum; when arms were in open daylight being carried to the temple of Castor; and when that temple, having its doors thrown down and its steps torn up, was occupied by the remnant of the conspirators, and by the man who had once been a pretended accuser of Catiline, but who now was seeking to be his avenger; when Roman knights were being banished; when

virtuous men were being driven with stones out of the forum; when the senate were prevented not only from assisting the republic, but even from mourning over it; when that citizen, whom this venerable body, with the assent of Italy and all the nations of the earth, had styled the saviour of his country, was being driven away without a trial, in a manner contrary to all law, contrary to all precedent, by slaves and an armed mob;—I will not say, with your assistance (though I might say that with truth), but certainly without your lifting up your voice against it;—will any one believe that there were any consuls at all at Rome at that time? Who, then, are robbers, if you were consuls? Who can be called pirates, or enemies, or traitors, or tyrants?

XI. Great, O senators, is the name, great is the honour, great is the dignity, great is the majesty of a consul. Your narrow mind, O Piso, your paltry soul, your spiritless heart, is unable to comprehend that greatness. The weakness of your intellect cannot grasp it; your inexperience of prosperity cannot support so dignified, so solemn a character. Seplasia,[1] in truth, as I heard said, the moment that it beheld you, refused to acknowledge you as the consul of Campania. It had heard of the Decii, of the Magii, it knew something also about Jubellius Taurea; and if those men did not display all the moderation which is usually found in our consuls, at all events there was a pomp about them, there was a magnificence, there was a gait and behaviour worthy of Seplasia and of Capua. Indeed, if those perfumers had beheld your colleague Gabinius as their duumvir,[2] they would sooner have acknowledged him. He at least had carefully-dressed hair, and perfumed fringes of curls, and anointed and carefully-rouged cheeks, worthy of Capua,—of Capua, I mean, such as it used to be. For the Capua that now is is full of most excellent characters, of most gallant men, of most virtuous citizens, and of men most friendly and devoted to me; not one of whom ever saw you at Capua clad in your prætexta without groaning out of regret for me, by whose counsels they recollected that the whole republic and that city in particular had been preserved.

[1] The Seplasia was a street at Capua, full of perfumers and hairdressers, and much frequented.

[2] *Duumvir* was the title of the chief magistrate in the colonies and municipal towns in Italy.

They had paid me the honour of a gilded statue; they had adopted me as their especial patron; they considered that it was owing to me that they were still enjoying their lives, their fortunes, and their children; they had defended me when I was present against your piratical attacks, by their decrees, and by their deputations; and when I was absent they recalled me, when that great man Cnæus Pompeius submitted the motion to them, and tore the weapons of your wickedness out of the body of the republic.

Were you consul when my house on the Palatine Hill was set on fire, not by any accident, but by men applying firebrands to it at your instigation? Was there ever before any conflagration of any great extent or importance in the city without the consul coming to bring assistance? But you at that very time were sitting in the house of your mother-in-law, close to my house; you had opened her house to receive the plunder of mine; you were sitting there not for the purpose of extinguishing, but as the originator of the fire, and you—I may almost say—were yourself, as consul, supplying burning firebrands to the Furies of Clodius's party.

XII. And all the rest of the year did any one consider you as consul? Did any one obey you? Did any one ever rise up to show respect to you when you came into the senate-house? Did any one ever think it worth his while to answer you when you asked his opinion? In short, is that year at all to be counted in the republic, when the senate was mute, the courts of justice silent,—when all good men were mourning, when the violence of your troops of banditti was ranging over the whole city, and when not one citizen only had departed from the city, but when the city itself had yielded to the wickedness and frenzy of you and Gabinius?

But even then, O you impious Cæsoninus, you did not emerge from the miserable vileness of your nature, when after a time the re-awakened virtue of a most illustrious man quickly demanded the restoration of one who was his own true friend, and a citizen who had deserved well of the state, and of the ancient customs and principles of the republic. Nor would that great man permit the pestilence of your wickedness to remain any longer in that republic, which he himself had embellished and whose power he had extended. But when that Gabinius, such as he is, a man who is surpassed

in infamy by you alone, recollected himself,—with difficulty indeed, but still he did recollect himself,—he contended against his dear friend Clodius, at first only feignedly, then very unwillingly, but at last with genuine ardour and vehemence, in support of Cnæus Pompeius. And in that spectacle the impartiality of the Roman people was very admirable. It looked on like a master of gladiators, and whichever of them perished, it thought would be an equal advantage to itself; but if both fell, that indeed would be a most heavenly blessing. But still your colleague did do something. He upheld the authority of a most admirable man. He was himself a wicked man; he was a mere ruffian and gladiator himself; but still he was fighting against one who was as wicked and as much a gladiator and ruffian as himself. You, forsooth, religious and conscientious man that you were, were reluctant to violate the treaty which you had ratified in my blood concerning the bargain made about the provinces. For that fellow, the adulterer with his own sister, had made this bargain for himself, that if he gave you a province, if he gave you an army, if he gave you money torn from the very life-blood of the republic, you were to give yourself up to him as his partner and assistant in all his crimes. Therefore, in that tumult the fasces were broken; you yourself were wounded; every day there were weapons, stonings, and banishments. At last a man was arrested close to the senate, armed with a sword, who it was notorious had been placed there for the purpose of assassinating Pompeius.

XIII. Did any one all that time hear, not only of any act of yours, or of any report of yours to the senate of all these transactions, but of even any word at all uttered by you on the subject, or of any complaint of yours? Do you think that you were consul at that time, you, during whose period of authority the man who, by means of the authority of the senate, had saved the republic, and who in Italy had united all parties of all nations by the celebration of three triumphs, made up his mind that he could not appear in public with safety? Were you and your colleague consuls at that time when, if you ever ventured to say one word on any subject, or to submit any motion whatever to the senate, the whole body raised an outcry against you, and declared that you should do nothing whatever till you had first made a motion

concerning me and my affairs? and when you both, though in fact you were fettered by your treaty with that man, still said that you were anxious to do so, but that you were hindered by the law?

A law which even to private individuals seemed to be no law at all, having been framed by slaves, posted up by violence, carried by piratical fury, when the senate was driven away, when all virtuous men had been frightened from the forum, when the republic had been taken by storm in violation of all laws whatever, and which was drawn up in violation of every precedent; were men who said that they were afraid of that law, consuls? could, I will not say the minds of men, but could any records or annals even style them such? For even if you did not consider that a law, which was contrary to all law, being the proscription by the mere power of a tribune of a citizen who had never been condemned, and the deprivation of his rights and the confiscation of his property, but nevertheless were held fast by the agreement which you had made; who would consider you to have been then, not only consuls, but even free men at all, when your minds were hampered by a bribe, your tongues padlocked by wages? But if, on the other hand, you, being the only people in the state who did so, did consider that a law; can any one think that you were consuls then, or that you are men of consular rank now, you who are ignorant of the laws, and principles, and usages, and rights of that state in which you wish to be accounted some of the chief citizens?

When you were going in your robes as generals into those provinces which you had (shall I say bought, or stolen?) did any one consider you consuls? Therefore I imagine, even if men did abstain from escorting you on your departure from the city with a numerous attendance to pay you a compliment and do honour to you, at all events they followed you with their good wishes as consuls, but with curses as enemies or traitors.

XIV. Did you, O you most horrible and foul monster! dare also to speak of that departure of mine,—that evidence of your wickedness and cruelty,—as if it were a subject for your abuse and insult? And when you did so, then, O conscript fathers, I received an immortal reward of your attachment to, and favourable opinion of me,—when you crushed

the frenzy and insolence of that abject and frightened man, not only with a murmur, but with a loud and indignant outcry. Will you speak of the mourning of the senate,—the regret of the equestrian order,—the universal sadness of Italy,—the silence of the senate-house, which lasted the whole year,—the uninterrupted vacation of the courts of justice and the forum,—and all the other circumstances of that time, as grounds for abuse of me? They were the wounds which my departure inflicted on the republic. And if my departure had been ever so full of calamity, still it would have been deserving of pity rather than of insult; and it would have been considered as connected with my glory rather than with any reproach; and it would have been accounted my misfortune only, but your crime and wickedness.

But when,—(perhaps this thing which I am about to say may appear a strange thing to you to hear, but still I will certainly say what I feel to be true,)—when I, O conscript fathers, have had such kindnesses and such honours conferred on me by you, I not only do not consider that a calamity, but, if I could have any feeling whatever unconnected with the interests of the republic, (which is hardly possible,) I should consider it, as far as my private interests were concerned, a fortune greatly to be wished for and desired by me. And, if I may compare that day which was most joyful to you with that one which was most sorrowful to me, which do you think most desirable to a virtuous and wise man,—to depart from his country in such a manner that all his fellow-citizens pray for his safety, for his preservation, and for his return, which happened to me; or, (which happened to you when you left the city,) to depart in such a way that every one should curse him, should pray for harm to him, and should wish that that road might be his only one? I call the gods to witness, that if I were so hated by all mortals,—especially if I were so justly and deservedly hated,—I should think any banishment whatever preferable to any province that could be given to me.

XV. But to proceed. If that most disturbed period, when I was forced to depart from the city, is superior to the time of your greatest triumph, why need I compare our other circumstances, which in your case were all full of disgrace, and in mine of dignity? On the first day of January,—the

first day of hope which dawned on the republic after my setting and eclipse,—the senate, in a very full house, amid a crowd gathered together from all Italy, on the motion of a most illustrious man, Publius Lentulus, with one voice and one consent pronounced my recal. The same senate recommended me to all foreign nations, and to all our own magistrates and lieutenants, by its authority and by letters under the hand of the consuls, not (as you, you Insubrian, have dared to say) an exile from my country, but (as the senate itself styled me at the very time) a citizen who had been the saviour of the republic. The senate thought it right to implore, by the voice and letters of the consul, the assistance of all the citizens in all Italy, who were desirous of securing the safety of the republic, to assist also in promoting the safety of me, a single individual. For the sake of the preservation of my life and rights, the whole of Italy assembled at Rome at one time, as if in obedience to a signal which had been given. Concerning my safety most magnificent and admirable speeches were made by Publius Lentulus, a most excellent man and a most admirable consul, by Cnæus Pompeius, that most illustrious and invincible citizen, and by the other leading men of the city; and concerning me the senate passed a resolution, at the instigation and on the especial motion of Cnæus Pompeius, that if any one hindered my return in any manner, he should be considered as an enemy of the state; and the authoritative opinion of the senate concerning me was declared in such language, that no triumph was ever decreed to any one in a more complimentary or more honourable manner than that in which my safety and restoration to my country was provided for.

When all the magistrates had concurred in the law respecting me, with the exception of one prætor, from whom it was not reasonable to ask it, as he was the brother of my great enemy, and with the exception also of two tribunes of the people, who had been bought like slaves,[1] then Publius Lentulus the consul passed a law concerning me in the comitia

[1] The Latin is "*de lapide emptos*," the *lapis* being a raised stone on which the *præco* or auctioneer stood, when slaves were sold; with reference to which Plautus says—

"O stulte, stulte! nescis nunc venire te,
In eo ipso stas lapide ubi præco prædicat."

centuriata, acting with the consent of his colleague, Quintus Metellus, whom the same republic, which had alienated us from one another in his tribuneship, reconciled to me again in his consulship, in consequence of the virtue of one most excellent and most sensible man. And why need I tell you how that law was received? I hear from you yourselves that no pretext was admitted in the case of any one whatever as sufficiently reasonable to excuse him from being present; that at no comitia that ever were held was there either a more numerous or a more respectable number of men assembled; and this I can certainly see for myself,—what the public records prove,—that you were the movers of the vote, that you were the distributors and keepers of the voting tablets,—and that you did of your own accord for the sake of ensuring my safety, though no one requested you to do so, what, when the honours of your own relations are at stake, you avoid doing under the plea either of your age, or of your rank.

XVI. Compare, now, my fine Epicurus, brought forward out of his sty, not out of his school,—compare, if you dare, your absence with mine. You obtained a consular province with no other limitations than those which the law of your covetousness, not the law of your son-in-law, had agreed upon. For by that most just and admirable law of Cæsar free nations were really and truly free; but by that law which no one except you and your colleague considered a law at all, all Achaia, and Thessaly, and Athens,—in short, the whole of Greece, was made over to you. You had an army, not of that strength which the senate or people of Rome had assigned to you, but such as your own lust had prompted you to enlist. You had entirely drained the treasury. Well, what exploits did you perform in this command, with this army, and in this consular province? I ask, O conscript fathers, what exploits he performed. A man who, the moment he arrived—(I am not yet speaking of his acts of rapine, I am not yet speaking of the sums of money which he extorted, or seized, or levied, nor of his slaughter of our allies, nor of his murders of his own friends, nor of his perfidy, nor of his inhumanity, nor of his wicked actions: presently, if you choose to hear me, I will argue with him as with a thief, as with a robber of temples, as with an assassin; but for the present I am only

going to compare my own fortune when stripped of everything, with that of that great commander when at the height of prosperity.) Who ever had any province with a fine army, without sending some letters, recounting his achievements, to the senate? But who ever had so important a province as that, with so splendid an army? who ever had Macedonia of all provinces,—a land which has on its borders so many tribes of barbarians that the commanders in Macedonia have always had only just those boundaries of their province which were also the boundaries of their swords and javelins,—without sending such letters? Letters! why, not only several men who have had only prætorian authority have triumphed, but there is not one single instance of any man who had exercised consular authority in that province returning in health and vigour, without celebrating a triumph for his achievements performed in that command. It is quite a new thing; this which I am going to mention is newer still. This vulture of that province—(hear it, O ye gods)—has been styled Imperator!

XVII. And did you not even then, my great Paullus,[1] dare to send expresses to Rome crowned with laurel? Yes, says he, I sent them. Did you? Who ever read them? who ever demanded to have them read? For it makes no difference, as far as my argument is concerned, whether you, being overwhelmed by the consciousness of your wicked actions, never dared to write any letters to that body which you had treated with contempt, which you had ill-treated, which you had sought to destroy, or whether your friends concealed your letters, and by their silence expressed their condemnation of your rashness and audacity. And I do not know whether I should not prefer that you should appear so utterly destitute of all shame as to have sent the letters, and that your friends should appear to have had more modesty and more sense than yourself, rather than that you should seem to have had some little modesty, and that your conduct should not have been condemned by the judgment of your friends.

But even if you had not shut the senate-house against yourself for ever by your nefarious insults to this order, still, what exploit was ever performed or achieved by you in that

[1] He refers here to the great victory of Paullus Æmilius, which was gained in this country over Perseus at Pydna.

province, concerning which it would have been becoming for you to have written to the senate in the way of congratulation? Was it the way in which Macedonia was harassed? or the shameful loss of the towns? or the manner in which the allies were plundered? or the devastation of the lands? or the fortifying of Thessalonica? or the occupation of our military road? or the destruction of our army by sword and famine, and cold and pestilence? But you who did not write any account of anything to the senate, as in the city you were discovered to be more worthless than Gabinius, so in your province you turned out somewhat more inactive than even he. For that gulf of all things,—that glutton, born for his own belly, not for glory or renown,—when he had deprived the Roman knights in his province; when he had deprived the farmers of the revenue, men united to us by mutual goodwill and in dignity;—when he had deprived, I say, all of them of their fortunes, many of them of their franchises and of their lives; when with that mighty army he had done nothing except plunder the cities, lay waste the lands, and drain the private houses of his province, dared (for what will he not dare?) to send letters at last to the senate to demand a supplication!

XVIII. O ye immortal gods! Do you, do ye,—ye two whirlpools and rocks which endanger the republic,—do ye seek to disparage my fortune? to extol your own? when concerning me in my absence such resolutions of the senate were passed, such speeches were delivered, such agitation pervaded all the municipal towns and colonies, such votes were passed by all the farmers of the revenue, by all the different guilds, by all ranks and classes of the citizens, as I should not only never have dared to hope for, but as I could not possibly have dreamt of; and while you, on the other hand, have met with the everlasting brand of the deepest infamy. Should I, if I were to see you and Gabinius both nailed to a cross, feel greater rejoicing at the laceration of your bodies, than I do at the tearing to pieces of your reputations? Surely not: for there is no punishment imaginable, which, owing to some accident or other, even virtuous and brave men may not have inflicted on them. And this is what even your Greek followers of pleasure say; men whom I wish you would listen to in the spirit in which they deserve to be listened to; you would

never have immersed yourself in such a vortex of wickedness. But you listen to them in brothels, in scenes of adultery, in revelling and drunkenness.

But they themselves, those very men who define evil by pain, and good by pleasure, say that the wise man, even if he were shut up in Phalaris's bull, and roasted by fire being placed under him, would still say that that was pleasant, and would not allow himself to be moved the least from his assertion. They insist upon it that the power of virtue is so great, that it is absolutely impossible for a virtuous man ever to be otherwise than happy. What, then, is punishment? what is chastisement? A thing which, in my opinion, can happen to no one unless he be guilty; it is dishonesty undertaken, it is a mind hampered and overwhelmed by conscience, it is the hatred of all virtuous men, it is the deserved brand of the senate, it is the loss of dignity.

XIX. Nor does that illustrious man, Marcus Regulus, whom the Carthaginians, having cut off his eyelids and bound him in a machine, killed by keeping him awake, appear to have had punishment inflicted on him. Nor does Caius Marius, whom Italy, which he had saved, saw sunk in the marshes of Minturnæ, and whom Africa, which he had subdued, beheld banished and shipwrecked. For those were the wounds of fortune, not of guilt; but punishment is the penalty of crime. Nor should I, if I were now to pray for evils to fall upon you, as I often have done, (and indeed the immortal gods have heard those prayers of mine,) pray for disease, or death, or tortures to befal you. That is an execration worthy of Thyestes, the work of a poet who wishes to affect the minds of the common people, not of philosophers, that you,

> "Wrecked on some vast inhospitable shore,
> Clinging to rugged rocks, with bleeding limbs
> Might trembling hang, and all the rocks defile
> With gore and black pollution."

I do not mean to say that I should be much vexed if such a thing were to happen; but still it would be an accident such as all men are liable to. Marcus Marcellus, who was three times consul, a man of the most excessive virtue, and piety, and military glory, was lost at sea; though through his virtue he still lives in glory and renown. A death such as that is

to be attributed to fortune, not to be considered a punishment. What then is punishment? What is chastisement? What is stoning? What is the cross? It is punishment that there should be two generals in the provinces of the Roman people, that they should have armies, that they should be styled "Imperator," that one of them should be so completely cowed by the consciousness of his crimes and of his atrocities, as not to dare to send any letter of any sort to the senate from that province which was of all others the richest in triumphs. From that province that man, so distinguished for every sort of worth and dignity, Lucius Torquatus, was returning, when on account of his mighty deeds he was, on my motion, styled "Imperator" by the senate. In that province it was that those well-deserved triumphs of Cnæus Dolabella, and Caius Curio, and Marcus Lucullus were earned within the last few years; and from that, while you were the commander, no messenger whatever was ever sent to the senate.

From the other consul certainly letters have been brought and read, and motions respecting him have been submitted to the senate. O ye immortal gods, could I have desired that my chief enemy should be branded with such ignominy as no one ever was before? that that senate, which has now got into such a regular habit and practice of kindness as to confer on those who have managed the affairs of the republic successfully, honours hitherto unexampled, both in the number of days which they last, and in the language in which they are decreed, should refuse belief to the letters of this man alone, when reporting his success, and should refuse him what he demanded in them?

XX. I feed on these facts, I am delighted, I am in ecstasies at them. I am delighted that this order thinks of you both as it does of its bitterest enemies; that the Roman knights, the other orders, and the whole state detests you both; that there is no good man, no, and no citizen who remembers that he is a citizen, who does not shun you both with his eyes, reject you with his ears, scorn you in his mind, and shudder at the bare recollection of your consulship. This is what I have always wished respecting you, this is what I have desired, this is what I have prayed for. Even more has happened than I could have desired. For, in truth, I never formed a wish that you should lose your armies. That has happened

quite beyond my wish, though I cannot say that it has grieved me; but it never could have occurred to me to wish you the insanity and frenzy into which you have both fallen. Still it might well have been wished. But I had forgotten that that was the most invariable of all the punishments which were appointed by the immortal gods for wicked and impious men.

For think not, O conscript fathers, that, as you see on the stage, wicked men are, by the instigation of the gods, terrified by the blazing torches of the Furies. It is his own dishonesty, his own crime, his own wickedness, his own audacity that deprives each individual of sense and discernment. These are the Furies, these the flames, these the firebrands which distress the impious. Must I not think you senseless and frantic, and out of your mind,—must I not think you madder than that Orestes in the tragedy, or than Athamas, when you dared first of all to act so, (for this is the head and front of your offending,) and again, a short time afterwards, when Torquatus, a most influential and conscientious man, pressed you openly to confess that you left Macedonia, that province into which you had carried so vast an army, without one single soldier? I say nothing of your having lost the greater part of your army; that might be owing to your ill fortune. But what reason can you allege for having disbanded any part of your army? What power had you to do so? What law, what resolution of the senate authorized such a step? Where was your right to do so? What precedent was there for it? What is this but madness, but ignorance of men, ignorance of the laws, and of the senate, and of the constitution?

To wound one's body is a trifle; to wound one's life, one's character, one's safety, like this, is a more serious business. If you had discharged your household, a matter which would have concerned no one but yourself, your friends would have thought that you required to be put under restraint; could you have disbanded the protection of the republic, the garrison of the province, without the orders of the Roman senate or people, if you had been in your sound senses?

XXI. Now for your colleague; he, having dissipated an enormous booty which he had acquired by draining the fortunes of the farmers of the revenue, and the lands and cities of the allies, after his insatiable lusts had swallowed some

portion of that booty, his new and unexampled luxury had devoured part, when part had gone in purchases in those districts where he plundered everything, and part had been spent in effecting exchanges of property for the purpose of heaping hill upon hill in this Tusculan estate of his; after he had become needy, and after that intolerable mass that he was heaping up had been interrupted and had come to a standstill,—he, I say, then sold himself, and his fasces, and the army of the Roman people, and the oracular consent and prohibition of the immortal gods, and the answer of the priests, and the authority of the senate, and the commands of the people, and the name and dignity of the Roman empire, to the king of Egypt. Though he had the boundaries of his province as extensive as he had desired, as he had wished, as he had procured them to be, by purchasing them at the price of my existence as a citizen, still he could not contain himself within them; he led his army out of Syria. How could he lead it out of his province? He let himself out as a hired comrade to the king of Alexandria.

What can be more shameful than this? He came into Egypt. He engaged the men of Alexandria in battle. When was it that either this senatorial body or the Roman people undertook this war? He took Alexandria. What else are we to expect from his frenzy, but that he should send letters to the senate concerning such mighty exploits? If he had been in his senses, if he had not been already paying to his country and to the immortal gods that penalty which is the most terrible of all, by his frenzy and insanity, would he have dared, (I say nothing of his leaving his province, of his taking his army out of it, of his declaring and carrying on war of his own accord, of his entering a foreign kingdom without any command from the people or from the senate to do so; conduct which many of the ancient laws, and especially the Cornelian law concerning treason, and the Julian law concerning extortion, forbid in the plainest manner; but I say nothing of all this,)—would he, I say, if he had not been most outrageously mad, have dared to take to himself the province which Publius Lentulus, a man most sincerely attached to this order, had abdicated from scruples of religion, though he had obtained it both by the authority of the senate and by lot, when even if there were no religious obstacles in his case, still the

usage of our ancestors, and all precedents, and the severest penalties of the laws forbade it?

XXII. But since we have begun to institute a comparison between our fortunes, we will say no more of the return of Gabinius, whom, though he has cut the ground from under his own feet. I still wish to see, to admire the impudence of the man. Let us, if you please, compare your return with mine. Mine was such, that the whole way from Brundusium to Rome I was beholding one unbroken line of the inhabitants of all Italy. For there was no district, nor municipal town, nor prefecture, nor colony, from which a deputation was not sent by the public authority to congratulate me. Why should I speak of my arrival in the different towns? why of the crowds of men who thronged out to meet me? why of the way in which the fathers of families with their wives and children gathered together to greet me? why of those days which were celebrated by every one on my arrival and return, as if they had been solemn festival days of the immortal gods? That one day was to me like an immortality, on which I returned to my country, and saw the senate which had come forth to meet me, and the whole Roman people; while Rome itself, torn, if I may so say, from its foundations, seemed to come forward to embrace her saviour. Rome, which received me in such a manner that not only all men and all women of all classes, and ages, and orders of society, of every fortune and every rank, but that even the walls and houses of the city and temples appeared to be exulting. And on the succeeding days, the pontiffs, the consuls, the conscript fathers, placed me in that very house from which you had driven me, which you had pillaged, and which you had burnt, and voted that my house was to be built up for me again at the public expense, an honour which they had never paid to any one before.

Now you know the circumstances of my return. Now compare yours with it, since, having lost your army, you have brought nothing safe back with you except that pristine countenance and impudence of yours. And who is there who knows where you first came to with those laurelled lictors of yours? What mæanders, what turnings and windings did you thread, while seeking for the most solitary possible places? What municipal town saw you? What friend invited

you? What entertainer beheld you? Did you not make night take the place of day? solitude of society? a cookshop of the town? so that you did not appear to be returning from Macedonia as a noble commander, but to be being brought back as a disgraced corpse? and even Rome itself was polluted by your arrival.

XXIII. Alas for the disgrace of the family, I will not say the Calpurnian family, but the Calventian; nor will I say the disgrace of this city, but of the municipality of Placentia; nor of your father's family, but of your breeches-wearing[1] kinsmen. How, I say, did you come? Who, I will not say of these men, or of the rest of the citizens, but who, even of your own lieutenants, came to meet you? For Lucius Flaccus, a man most undeserving of the disgrace of being your lieutenant, and more worthy of those counsels by which he was united with me in my consulship for the salvation of the republic, was with me when some one came and said that you had been seen wandering not far from the gate with your lictors. I know, too, that one of the very bravest of men, a man skilful both in war and in civil business, an intimate friend of mine, Quintus Marcius, one of those lieutenants whose "Imperator" you had been called in battle, when you were in reality a long way off, was at the time of your arrival sitting quietly in his own house. But why do I count up all the people who did not go forth to meet you? when I say that scarcely any one did, not even of that most officious body of candidates for office, though they had been repeatedly warned and requested to do so, both on that very day, and many days before.

Short gowns were ready for the lictors at the gate, which they took, and laid aside their military cloaks, and so formed a new crowd to escort their chief. And in this manner he, the Macedonian "Imperator," returning home from his mighty and from his important province, after three years' government, entered the city in such a guise that no obscure pedlar ever returned home in a more solitary condition. And yet this is the very point on which (so ready is he to defend himself) he finds fault with me. When I said that he had

[1] The *braccæ*, drawers or breeches, were the national costume of Gaul, especially of Gallia Narbonensis, which is called by Pliny Gallia Braccata.

entered the city by the Cœlimontane gate, that ever ready man wanted to lay me a wager that he had entered by the Esquiline gate; as if I was bound to know, or as if any one of you had heard, or as if it had anything on earth to do with the matter, by what gate you had entered, as long as it was not by the triumphal one; for that is the gate which had previously always been open for the Macedonian proconsuls. You are the first person ever discovered who, having been invested with consular authority there, did not triumph on your return from Macedonia.

XXIV. But you have heard, O conscript fathers, the voice of the philosopher. He has said that he never had any desire for a triumph. O you wickedness! you pest! you disgrace! when you were extinguishing the senate, and putting up for sale the authority of this order,—when you were knocking down your own consulship to a tribune of the people, and overturning the republic, and betraying my privileges as a citizen, and my safety, for the mere bribe of a province,—if you then had no desire for a triumph, what is it that you will allege in your defence that you did desire so ardently? For I have often seen men, who appeared to me and to others to be over desirous of a province, veil and excuse their desire under the pretence of eagerness for a triumph. This is what Decimus Silanus the consul lately said before this order,—this is what my colleague, too, stated. Nor is it possible for any one to desire an army, and openly to demand one, without putting forward as his pretext for such a demand his desire of a triumph. But if the senate and people of Rome had compelled you (when you did not desire it, or though you even endeavoured to avoid it) to undertake a war and to command an army, still it would have been the act of a narrow and mean spirit to despise the honour and dignity of a well-earned triumph. For as it is a proof of a trifling character to catch at such praise as is derived from empty reports, and to hunt after all the shadows of even false glory; so it is surely a sign of a very worthless disposition, of one that hates all light and all respectability, to reject true glory, which is the most honourable reward of genuine virtue. But when the senate was so far from requesting and compelling you to take this charge upon you, that it was only unwillingly and under compulsion that it allowed you to do

so; when, not only did the Roman people betray no eagerness that you should do so, but not one single freeman voted for it; when that province was your wages for having, I will not say overturned, but utterly destroyed the constitution, and when this covenant ran through all your wicked actions, that, if you handed over the whole republic to nefarious robbers, as a reward for that conduct, Macedonia should be handed over to you with whatever boundaries you chose; when you were draining the treasury, when you were depriving Italy of all its youth, when you were passing over the vast sea in the winter season,—if you did at that time despise a triumph, what was it, O you most insane of pirates, that urged you on, unless it was some blind desire for booty and rapine?

It is now in the power of Cnæus Pompeius to act on your plan. For he has made a mistake. He had never had a taste for that philosophy of yours. The foolish man has already triumphed three times. Crassus, I am ashamed of you. What was the reason that, after a most formidable war had been brought to a termination by you, you showed such eagerness to get that laurel crown decreed to you by the senate? Publius Servilius, Quintus Metellus, Caius Curio, Lucius Africanus, why did not you all become pupils of this learned, of this most wise man, before falling into such blunders as you did? Even my friend Caius Pomptinus has it not now in his power to retrace his steps, for he is prevented by the religious ceremonies which have been begun.[1] O you foolish Camilli, and Curii, and Fabricii, and Calatini, and Scipios, and Marcelli, and Maximi! O you insane Paullus, you blockhead Marius! Oh how stupid, too, were the fathers of both these consuls; for they, too, celebrated triumphs.

XXV. But since we cannot change what is already past, why does this mannikin, this Epicurus of mud and clay, delay to instil these admirable precepts of wisdom into that most illustrious and consummate general, his son-in-law? That man, believe me, is influenced by glory. He burns, he is on fire with the desire of a well-deserved and great triumph.

[1] Pomptinus had been prætor in Cicero's consulship; the next year he had subdued the Allobroges, but he did not celebrate his triumph till the year A. U. C. 700, in the consulship of Lucius Domitius Ahenobarbus and Appius Claudius Pulcher.

He has not learnt the same lessons that you have. Send him a book. Or rather, at once, if you yourself can contrive to meet him in person, think over what language you can find to check and extinguish that violent passion of his; and as a man of moderation and consistency, you will have great influence over one who is quite giddy with his desire for glory; as a learned man, you will easily convince an ignorant man like him; as his father-in-law, no doubt you will prevail with your son-in-law. For you will say to him, like a man formed to persuade, as you are, neat, accomplished, a polished specimen of the schools, "How is it possible, O Cæsar, for these supplications, which have now been decreed so often, and for so many days, to delight you so excessively? Men are greatly mistaken about these things,—things which the gods disregard, as that godlike Epicurus of ours has said, nor are they in the habit of being propitious to, or angry with, any one on account of such trifles."

I am afraid you will hardly get him to agree with you when you argue in this manner. For he will see that they both are, and have been, angry with you.

Turn to another school, and then speak thus of a triumph: "What is the meaning of that chariot? What is the use of those generals bound in front of the chariot? and of the images of towns? and of the gold? and of the silver? and of the lieutenants on horseback? and of the tribunes? What avail all the shouts of the soldiery? and all that procession? To hunt for applause, to be carried through the city, to wish to be gazed upon, are all mere trifles, believe me; things to please children. There is nothing in all those things which you can grasp as solid,—nothing which you can refer to as causing pleasure to the body. You see me, who have returned from the same province, on returning from which Titus Flamininus, and Lucius Paulus, and Quintus Metellus, and Titus Didius, and multitudes of others, inflamed with empty desires, have celebrated triumphs; you see me, I say, returning in such a spirit, that I trampled my Macedonian laurels under foot at the Esquiline gate,—that I arrived with fifteen ill-dressed men thirsting at the Cœlimontane gate, where my freedman had a couple of days before hired me a house suited to so great a general; and if that house had not been to be let, I should have pitched myself a

tent in the Campus Martius. Meanwhile, O Cæsar, in consequence of my neglect of all that triumphal pomp, my money remains safe at home, and will remain there. Immediately on my return, I gave in my accounts to the treasury, as your law required; but in no other particular have I complied with your law. And if you examine those accounts, you will see that no one has ever gained greater advantage from his learning than I have. For they are drawn up so learnedly and so cleverly, that the clerk who made the return to the treasury, when he had written them all out, scratching his head with his left hand, murmured out, 'Indeed, the accounts are wonderfully clear, the money οἴχεται.'"[1] If you make him this speech, I have no doubt that you will be able to recal him to his senses even when actually stepping into his chariot.

XXVI. O thou darkness, thou filth, thou disgrace! O thou forgetful of your father's family, scarcely mindful of your mother's,—there is actually something so broken-down, so mean, so base, so sordid, even too low to be considered worthy of the Milanese crier, your grandfather.

Lucius Crassus, the wisest man of our state, searched almost the whole Alps with javelins to find out some pretext for a triumph where there was no enemy. A man of the highest genius, Caius Cotta, burnt with the same desire, though he could find no regular enemy. Neither of them had a triumph, because his colleague deprived one of that honour, and death prevented the other from enjoying it. A little while ago, you derided Marcus Piso's desire for a triumph, from which you said that you yourself were far removed; for he, even if it was not a very important war which he had conducted, as you say that it was not, still did not think that an honour to be slighted. But you are more learned than Piso, more wise than Cotta. Richer in prudence, and genius, and wisdom than Crassus, you despise those things which those idiots, as you term them, have considered glorious: and if you blame them for having been covetous of glory, though they had conducted wars which were insignificant, or no wars at all; surely, you who have subdued such mighty nations, and performed such great achievements, were not bound to despise the fruit of your labours, the reward of

[1] A Greek word, signifying "is gone, has perished."

your dangers, the tokens of your valour. And the truth is that you did not despise them, even though you may be wiser than Themista;[1] but you shrank from exposing even your iron countenance to be chastised by the reproaches of the senate.

You see now, since I have been so much an enemy to myself as to compare myself to you, that my departure, and my absence, and my return, were all so far superior to yours, that all these circumstances have shed immortal glory on me, and have inflicted everlasting infamy on you. To come even to our present daily regular manner of life in this city, will you venture to prefer your respectability, your influence, your reputation at home, your energy in the forum, your counsel, your assistance, your authority, and your opinion as a senator, to that which belongs to us, or, I would rather say, to even the lowest and most desperate of men?

XXVII. Come, the senate hates you; which, indeed, you admit that it does deservedly, since you have been the oppressor and destroyer, not only of its dignity and authority, but altogether of its existence and its name. The Roman knights cannot bear the sight of you, since one of their order, a most excellent and accomplished man, Lucius Ælius, was banished by you when consul. The Roman people wishes your destruction, to whom, for the purpose of bringing infamy upon them, you have attributed those things which you did concerning me by the instrumentality of your band of robbers and slaves. All Italy execrates you, whose resolutions and entreaties you have scorned in the most arrogant and haughty manner. Make experiment of this excessive and universal hatred if you dare. The most carefully prepared and magnificent games within the memory of man are just at hand,—games such as not only never have been exhibited, but such that we cannot form a conception how it will be possible for any like them ever to be exhibited for the future. Trust yourself to the people; venture on attending these games. Are you afraid of hisses? Where are all the precepts of your schools? Are you afraid that there will be no acclamations raised in your honour? Surely it does not become a philosopher to regard even such a thing as that. You are

[1] Themista is the name of a woman who devoted herself to the study of philosophy, to whom Epicurus wrote many of his letters.

afraid that violent hands may be laid on you. For pain is an evil, as you assert. The opinion which men entertain of you, disgrace, infamy, baseness,—these are all empty words, mere trifles. But about this I have no question. He will never dare to come near the games. He will attend the public banquet, not out of regard for his dignity, (unless, perchance, for the purpose of supping with the conscript fathers,[1] that is to say, with those men who love him,) but merely for the sake of gratifying his appetite. The games he will leave to us idiots, as he calls us. For he is in the habit, in all his arguments, of preferring the pleasures of his stomach to all delight of his eyes and ears.

For though you have perhaps considered him previously only dishonest, cruel, and a bit of a thief, and though he now appears to you also voracious, and sordid, and obstinate, and haughty, and deceitful, and perfidious, and impudent, and audacious, know, too, that there is also nothing which is more licentious, nothing more lustful, nothing more base, nothing more wicked than this man. But do not think that it is mere luxury to which he is devoted. For there is a species of luxury, though it is all vicious and unbecoming, which is still not wholly unworthy of a well-born and a free man. But in this man there is nothing refined, nothing elegant, nothing exquisite; I will do justice even to an enemy,—there is nothing which is even very extravagant, except his lusts. There is no expense for works of carving. There are immense goblets, and those (in order that he may not appear to despise his countrymen) made at Placentia. His table is piled up, not with shell-fish and other fish, but with heaps of half-spoilt meat. He is waited on by a lot of dirty slaves, many of them old men. His cook is the same; his butler and porter the same. He has no baker at home, no cellar. His bread and his wine came from some huckster and some low wine-vault. His attendants are Greeks, five on a couch, often more. He is used to sit by himself, and to drink as long as there was anything in the cask.[2] When he hears the cock crow, then, thinking that his grandfather has come to life again, he orders the table to be cleared.

XXVIII. Some one will say, "How did you find out all

[1] There is great doubt about the text here.

[2] There is great uncertainty about the true reading here.

this?" I will not, indeed, describe any one in such a manner as to insult him, especially if he be an ingenious and learned man, a class with whom I could not be angry, even if I wished it. There is a certain Greek who lives with him, a man, to tell the truth, (I speak as I have found him,) of good manners, at least as long as he is in other company than Piso's, or while he is by himself. He, when he had met that man, as a young man, though even then he had an expression of countenance as if he were angry with the gods, did not disdain his friendship, as the other sought for it with great eagerness; he gave himself up to intimacy with him, so as indeed to live wholly with him, and I may almost say, never to depart from him. I am speaking not before illiterate men, but, as I imagine, in a company of the most learned and highly accomplished men possible. You have no doubt heard it said, that the Epicurean philosophers measure everything which a man ought to desire by pleasure;—whether that is truly said or not is nothing to us, or if it be anything to us, it certainly has no bearing on the present subject; but still it is a tempting sort of argument for a young man, and one always dangerous to a person of no great intelligence.

Therefore, that profligate fellow, the moment that he heard that pleasure was so exceedingly praised by a philosopher, inquired nothing further; he so excited all his own senses which could be affected by pleasure, he neighed so on hearing this statement, that it was plain he thought that he had discovered not a teacher of virtue, but a pander to his lust. The Greek first began to distinguish between those precepts, and to separate them from one another, and to show in what sense they are uttered; but that cripple held the ball, as they say; he was determined to retain what he had got; he would have witnesses, and would have all the papers sealed up; he said, that Epicurus was an eloquent man. And so he is; he says, as I conceive, that he cannot understand the existence of any good when all the pleasures of the body are taken away. Why need I say much on such a topic? The Greek is an easy man, and very complaisant; he had no idea of being too contradictory to an "Imperator" of the Roman people.

XXIX. But the man of whom I am speaking is excessively accomplished, not in philosophy alone, but also in general

literature, which they say that the rest of the Epicureans commonly neglect. He composes a poem, so witty, so neat, so elegant, that nothing can be cleverer. In respect of which any one may find fault with him who pleases, provided he does so good-humouredly, treating him not as a profligate, or a rascal, or a desperado, but merely as a Greekling, as a flatterer, as a poet. He comes to, or rather, I should say, he falls in with him, deceived by the same rigid brow of his (being, too, a Greek and a stranger) as this wise and great city was beguiled by. He could not withdraw when he had once become entangled in his intimacy, and he was afraid also of getting the character of being fickle. Being entreated, and invited, and compelled, he wrote so many things which he addressed to him, so many things too about him, that he has described in the most delicate poetry possible all the lusts of the man, all his debaucheries, all his different suppers and revels, and even all his adulteries. And, in that poetry, any one who pleases can see that fellow's way of life reflected as in a mirror. And I would recite you much of it, which many men have read or heard, if I were not afraid that even the kind of speech which I am indulging in at this moment is at variance with the general usages of this place; and at the same time, I do not wish to do any injury to the character of the man who wrote it.

For if he had had better fortune in getting a pupil, perhaps he might have turned out a more strict and dignified man himself; but chance has led him into a habit of writing in this manner, very unworthy of a philosopher; if at least philosophy does, as is reported, comprehend the whole system of virtue, and duty, and living properly; and a man who professes it appears to me to have taken on himself a very serious and difficult character. But the same chance has polluted the man, who was quite ignorant of what he was professing when he called himself a philosopher, with the mud and filth of that fellow's most obscene and intemperate flock.

And when he had praised the achievements of my consulship, (and I feel that the panegyric of that basest of men was almost a discredit to me myself,) "it was not," says he, "any odium that you incurred by your conduct then, which injured you, but your verses." It was too great a punishment that was established, I trow, by you when you were consul, for a

poet, whether he were a bad one, or too free an one. For you wrote—

"Arms to the gown must yield."

What then?—"This was what excited all that storm against you." But I imagine that never was written in that panegyric, which, while you were consul, was engraved on the sepulchre of the republic—"May it please you, that because Marcus Cicero has written a verse, . . . ." but because he punished the guilty.

XXX. But since we are to consider you not as Aristarchus, but as a sort of grammatical Phalaris, a man who does not put a mark to a bad verse, but who pursues the poet with arms; I wish to know what fault you find with this verse:

"Arms to the gown must yield."

"You say," says he, "that the greatest generals must yield to the gown." Why now, you ass, am I to teach you letters? I do not want words for such a purpose, but a stick,—I did not say *this* gown, in which I am clothed, nor, when I said "arms," did I mean the sword and shield of any one particular general. But as the gown is the emblem of peace and tranquillity, and arms on the contrary are a token of disturbance and war, speaking after the manner of poets, I wished this to be understood, that war and tumult were to yield to peace and tranquillity. Ask your own intimate friend, that Greek poet; he will recognise and approve of such a figure of speech, and he will not wonder that you have no taste. "But," says he, "I cannot digest that other sentence either:

'The soldier's bays shall yield to true renown.'"

Indeed, I am much obliged to you; for I too should stick at that, if you had not released me. For when you, frightened and trembling, threw down at the Esquiline gate the bays which with your own most thievish hands you had stripped off from your blood-stained fasces, you showed that those bays were granted not only to the highest, but even to the very paltriest degree of glory.

And yet, by this argument you try, O you wretch, to make out that Pompeius was made an enemy to me by that verse; so that, if my verse has injured me, the injury may appear to have been sought for me by that man whom that verse offended. I say nothing of the fact, that that verse had no reference

to him: that it was not at all my object to insult with one single verse the man whom I had repeatedly extolled in many speeches and writings. But grant that he was offended. In the first place, will he not put in the scale against this one verse, the many volumes full of his praises which have proceeded from me? And if he has been moved by such a consideration, could he have countenanced so cruel an injury, (I will not say to his own dearest friend, to one who did not deserve such treatment at his hands by the anxiety which he has shown for his glory, nor at the hands of the republic; to a man of consular rank, to a senator, to a citizen, or to a freeman, but) to any human being, on account of a verse?

XXXI. Are you aware what you are saying, to whom and of whom you are saying it? You are implicating most honourable men in your and Gabinius's wickedness, and that without any disguise. For a little while before you say that I was contending against men whom I despised; but that I was leaving those men alone who had more influence, though they were the men with whom I ought to be angry. But as for those men, (for who is there who is not aware whom you mean?) although the case of them all is not the same, still I have no cause of complaint against any of them.

Cnæus Pompeius, though many men have tried to oppose his zeal for and attachment to my interests, has always had a regard for me; has always considered me entirely worthy of his intimacy; has always wished me to be not merely safe, but loaded with as much honour and distinction as possible. It is the dishonesty of you and your friends,—it is your wickedness, your accusations against me, as if I were cherishing treacherous designs and he were in danger,—accusations most wickedly invented, and at the same time the accusations of those men who, abusing the liberty which their friendship with him gave them, contrived a home for their most infamous statements in his ears, at your instigation, and it is your desires of provinces which caused me to be excluded from his house, and all the men who were anxious for the preservation of his glory, and of the republic, to be cut off from all conversation with and all access to him. And by all these measures it was brought about that he was prevented from abiding by what was notoriously his own opinion, while certain men had (I will not say wholly alienated his affections from me, but had) checked his eagerness to be of assistance to me.

Did not Lucius Lentulus, who was at that time prætor, did not Quintus Sanga, did not Lucius Torquatus the father, did not Marcus Lucullus come to you? All of whom, and many others, had come to him, at his house on the Alban Hill, to pray and entreat him not to desert my fortune, which was bound up with the safety of the republic. And he sent those men to you and to your colleague, that you might espouse the public cause, and submit a motion to the senate. He said, that he was unwilling to enter into a contest with a tribune of the people in arms, unless he had a public resolution on his side; but that if the consuls were defending the republic in obedience to a resolution of the senate, then he would take up arms. Do you at all recollect, you wretch, what answer you gave? an answer at which all those men, but especially Torquatus above all, were in a fury at the insolence of your reply, when you said that you were not as brave as Torquatus had been in his consulship, or as I had been; that there was no need of arms, nor of a contest; that it was in my power a second time to save the republic by yielding to the storm; that there would be endless bloodshed if I resisted; and at the last, he said, that neither he nor his son-in-law nor his colleague would desert the tribune of the people. And now, you enemy and traitor, do you say that I ought to be a more determined enemy to any one else than to you?

XXXII. I know well that Caius Cæsar has not always had the same opinion about the republic that I have; but nevertheless, as I have often said of him before, in the hearing of these men, he communicated to me all his intentions during the whole of his consulship, and he wished me to be his partner in all the honours which he shared with his nearest friends; he offered them to me, he invited, he entreated me to accept them. I was not brought over to his party, perhaps out of too great a regard for my character for consistency; I did not wish to be exceedingly beloved by him to whose kindnesses I would never have given up my own opinion. While you were consul, the matter was supposed to be disputed and to have come to a close contest, whether the acts which he had carried the previous year should continue in force, or be rescinded. Why need I say more on this subject? If he thought that there was so much virtue, and vigour, and influence in me, that all the acts which he had performed would be undone if

I opposed them, why should I not excuse him if he preferred his own safety to mine?

But I will say nothing of what is past. When Cnæus Pompeius embraced my cause with all his energies, using all his exertions, and encountering even danger to his life for my sake; when he was going round to the municipal towns to plead my cause, and was imploring the good faith of all Italy; when he was continually sitting by Publius Lentulus the consul, the author of my safety; when he was always delivering his opinion to the senate, and when in all his harangues he was not only professing himself the defender of my safety, but was descending even to supplications in my behalf; he then took to himself as a companion of and an assistant in his zeal for me, Caius Cæsar, whom he knew to have the very greatest influence, and to be no enemy of mine. You see now that I am not an antagonist of yours, not an enemy to you; and that, as for those men whom you hint at, I am bound not only not to be offended with them, but to be a friend to them. One of them, and I will take care always to remember it, has been as great a friend to me as to himself; the other, what I will forget some day or other, certainly was more of a friend to himself than to me. But this is a common state of things, that brave men, even after they have fought together in close combat, sword in hand, still lay aside the hostility engendered by the contest, at the same time that they cease from the battle itself, and lay down their arms. Nor, indeed, was he ever able to hate me, not even when we were most at variance. Virtue, which you do not even know by sight, has this quality, that its appearance and beauty delight brave men even when existing in an enemy.

XXXIII. In truth, I will say sincerely, O conscript fathers, what I feel, and what I have often said before in your hearing. If Caius Cæsar had never been friendly towards me; if he had always been hostile to me; if he had despised my friendship, and had always shown himself implacable and irreconcilable towards me; still I could not feel otherwise than friendly towards a man who had performed and was daily performing such mighty actions. Now that he is in command, I no longer oppose and array the rampart of the Alps against the ascent and crossing of the Gauls, nor the channel of the Rhine, foaming with its vast whirlpools, to those most savage

nations of the Germans. Cæsar has brought things to such a pass, that even if the mountains were to sink down, and the rivers to be dried up, we should still have Italy fortified, not, indeed, by the bulwarks of nature, but by his victory and great exploits. But as he courts me, and loves me, and thinks me worthy of every sort of praise, will you call me off from my enmity against you to a quarrel with him? Will you thus re-open the past wounds of the republic by your enormities? Which, indeed, you, who were well acquainted with the union subsisting between Cæsar and me, sought to elude, when you asked me,—with trembling lips, indeed, but still you did ask me,—why I did not proceed against you? Although, as far as I am concerned—

> "Never shall you from care or pain be freed
> By my denial,—"[1]

still I must consider how much anxiety and how great a burden I, being exceedingly friendly to him, am imposing on him, while embarrassed with such important affairs of the republic, and with so formidable a war.

Nor do I despair, though the youth of the city is indolent, and does not concern itself with the desire of praise and glory as it should, that there will be some men who will not be unwilling to strip this prostrate carcass of its consular spoils, especially in the case of so contemptible, and powerless, and helpless a criminal; in the case of you who have behaved in such a manner that you have been afraid of appearing utterly unworthy of kindness, unless you showed yourself, in all respects, like the man by whom you were despatched into that province.

XXXIV. Do you imagine that we have inquired in only a cursory manner into the disgraces incurred during your command, and into the losses suffered by the province? We have investigated them, not tracking your footsteps merely by scent, but marking every wriggle of your body, and every seat where you have left your print. Everything has been noted by us, both the very first crimes which you committed on your arrival, when, having received money from the people of Dyrrachium for the murder of Plator, who was connected with you by ties of hospitality, you

[1] This is from the Atreus of Accius.

destroyed the house of the man to whose murder you had sold yourself: when, after you had accepted from him some musical slave and other presents, he was still alarmed and hesitated a good deal, you assured him with promises, and desired him to come to Thessalonica on the security of your good faith. And at last you did not even put him to death according to the custom of our ancestors, when that miserable man was willing to place his neck beneath the axe of his hereditary friend, but you ordered the physician whom you had brought with you to open his veins. After that, you added to the murder of Plator, that of Pleuratus, his companion, whom you put to death by scourging, being a man of extreme old age. After that, you also put to death by the hand of the executioner, Rabocentus, a prince of the Bessic tribe, having sold yourself to do this to king Cottus, for three hundred talents. And you did not murder him alone, but all the other ambassadors also who had come with him, all whose lives you sold to king Cottus. You waged a wicked and cruel war against the Denseletæ, a nation which has at all times been obedient to this empire, and which even at the time of that general defection of all the barbarians, preserved Macedonia for us, when Caius Sentius was prætor. And though you might have had that people for your most faithful allies, you preferred to treat them as our most bitter enemies. Thereby you made those who might have been the perpetual defenders of Macedonia, desirous to harass and destroy it They have thrown our revenues into confusion, they have taken our cities, laid waste our lands, led away our allies into slavery, carried off whole families, driven off our cattle, and compelled the people of Thessalonica, as they despaired of saving their town, to fortify their citadel.

XXXV. It was by you that the temple of Jupiter Urius, the most ancient and the most venerated of all the temples of the barbarians, was plundered. They are your crimes which the immortal gods have been avenging on our soldiers; for when they were all attacked by one kind of disease, and when no one who had once fallen sick was found to recover, no one had any doubt that it must have been the insults offered to men connected with us by ties of hospitality, and the murder of ambassadors, and the attacking of peaceful and allied tribes with wanton and wicked war, and the plundering of temples,

which were the causes of this great destruction. You can recognise in such brief particulars as these the universal nature of your wickedness and cruelty.

Why need I now detail the whole course of your avarice, which is connected with innumerable crimes? I will just mention a few which are most notorious, in a lump. Did you not, after they had been paid to you from the treasury, leave behind you at Rome, to be put out to usury, the eighteen millions of sesterces which you had obtained under pretence of its being money for your fit-out as governor of a province, but which was in reality the price for which you had sold my life?[1] Did you not, when the people of Apollonia had given you two hundred talents at Rome, in order, by your means, to avoid payment of their just debts,—did you not, I say, actually give up Fufidius, a Roman knight, a most accomplished man, to his debtors? Did you not, when you had given up your winter quarters to your lieutenant and prefect, utterly destroy those miserable cities? which were not only drained of all their wealth, but were compelled to undergo all the unholy cruelties and excesses of your lusts. What was your method of valuing corn? or the compliment which you claimed? if, indeed, that which is extorted by violence and by fear can be called a compliment. And this conduct of yours was felt nearly equally by all, but most bitterly by the Bœotians, and Byzantines, and by the people of the Chersonesus and Thessalonica. You were the only master, you were the only valuer, you were the only seller of all the corn in the whole province for the space of three years.

XXXVI. Why need I bring forward your investigations into capital charges, your agreements with criminals, your most iniquitous condemnation of some, your most profligate acquittal of others? You know well that every circumstance concerning these matters is known to me, and I will leave you to recollect how many crimes of that class and of what great enormity they were. What? have you any recollection of that workshop of arms where, having collected together all the

[1] The reader may as well be reminded that the Latin word "*caput*," here and elsewhere translated *life*, means in reality, when employed, as here, in a legal sense, the civil privileges of a Roman citizen as well as his life, and they were destroyed by banishment as completely as by death.

cattle of the whole province, under some pretext connected with the hides, you repeated the whole of the profits which had been made by your family, and by your own father? For you, when you were a pretty big boy, at the time of the Italian war, had seen your house crammed full of the gains made when your father superintended the manufactory of arms. What? do you not recollect that the province was made a source of revenue to your slaves to whom you farmed it, by putting a fixed import duty on every single thing which was sold? What? do you forget that centurionships were sold openly? What? do you deny that rank was dispensed by your slaves? What? do you deny that during all those years pay was furnished to your troops by the cities of the province, the months for which each city was to find the money being openly settled? What? have you forgotten that journey of yours into Pontus and your attempts there? have you forgotten your prostration and abjectness of mind, when news was brought to you that Macedonia was made a prætorian province, and when you fell down fainting and half dead, not only because your successor was appointed, but also that Gabinius's was not? * * *[1] Did you not send away a quæstor of ædilitian rank? Was not every one of the most virtuous of your lieutenants insulted by you? Did you not refuse to receive the military tribunes? Was not Marcus Bæbius, a brave man, murdered by your commands? Why need I tell how often you, distrusting and despairing of your fortunes, lay down in mourning, and lamentation, and misery? Why need I tell how you sent to that priest, so beloved by the people, six hundred men of the friends, or allies, or tributaries of the Roman people, to be exposed to wild beasts?

Need I relate how, when you were scarcely able to support your disappointment and grief at your departure from the province, you first of all went to Samothrace, after that to Thasos with your train of young dancing boys, and with Autobulus, and Athamas, and Timocles, those beautiful brothers?—that when you departed thence you lay for many days weeping in the villa of Euchadia, who was the wife of Execestus? and from thence, disguised in shabby garments, you came to Thessalonica by night, without any one knowing it?—that then, when you could not bear the crowds of men

[1] There is great corruption of the text here.

who came about you bewailing the state to which you had reduced them, nor the torrent of their complaints, you fled away to Berœa, a town out of your road? Need I relate how, when a rumour that Quintus Ancharius was not going to be appointed your successor had elated your mind with false hopes, while you were in that town,—you again, O wretched man, gave the rein to all your former intemperance?

XXXVII. I say nothing of the gold for a crown, which tormented you a long time, while at one time you were inclined towards it, and at another time unwilling to take it. For the law of your son-in-law forbade it to be decreed or to be accepted, unless a triumph was also decreed. But nevertheless you, in respect of that gold, could not find in your heart to disgorge the money which you had received and devoured, as in the case of the hundred talents of the Achæans; you only changed the names and descriptions of the pretexts under which you extracted the money. I say nothing of the commissions which you scattered at random over the provinces; I say nothing of the number of vessels, or of the sum total of the plunder you acquired; I say nothing of the system under which you levied and extorted all the corn; I say nothing of your having stripped both nations and individuals of their liberties, even though they had had those liberties given them by name as rewards; not one of all which things is not carefully provided against and expressly forbidden to be done by the Julian law.

You, on your departure, (O you punishment, O you Fury of the allies,) destroyed the unhappy Ætolia, which being separated by a great distance from the barbarian nations, is placed in the lap of peace, and is in almost the centre of Greece. You confess—as indeed you mentioned yourself only just now—that Arsinoë, and Stratus, and Naupactus, noble and wealthy cities, were taken by the enemy. And by what enemies? Why, by those whom you, while encamped at Ambracia, on your first arrival, compelled to depart from the towns of the Agrinæ and of the Dolopes, and to leave their altars and their homes. But now, on this departure of yours, O you illustrious "Imperator,"—though the sudden destruction of Ætolia was no trifling addition to your previous disasters,—you disbanded your army; nor was there any punishment which could be considered due to such guilt as yours

which you were not willing to undergo, rather than allow any one to become acquainted with the existing numbers of the relics of your army.

XXXVIII. And, that you, O conscript fathers, may see how great is the resemblance between the two Epicurean generals in their military exploits and management of their command; Albucius, after he had triumphed in Sardinia, was condemned at Rome. And as this man expected a similar end to his campaigns, he laid aside his trophies in Macedonia; and those things which all nations have agreed in considering the insignia and monuments of military glory and victory, this extraordinary "Imperator" of ours made the fatal evidences of towns which had been lost, of legions which had been cut to pieces, of a province stripped of its garrison and of all the rest of its troops, to the everlasting disgrace of his family and name; and then, in order that there should be something which might be recorded and engraved on the pedestal of his trophies, when, on his departure from his province, he arrived at Dyrrachium, he was besieged by those very soldiers whom he told Torquatus just now, in answer to his questions, had been disbanded by him out of kindness.

And when he had assured them with an oath that he would pay them the next day all that was due to them, he hid himself at home; and then on a very stormy night, in slippers and in the garb of a slave, he embarked on board a ship, and avoided Brundusium, and sailed towards the furthest part of the coast of the Adriatic Sea; while in the mean time, the soldiers at Dyrrachium began to besiege the house in which they thought that he was, and as they thought that he was hiding himself there, they began to set fire to it. And the people of Dyrrachium, being alarmed at that proceeding, told them that their "Imperator" had fled away by night in his slippers. Then the troops displace, and throw down, and deface, and destroy a statue of his, an excellent likeness of him, which he had caused to be erected in the most frequented place, that the recollection of so delightful a man might not perish; and in this way they expended on his likeness and on his effigy the hatred which they had hoped to wreak on himself.

And as all this is the truth, (for I have no doubt that, when you see that I am acquainted with these which are the more

prominent facts of your career, you will suppose that the more ordinary cases that the main body of your crimes, has not been entirely unheard of by me,) you have no occasion to tempt me either by exhortation or by invitation. It is quite enough for me to be reminded. And no one and nothing will remind me except the critical occasions of the republic, which appear to me, indeed, to be more immediately pressing than you have ever thought.

XXXIX. Do you not in the least see or perceive what sort of judges we are going to have for the future, when the law regulating the courts of justice is passed? Then it will not be the case that every one who likes will be appointed, and that every one who has any objection will be excused. No men will be thrust into the order of judges; no one will be irregularly removed from it. Ambition will not be allowed to work its way to popularity, nor wickedness to gratify its enmity, by that means. Those will be the judges whom the law itself, not those whom the depraved caprices of men appoint. And as this is the case, believe me, you will not have need to demand a prosecutor against your will. The case itself, or the necessities of the republic, will either call forth me myself—which I should be sorry for—or some one else, or will repress us.

In truth, as I said a little time ago, I do not think that the same things are punishments to men which most people consider such; namely—condemnation, banishment, or death. Lastly, it seems to me that that which may happen to an innocent, or to a brave, or to a wise, or to a virtuous man and citizen, cannot be a punishment in the proper sense of the word. That condemnation which is now demanded to be inflicted on you, befel Publius Rutilius, a man whom this city accounted a pattern of innocence. Lucius Opimius was driven from his country—he who, as prætor and consul, had delivered the republic from the greatest dangers. The punishment of guilt and of the consciousness of it, did not belong to the man to whom the injury was done, but to those who did it. But on the other hand, Catiline was twice acquitted; even that man who was the cause of your obtaining your province was acquitted after he had profaned the sacred rites of the Good Goddess. But who was there in all this city who thought that he was released from the guilt of impiety, and

not that those who acquitted him were, by their sentence, made accomplices in his wickedness?

XL. Am I to wait while seventy-five voting tablets are distributed in your case; when all men of all classes and ages and ranks of society have long since formed their opinions concerning you? For who is there who thinks you deserving of a visit; or of any compliment, or even of an ordinary salutation? All men wish to efface all recollection of your consulship, to extirpate your conduct, your habits, your very appearance and name from the republic. The lieutenants who were with you are alienated from you, the military tribunes are hostile to you; the centurions and any other soldiers who may be left out of that once numerous army, and who were not disbanded by you but scattered abroad, hate you, wish for calamities to befal you, execrate you. Achaia which has been drained by you, Thessaly which has been harassed by you, Athens which has been plundered by you, Dyrrachium and Apollonia which have been completely emptied by you, Ambracia which has been pillaged by you, the Parthinians and Bulliensians who have been mocked by you, Epirus which has been laid waste by you, the Locrians, the Phocians, the Bœotians whom you have ravaged with fire and sword, Acarnania, Amphilochia, Perrhæbia, and the nation of the Athamanes who have been sold by you, Macedonia which has been sacrificed by you to the barbarians, Ætolia which has been lost, the Dolopians and the neighbouring mountaineers who have been driven from their towns and from their lands, the Roman citizens who have dealings as merchants in those countries,—all feel that you came among them as their chief despoiler, and harasser, and robber, and enemy.

To all these numerous and weighty opinions formed respecting you in this manner, there has been added the private sentence of condemnation which you have passed upon yourself. Your secret arrival, your stealthy journey through Italy, your entry into the city deserted by your friends;—the fact of your sending no letters to the senate, of your addressing no congratulation to them on successes achieved by you during the whole of three summer campaigns, of your making no mention of any triumph;—you do not only omit to say what you did, but you do not even dare to say where you were.

When you had brought back the dry withered leaves of

your laurels from that fountain and seed-ground of triumphs, when you threw them down and left them at the gate, then you yourself gave your verdict against yourself, and pronounced yourself "guilty." And if you had done nothing deserving of honour, what had become of your army? where was the need for all that expense? what did you want with a military command? why did you seek for that province so fruitful in supplications and triumphs? But if you had ventured to cherish hopes of anything,—if you had nourished the thoughts which the name of "Imperator," the fasces bound with laurel, and those trophies so full of disgrace and ridicule to you, show that you had entertained,—who can be more miserable, who more thoroughly condemned than you, who neither when absent ventured to write to the senate that the affairs of the republic had been prosperously conducted by you, nor dare to say as much when you are present?

XLI. Do you think that you can possibly appear to be anything but a condemned man to me, who have always been of opinion that a man's fortune was to be estimated by his actions themselves, and not by their results, and that our character and our fortunes depended not on the voting tablets of a few judges, but on the opinions and judgments of all the citizens? when I see that the allies, and the people of the federate states, and all free nations, and all the tributary peoples, and the merchants, and the farmers of the public revenue, and the whole population of the city, and the lieutenants, and the military tribunes, and all the soldiers who are left of your army—as many as have escaped the sword, and famine, and disease, think you worthy of every extremity of punishment? when no excuse can be possibly alleged either before the senate, or before any order of men whatever, or before the Roman knights, or in the city, or in any part of Italy, sufficient to induce any one to pardon your enormous crimes? when I see that even you yourself hate yourself, and are afraid of everybody, and can find no one to whom you can venture to entrust your cause, and by your own verdict condemn yourself?

I have never thirsted for your blood; I have never sought in your case for that extreme severity of the law and of judgment which at times may fall alike on the virtuous and on the guilty. But I have wished to see you abject, despised,

scorned by all the rest of the citizens; looking with despair on your prospects, and abandoned even by yourself; looking timidly around at every noise which sounded near you; trembling at everything; distrusting the continuance of even your present safety, such as it is; not daring to utter a word; deprived of all liberty, destitute of all authority, stripped of all the dignity of a consul and of a man of consular rank; shivering, trembling, and fawning on all men. And I have seen you. Wherefore, if that future befals you which you are in hourly apprehension of, I shall be in no respect concerned at it; if it is even a long while coming, still I shall enjoy the indignities to which you are exposed; and I shall be quite as well pleased to see you in daily fear of a prosecution as actually before the court; nor shall I rejoice less at seeing you in constant and unceasing distress, than I should if I saw you for a short time in the mourning robe of a criminal on his trial.

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## THE SPEECH OF M. T. CICERO IN DEFENCE OF TITUS ANNIUS MILO.

### THE ARGUMENT.

Titus Annius Milo, often in the following speech called only Titus Annius, stood for the consulship while Clodius was a candidate for the prætorship, and daily quarrels took place in the streets between their armed retainers and gladiators. Milo, who was dictator of Lanuvium, his native place, was forced to go thither to appoint some priests, etc.; and Clodius, who had been to Aricia, met him on his road. Milo was in his carriage with his wife, and was accompanied by a numerous retinue, among whom were same gladiators. Clodius was on horseback, with about thirty armed men. The followers of each began to fight, and when the tumult had become general, Clodius was slain, probably by Milo himself. The disturbances at Rome became so formidable that Pompey was created sole consul; and soon after he entered on his office, A.U.C. 702, Milo was brought to trial. This speech, however, though composed by Cicero, was not spoken, for he was so much alarmed by the violence of Clodius's friends, that he did not dare to use the plain language he had proposed. Milo was convicted and banished to Marseilles.

I. ALTHOUGH I am afraid, O judges, that it is a base thing for one who is beginning to speak for a very brave man to be alarmed, and though it is far from becoming, when Titus

Annius Milo himself is more disturbed for the safety of the republic than for his own, that I should not be able to bring to the cause a similar greatness of mind, yet this novel appearance of a new[1] manner of trial alarms my eyes, which, wherever they fall, seek for the former customs of the forum and the ancient practice in trials. For your assembly is not surrounded by a circle of bystanders as usual; we are not attended by our usual company.[2]

For those guards which you behold in front of all the temples, although they are placed there as a protection against violence, yet they bring no aid to the orator; so that even in the forum and in the court of justice itself, although we are protected with all salutary and necessary defences, yet we cannot be entirely without fear. But if I thought this adverse to Milo, I should yield to the times, O judges, and among such a crowd of armed men, I should think there was no room for an orator. But the wisdom of Cnæus Pompeius, a most wise and just man, strengthens and encourages me; who would certainly neither think it suitable to his justice to deliver that man up to the weapons of the soldiery whom he had given over as an accused person to the decision of the judges, nor suitable to his wisdom to arm the rashness of an excited multitude with public authority.

So that those arms, those centurions, those cohorts, do not announce danger to us, but protection; nor do they expect us only to be calm, but even to be courageous; nor do they promise only assistance to my defence, but also silence. And the rest of the multitude, which consists of citizens, is wholly ours; nor is there any one individual among those whom you see from this place gazing upon us from all sides from which any part of the forum can be seen, and watching the result of this trial, who, while he favours the virtue of Milo, does not think that this day in reality his own interests, those of his children, his country, and his fortunes, are at stake.

II. There is one class adverse and hostile to us,—those

[1] This was an extraordinary trial, held under a new law just passed by Pompey; and it was presided over, not by the prætor, but by Lucius Domitius Ahenobarbus, who was expressly appointed by the comitia president of the judges on this occasion.

[2] Pompey was present at the trial, surrounded by his officers, and he had filled the forum and all its precincts with armed men, for the sake of keeping the peace.

whom the madness of Publius Clodius has fed on rapine, on conflagration, and on every sort of public disaster; and who were, even in the assembly held yesterday, exhorted[1] to teach you, by their clamour, what you were to decide. But such shouts, if any reached you, should rather warn you to retain him as a citizen who has always slighted that class of men, and their greatest clamour, in comparison with your safety. Wherefore, be of good courage, O judges, and lay aside your alarm, if indeed you feel any; for if ever you had to decide about good and brave men, and about citizens who had deserved well of their country, if ever an opportunity was given to chosen men of the most honourable ranks to show by their deeds and resolutions that disposition towards brave and good citizens which they had often declared by their looks and by their words, all that power you now have, when you are to determine whether we who have always been wholly devoted to your authority are to be miserable, and to mourn for ever, or whether, having been long harassed by the most abandoned citizens, we shall at length be reprieved and set up again by you, your loyalty, your virtue, and your wisdom.

For what, O judges, is more full of labour than we both are, what can be either expressed or imagined more full of anxiety and uneasiness than we are, who being induced to devote ourselves to the republic by the hope of the most honourable rewards, yet cannot be free from the fear of the most cruel punishments? I have always thought indeed that Milo had to encounter the other storms and tempests in these billows of the assemblies because he always espoused the cause of the good against the bad; but in a court of justice, and in that council in which the most honourable men of all ranks are sitting as judges, I never imagined that Milo's enemies could have any hope of diminishing his glory by the aid of such men, much less of at all injuring his safety.

Although in this cause, O judges, we shall not employ the tribuneship of Titus Annius, and all the exploits which he has performed for the safety of the republic, as topics for our defence against this accusation, unless you see with your own eyes that a plot was laid against Milo by Clodius; and we shall not entreat you to pardon us this one offence in consi-

[1] Munatius Plancus, the day before, had exhorted the people not to suffer Milo to escape.

deration of our many eminent services to the republic, nor shall we demand, if the death of Publius Clodius was your safety, that on that account you should attribute it rather to the virtue of Milo, than to the good fortune of the Roman people; but if his plots are made clearer than the day, then indeed I shall entreat, and shall demand of you, O judges, that, if we have lost everything else, this at least may be left us,—namely, the privilege of defending our lives from the audacity and weapons of our enemies with impunity.

III. But before I come to that part of my speech which especially belongs to this trial, it seems necessary to refute those things which have been often said, both in the senate by our enemies, and in the assembly of the people by wicked men, and lately, too, by our prosecutors; so that when every cause of alarm is removed, you may be able distinctly to see the matter which is the subject of this trial. They say that that man ought no longer to see the light who confesses that another man has been slain by him. In what city, then, are these most foolish men using this argument? In this one, forsooth, where the first trial for a man's life that took place at all was that of Marcus Horatius, a most brave man, who even before the city was free was yet acquitted by the assembly of the Roman people, though he avowed that his sister had been slain by his hand.

Is there any one who does not know, that when inquiry is made into the slaying of a man, it is usual either altogether to deny that the deed has been done, or else to defend it on the ground that it was rightly and lawfully done? unless, indeed, you think that Publius Africanus was out of his mind, who, when he was asked in a seditious spirit by Caius Carbo, a tribune of the people, what was his opinion of the death of Tiberius Gracchus, answered that he seemed to have been rightly slain. For neither could Servilius Ahala, that eminent man, nor Publius Nasica, nor Lucius Opimius, nor Caius Marius, nor indeed the senate itself during my consulship, have been accounted anything but wicked, if it was unlawful for wicked citizens to be put to death. And therefore, O judges, it was not without good reason, that even in legendary fables learned men have handed down the story, that he, who for the sake of avenging his father had killed his mother, when the opinions of men varied, was acquitted not

only by the voices of the gods, but even by the very wisest goddess. And if the Twelve Tables have permitted that a nightly robber may be slain any way, but a robber by day if he defends himself, with a weapon, who is there who can think a man to be punished for slaying another, in whatever way he is slain, when he sees that sometimes a sword to kill a man with is put into our hands by the very laws themselves?

IV. But if there be any occasion on which it is proper to slay a man,—and there are many such,—surely that occasion is not only a just one, but even a necessary one, when violence is offered, and can only be repelled by violence. When a military tribune offered violence to a soldier in the army of Caius Marius, the kinsman of that commander was slain by the man whom he was insulting; for the virtuous youth chose to act, though with danger, rather than to suffer infamously; and his illustrious commander acquitted him of all guilt, and treated him well. But what death can be unjust when inflicted on a secret plotter and robber?

What is the meaning of our retinues, what of our swords? Surely it would never be permitted to us to have them if we might never use them. This, therefore, is a law, O judges, not written, but born with us,—which we have not learnt, or received by tradition, or read, but which we have taken and sucked in and imbibed from nature herself; a law which we were not taught, but to which we were made,—which we were not trained in, but which is ingrained in us,—namely, that if our life be in danger from plots, or from open violence, or from the weapons of robbers or enemies, every means of securing our safety is honourable. For laws are silent when arms are raised, and do not expect themselves to be waited for, when he who waits will have to suffer an undeserved penalty before he can exact a merited punishment.

The law very wisely, and in a manner silently, gives a man a right to defend himself, and does not merely forbid a man to be slain, but forbids any one to have a weapon about him with the object of slaying a man; so that, as the object, and not the weapon itself, is made the subject of the inquiry, the man who had used a weapon with the object of defending himself would be decided not to have had his weapon about him with the object of killing a man. Let, then, this principle

be remembered by you in this trial, O judges; for I do not doubt that I shall make good my defence before you, if you only remember—what you cannot forget—that a plotter against one may be lawfully slain.

V. The next point is one which is often asserted by the enemies of Milo, who say that the senate has decided that the slaughter by which Publius Clodius fell was contrary to the interests of the republic. But, in fact, the senate has approved, not merely by their votes, but even zealously. For how often has that cause been pleaded by us in the senate? with what great assent of the whole body? and that no silent nor concealed assent; for when in a very full senate were there ever four or five men found who did not espouse Milo's cause? Those lifeless assemblies of this nearly burnt[1] tribune of the people show the fact; assemblies in which he daily used to try and bring my power into unpopularity, by saying that the senate did not pass its decrees according to what it thought itself, but as I chose.

And if, indeed, that ought to be called power, rather than a moderate influence in a righteous cause on account of great services done to the republic, or some popularity among the good on account of dutiful labours for its sake, let it be called so, as long as we employ it for the safety of the good in opposition to the madness of the wicked.

But this investigation, though it is not an unjust one, yet is not one which the senate thought ought to be ordered; for there were regular laws and forms of trial for murder, or for assault; nor did the death of Publius Clodius cause the senate such concern and sorrow that any new process of investigation need have been appointed; for when the senate had had the power of decreeing a trial in the matter of that impious pollution of which he was guilty taken from it, who can believe it thought it necessary to appoint a new form of trial about his death? Why then did the senate decide that this burning of the senate-house, this siege laid to the house of M. Lepidus, and this very homicide, had taken place contrary to the in-

[1] After Clodius's death, Munatius Plancus, the tribune, exposed his body on the rostrum, and harangued the people against Milo; the populace carried the body into the senate-house, and made a pile of the seats to burn it, in doing which they burnt the senate-house, and Plancus himself with difficulty escaped.

terest of the republic? Why, because no violence from one citizen to another can ever take place in a free state which is not contrary to the interests of the republic. For the defending of oneself against violence is never a thing to be wished for; but it is sometimes necessary, unless, indeed, one could say that that day on which Tiberius Gracchus was slain, or that day when Caius was, or the day when the arms of Saturnius were put down, even if they ended as the welfare of the republic demanded, were yet no wound and injury to the republic.

VI. Therefore I myself voted, when it was notorious that a homicide had taken place on the Appian road, not that he who had defended himself had acted in a manner contrary to the interests of the republic; but as there was violence and treachery in the business, I reserved the charge for trial, I expressed my disapprobation of the business. And if the senate had not been hindered by that frantic tribune from executing its wishes, we should not now have this novel trial. For the senate voted that an extraordinary investigation should take place according to the ancient laws. A division took place, it does not signify on whose motion, for it is not necessary to mention the worthlessness of every one, and so the rest of the authority of the senate was destroyed by this corrupt intercession.

"Oh, but Cnæus Pompeius, by his bill, gave his decision both about the fact and about the cause. For he brought in a bill about the homicide which had taken place on the Appian road, in which Publius Clodius was slain." What then did he propose? That an inquiry should be made. What is to be inquired about? Whether it was committed? That is clear. By whom? That is notorious. He saw that a defence as to the law and right could be undertaken, even at the very moment of the confession of the act. But if he had not seen that he who confessed might yet be acquitted, when he saw that we did not confess the fact, he would never have ordered an investigation to take place, nor would he have given you at this trial the power[1] of acquitting as well as that of con-

[1] Literally, "this wholesome letter, as well as that melancholy one." The letter A was the "wholesome" letter, being the initial of *absolvo*, I acquit; the letter C the melancholy one, being the initial of *condemno*, I condemn.

demning. But it seems to me that Cnæus Pompeius not only delivered no decision at all unfavourable to Milo, but that he also pointed out what you ought to turn your attention to in deciding. For he who did not assign a punishment to the confession, but required a defence of it, he clearly thought that what was inquired into was the cause of the death, and not the mere fact of the death. Now he himself shall tell us whether what he did of his own accord was done out of regard for Publius Clodius, or from a compliance with the times.

VII. A most noble man, a bulwark, and in those times, indeed, almost a protector of the senate, the uncle of this our judge, of that most fearless man Marcus Cato, Marcus Drusus, a tribune of the people, was slain in his own house. The people had never any reference made to them in the matter of his death, no investigation was voted by the senate. What great grief was there, as we have heard from our forefathers in this city, when that attack was made by night on Publius Africanus, while sleeping in his own house! Who was there then who did not groan, who did not burn with indignation, that men should not have waited even for the natural and inevitable death of that man whom, if possible, all would have wished to be immortal?

Was there then any extraordinary investigation into the death of Africanus[1] voted? Certainly none. Why so? Because the crime of murder is not different when eminent men, or when obscure ones are slain. Let there be a difference between the dignity of the lives of the highest and lowest citizens. If their death be wrought by wickedness, that must be avenged by the same laws and punishments in either case; unless, indeed, he be more a parricide who murders a father

[1] After the death of Tiberius Gracchus, Publius Æmilianus Africanus Scipio, the conqueror of Carthage and Numantia, was known to be hostile to the agrarian law, and threw every obstacle in the way of it; his enemies gave out that he intended to abrogate it by force. One morning he was found dead in his bed without a wound. The cause and manner of his death were unknown; some said it was natural; some, that he had slain himself; some, that his wife Sempronia, the sister of Gracchus, had strangled him. His slaves, it was said, declared that some strangers had been introduced into the house at the back, who had strangled him, and the triumvir Carbo is generally believed to have been the chief agent in his murder, and is expressly mentioned as the murderer by Cicero, Ep. ad Q. Fr. ii. 3.

of consular rank than he who murders one of low degree; or, as if the death of Publius Clodius is to be more criminal because he was slain among the monuments of his ancestors,—for this is constantly said by that party; as if, I suppose, that illustrious Appius Cæcus made that road, not that the nation might have a road to use, but that his own posterity might have a place in which to rob with impunity.

Therefore in that same Appian road, when Publius Clodius had slain a most accomplished Roman knight, Marcus Papirius, that crime was not to be punished; for a nobleman among his own family monuments had slain a Roman knight. Now what tragedies does the name of that same Appian road awaken? which, though nothing was said about it formerly, when stained with the murder of an honourable and innocent man, is now incessantly mentioned ever since it has been dyed with the blood of a robber and a parricide. But why do I speak of these things? A slave of Publius Clodius was arrested in the temple of Castor, whom he had placed there to murder Cnæus Pompeius; the dagger was wrested from his hands and he confessed his design; after that Pompeius absented himself from the forum, absented himself from the senate, and from all public places; he defended himself within his own doors and walls, not by the power of the laws and tribunals.

Was any motion made? was any extraordinary investigation voted? But if any circumstance, if any man, if any occasion was ever important enough for such a step, certainly all these things were so in the greatest degree in that cause. The assassin had been stationed in the forum, and in the very vestibule of the senate. Death was being prepared for that man on whose life the safety of the senate depended. Moreover, at that crisis of the republic, when, if he alone had died, not only this state, but all the nations in the world would have been ruined,—unless, indeed, the crime was not to be punished because it was not accomplished, just as if the execution of crimes was chastised by the laws, and not the intentions of men,—certainly there was less cause to grieve, as the deed was not accomplished, but certainly not a whit the less cause to punish. How often, O judges, have I myself escaped from the weapons and from the bloody hands of Publius Clodius! But if my good fortune, or that of the republic, had not

preserved me from them, who would have proposed any investigation into my death.

VIII. But it is foolish of us to dare to compare Drusus, Africanus, Pompeius, or ourselves, with Publius Clodius. All these things were endurable. The death of Publius Clodius no one can bear with equanimity. The senate is in mourning; the knights grieve; the whole state is broken down as if with age; the municipalities are in mourning; the colonies are bowed down; the very fields even regret so beneficent, so useful, so kind-hearted a citizen! That was not the cause, O judges, it was not indeed, why Pompeius thought an investigation ought to be proposed by him; but being a man wise and endowed with lofty and almost divine intellect, he saw many things,—that Clodius was his personal enemy, Milo his intimate friend; he feared that, if he were to rejoice in the common joy of all men, the belief in his reconciliation with Clodius would be weakened. He saw many other things, too, but this most especially,—that in whatever terms of severity he proposed the motion, still you would decide fearlessly. Therefore, he selected the very lights of the most eminent ranks of the state. He did not, indeed, as some are constantly saying, exclude my friends in selecting the tribunal; for neither did that most just man think of this, nor, when he was selecting good men, could he have managed to do so, even had he wished; for my influence would not be limited by my intimacies, which can never be very extensive, because one cannot associate habitually with many people; but, if we have any influence, we have it on this account, because the republic has associated us with the virtuous; and, when he was selecting the most excellent of them, and as he thought that it especially concerned his credit to do so, he was unable to avoid selecting men who were well-disposed towards me.

But as for his especially appointing you, O Lucius Domitius, to preside over this investigation, in that he was seeking nothing except justice, dignity, humanity and good faith. He passed a law that it must be a man of consular dignity, because, I suppose, he considered the duty of the men of the highest rank to resist both the fickleness of the multitude and the rashness of the profligate; and of the men of consular rank he selected you above all; for from your earliest youth

you had given the most striking proofs how you despised the madness of the people.

IX. Wherefore, O judges, that we may at last come to the subject of action and the accusation, if it is neither the case that all avowal of the deed is unprecedented, nor that anything has been determined about our cause by the senate differently to what we could wish; and if the proposer of the law himself, when there was no dispute as to the deed, yet thought that there should be a discussion as to the law; and if the judges had been chosen, and a man appointed to preside over the investigation, to decide these matters justly and wisely; it follows, O judges, that you have now nothing else to inquire into but which plotted against the other; and that you may the more easily discern this, attend carefully, I entreat you, while I briefly explain to you the matter as it occurred.

When Publius Clodius had determined to distress the republic by all sorts of wickedness during his prætorship, and saw that the comitia were so delayed the year before, that he would not be able to continue his prætorship many months, as he had no regard to the degree of honour, as others have, but both wished to avoid having Lucius Paullus, a citizen of singular virtue, for his colleague, and also to have an entire year to mangle the republic; on a sudden he abandoned his own year, and transferred himself to the next year, not from any religious scruple, but that he might have, as he said himself, a full and entire year to act as prætor, that is, to overthrow the republic.

It occurred to him that his prætorship would be crippled and powerless, if Milo was consul; and, moreover, he saw that he was being made consul with the greatest unanimity of the Roman people. He betook himself to his competitors, but in such a manner that he alone managed the whole election, even against their will,—that he supported on his own shoulders, as he used to say, the whole comitia,—he convoked the tribes,—he interposed,—he erected a new Colline tribe by the enrolment of the most worthless of the citizens. In proportion as the one caused greater confusion, so did the other acquire additional power every day. When the fellow, prepared for every atrocity, saw that a most brave man, his greatest enemy, was a most certain consul, and that that was

declared, not only by the conversation of the Roman people, but also by their votes, he began to act openly, and to say without disguise that Milo must be slain.

He had brought down from the Apennines rustic and barbarian slaves, whom you saw, with whom he had ravaged the public woods and Etruria. The matter was not concealed at all. In truth, he used to say undisguisedly that the consulship could not be taken from Milo, but that life could. He often hinted as much in the senate; he said it plainly in the public assembly. Besides, when Favonius, a brave man, asked him what he hoped for by giving way to such madness while Milo was alive? he answered him, that in three, or at most in four days, he would be dead. And this saying of his Favonius immediately reported to Marcus Cato, who is here present.

X. In the meantime, as Clodius knew—and it was not hard to know it—that Milo was forced to take a yearly, legitimate, necessary journey on the twentieth of January to Lanuvium to appoint a priest,[1] because Milo was dictator of Lanuvium, on a sudden he himself left Rome the day before, in order (as was seen by the event) to lay an ambush for Milo in front of his farm; and he departed, so that he was not present at a turbulent assembly in which his madness was greatly missed, and which was held that very day, and from which he never would have been absent, if he had not desired to avail himself of the place and opportunity for a crime.

But Milo, as he had been that day in the senate till it was dismissed, came home, changed his shoes and his garments, waited a little, as men do, while his wife was getting ready, and then started at the time when Clodius might have returned, if, indeed, he had been coming to Rome that day. Clodius meets him unencumbered on horseback, with no carriage, with no baggage, with no Greek companions, as he was used to, without his wife, which was scarcely ever the case; while this plotter, who had taken, forsooth, that journey for the express purpose of murder, was driving with his wife in a carriage, in a heavy travelling cloak, with abundant baggage, and a delicate company of women, and maidservants,

[1] It was the priest of Juno Sospita, who was the patroness of Lanuvium.

and boys. He meets Clodius in front of his farm, about the eleventh hour, or not far from it. Immediately a number of men attack him from the higher ground with missile weapons. The men who are in front kill his driver, and when he had jumped down from his chariot and flung aside his cloak, and while he was defending himself with vigorous courage, the men who were with Clodius drew their swords, and some of them ran back towards his chariot in order to attack Milo from behind, and some, because they thought that he was already slain, began to attack his servants who were behind him; and those of the servants who had presence of mind to defend themselves, and were faithful to their master, were some of them slain, and the others, when they saw a fierce battle taking place around the chariot, and as they were prevented from getting near their master so as to succour him, when they heard Clodius himself proclaim that Milo was slain, and they thought that it was really true, they, the servants of Milo, (I am not speaking for the purpose of shifting the guilt on to the shoulders of others, but I am saying what really occurred,) did, without their master either commanding it, or knowing it, or even being present to see it, what every one would have wished his servants to do in a similar case.

XI. These things were all done, O judges, just as I have related them. The man who laid the plot was defeated; violence was defeated by violence; or, I should rather say, audacity was crushed by valour. I say nothing about what the republic, nothing about what you, nothing about what all good men gained by the result. I do not desire it to be any advantage to me to hear that he was born with such a destiny that he was unable even to save himself, without at the same time saving the republic and all of you. If he had not a right to do so, then I have nothing which I can urge in his defence. But if both reason has taught this lesson to learned men, and necessity to barbarians, and custom to all nations, and nature itself to the beasts, that they are at all times to repel all violence by whatever means they can from their persons, from their liberties, and from their lives, then you cannot decide this action to have been wrong, without deciding at the same time that all men who fall among thieves must perish, either by their weapons, or by your sentence.

And if he had thought that this was the law, it would have been preferable for Milo to offer his throat to Publius Clodius, —which was not attacked by him once only, nor for the first time on that day,—rather than now to be destroyed by you because he did not surrender himself then to be destroyed by him. But if there is no one of you who entertains such an opinion as that, then the question which arises for the consideration of the court is, not whether he was slain or not, which we admit, but whether he was slain legally or illegally, which is an inquiry which has often been instituted in many causes. It is quite plain that a plot was laid; and that is a thing which the senate has decided to be contrary to the laws of the republic. By whom it was laid is a question. And on this point an inquiry has been ordered to be instituted. So the senate has marked its disapproval of the fact, not of the man; and Pompeius has appointed this inquiry into the merits of the case, and not into the fact of its existence.

XII. Does then any other point arise for the decision of the court, except this one,—which laid a plot against the other? None whatever. The case comes before you in this way, that if Milo laid a plot against Clodius, then he is not to be let off with impunity. If Clodius laid it against Milo, then we are acquitted from all guilt.

How then are we to prove that Clodius laid a plot against Milo? It is quite sufficient in the case of such a wicked, of such an audacious monster as that, to prove that he had great reason to do so; that he had great hopes founded on Milo's death; that it would have been of the greatest service to him. Therefore, that maxim of Cassius, to see to whose advantage it was, may well have influence in respect of these persons. For although good men cannot be induced to commit crimes by any advantage whatever, wicked men often can by a very trifling one. And, if Milo were slain, Clodius gained this, not only that he should be prætor without having him for a consul, under whom he would not be able to commit any wickedness, but also that he should have those men for consuls while he was prætor, who, if they did not aid him, would at all events connive at all his proceedings to such an extent that he hoped he should be able to escape detection in all the frantic actions which he was contemplating; as they (so he argued to himself) would not, even if they were able to

do so, be anxious to check his attempts when they considered that they were under such obligations to him; and on the other hand, if they did wish to do so, perhaps they would hardly be able to crush the audacity of that most wicked man when it got strength by its long continuance. Are you, O judges, the only persons ignorant of all this? Are you living in this city as ignorant of what passes as if you were visitors? Are your ears all abroad, do they keep aloof from all the ordinary topics of conversation of the city, as to what laws (if, indeed, they are to be called laws, and not rather firebrands to destroy the city, pestilences to annihilate the republic) that man was intending to impose upon all of us, to brand on our foreheads? Exhibit, I beg you, Sextus Clodius, produce, I beg that copy of your laws which they say that you saved from your house, and from the middle of the armed band which threatened you by night, and bore aloft, like another palladium, in order, forsooth, to be able to carry that splendid present, that instrument for discharging the duties of the tribuneship, to some one, if you could obtain his election, who would discharge those duties according to your directions. And * * * [he was going to divide the freedmen among all the tribes, and by his new law to add all the slaves who were going to be emancipated, but who had not yet received their freedom, so that they might vote equally with the free citizens.][1]

Would he have dared to make mention of this law, which Sextus Clodius boasts was devised by him, while Milo was alive, not to say while he was consul? For of all of us—— I cannot venture to say all that I was going to say. But do you consider what enormous faults the law itself must have had, when the mere mention of it, for the purpose of finding fault with it, is so offensive. And he looked at me with the expression of countenance which he was in the habit of putting on when he was threatening everybody with every sort of calamity. That light of the senate-house moves me.[2]

XIII. What? do you suppose, O Sextus, that I am angry with you; I, whose greatest enemy you have punished with

[1] The passage in brackets is a very doubtful supplement of Beier; which, however, Orellius prefers to any other.

[2] Cicero here supposes Sextus Clodius to look menacingly at him, in order to check him in his attack on this intended law.

even much greater severity than my humanity could resolve to demand? You cast the bloody carcass of Publius Clodius out of the house, you threw it out into the public street, you left it destitute of all images, of all funeral rites, of all funeral pomp, of all funeral panegyric, half consumed by a lot of miserable logs, to be torn to pieces by the dogs who nightly prowl about the streets. Wherefore, although in so doing you acted most impiously, still you were wreaking all your cruelty on my enemy; though I cannot praise you, I certainly ought not to be angry with you. * * *

[I have demonstrated now, O judges, of what great consequence it was to Clodius] that Milo should be slain. Now turn your attention to Milo. What advantage could it be to Milo that Clodius should be slain? What reason was there why Milo, I will not say should do such an action, but should even wish for his death? Oh, Clodius was an obstacle to Milo's hope of obtaining the consulship. But he was obtaining it in spite of him. Ay, I might rather say he was obtaining it all the more because Clodius was opposing him; nor in fact was I a more efficient support to him than Clodius was. The recollection, O judges, of the services which Milo had done to me and to the republic had weight with you. My entreaties and my tears, with which I perceived at that time that you were greatly moved, had weight with you; but still more weight had your own fear of the dangers which were impending. For who of the citizens was there who could turn his eyes to the unrestrained prætorship of Publius Clodius, without feeling the greatest dread of a revolution? and unrestrained you saw that it would be unless you had a consul who had both courage and power to restrain him; and as the whole Roman people saw that Milo alone was that man, who could hesitate by his vote to release himself from fear, and the republic from danger?

But now, now that Clodius is removed, Milo has got to labour by more ordinary practices to preserve his dignity. That preeminent glory, which was then attributed to him alone, and which was daily increasing in consequence of his efforts to repress the frenzy of Clodius, has been put an end to by the death of Clodius. You have gained your object of being no longer afraid of any one of the citizens; he has lost that incessant arena for his valour, that which procured him

votes for the consulship, that ceaseless and ever-springing fountain of his glory. Therefore, Milo's canvass for the consulship, which could not be hindered from prospering while Clodius was alive, now, the moment that he is dead, is attempted to be checked. So that the death of Clodius is not only no advantage, but is even a positive injury to Milo.

"Oh, but his hatred prevailed with him; he slew him in a passion; he slew him because he was his enemy; he acted as the avenger of his own injury; he was exacting atonement to appease his private indignation." But what will you say if these feelings, I do not say existed in a greater degree in Clodius than in Milo, but if they existed in the greatest possible degree in the former, and not at all in the latter? What will you require beyond that? For why should Milo have hated Clodius, the material and ground-work of his glory, except as far as that hatred becoming a citizen goes, with which we hate all worthless men? There was plenty of reason for Clodius to hate Milo, first, as the defender of my safety; secondly, as the repressor of his frenzy, the defeator of his arms; and lastly, also, as his prosecutor. For Clodius was liable to the prosecution of Milo, according to the provisions of the Plotian law, as long as he lived. And with what feelings do you suppose that that tyrant bore that? how great do you suppose was his hatred towards him? and, indeed, how reasonable a hatred was it for a wicked man to entertain.

XIV. It remains for me now to urge his natural disposition and his habits of life in the defence of the one, and the very same things as an accusation against the other. Clodius, I suppose, had never done anything by violence; Milo had done everything by violence. What then shall I say, O judges? When, amid the grief of all of you, I departed from the city, was I afraid of the result of a trial? was I not afraid of slaves, and arms and violence? What, I pray you, was the first ground of my restoration, except that I had been unjustly driven out? Clodius, I suppose, had commenced a formal prosecution against me; he had named a sum as damages; he had commenced an action for high treason; and, I suppose too, I had cause to fear your decision in a cause which was an unjust one, which was my own private cause, not one which was a most righteous one, and which was, in reality, your cause, and not mine? No—I was

unwilling that my fellow-citizens, who had been saved by my prudence and by my own personal danger, should be exposed to the arms of slaves and needy citizens and convicted malefactors. For I saw—I saw, I say, this very Quintus Hortensius, the light and ornament of the republic, almost slain by the hand of slaves, while he was standing by me. In which crowd Caius Vibienus, a senator, a most excellent man, who was with Hortensius, was so maltreated that he lost his life.

When, then, was it that that assassin's dagger of his, which he had received from Catiline, rested? It was aimed at us; I would not allow you all to be exposed to it for my sake. It was prepared in treachery for Pompeius. It stained with blood, through the murder of Papirius, the very Appian road, the monument of his name; this, this same dagger, after a long interval was again turned against me, lately, as you know, it nearly murdered me close to the palace of Ancus.

What is there of Milo's conduct like all this? when all the violence that he has ever displayed has amounted to this, that he wished to prevent Publius Clodius (as he could not be brought to trial) from oppressing the city by violence. And if he wished to put him to death, what great, what repeated, and what splendid opportunities he had of doing so! Might he not have avenged himself without violating the law when he was defending his own house and his household gods from his attacks? might he not have done so when that illustrious citizen and most gallant man, Publius Sextius, his own colleague, was wounded? might he not have done so when that most excellent man, Quintus Fabricius, while carrying a bill for my restoration, was driven away, and when a most cruel slaughter was taking place in the forum? might he not have done so when the house of Lucius Cæcilius, that most upright and fearless prætor, was attacked? might he not have done so on the day on which the law concerning me was passed, and when that vast concourse of people from all parts of Italy, whom a regard for my safety had roused up, would have gladly recognised and adopted as its own the glory of that action? so that, even if Milo had performed it, the whole state would claim the praise of it as belonging to itself?

XV. And what a time was it? A most illustrious and fearless consul, Publius Lentulus, an enemy to Clodius, the

avenger of his wickedness, the bulwark of the senate, the defender of your inclinations, the patron of that general unanimity, the restorer of my safety; seven prætors, eight tribunes of the people, adversaries of him, defenders of me; Cnæus Pompeius, the prime mover of and chief agent in my return, his open enemy; whose opinion respecting my return, delivered in the most dignified and most complimentary language, the whole senate adopted; he who exhorted the whole Roman people, and, when he passed a decree concerning me at Capua, gave himself the signal to all Italy, which was eager for it, and which was imploring his good faith, to join together for the purpose of restoring me to Rome; in short, universal hatred on the part of all the citizens, was excited against him, while their minds were inflamed with as earnest a regret for me; so that if any one had slain him at that time, people's thoughts would have been, not how to procure impunity for such a man, but how to reward him sufficiently.

Nevertheless, Milo restrained himself, and twice summoned Publius Clodius before the court, but never once invited him to a trial of strength in scenes of violence. What do I say? while Milo was a private individual, and on his trial before the people, on the accusation of Publius Clodius, when an attack was made on Cnæus Pompeius, while speaking in defence of Milo, was there not then not only an admirable opportunity of, but even a reasonable pretext for slaying him? And lately, when Marcus Antonius had inspired all virtuous men with the very greatest hope of safety, and when he, being a most noble young man, had with the greatest gallantry espoused the cause of the republic, and had that beast almost in his toils in spite of his avoiding the snares of the law; what an opportunity, what a time and place was there, O ye immortal gods! And when Clodius had fled and hidden himself in the darkness of the stairs, there was a fine opportunity for Milo to slay him without incurring the slightest odium himself, and to load Antonius at the same time with the greatest glory! What? How repeatedly had he a similar chance in the comitia! when he had broken into the voting booth, and contrived to have swords drawn and stones thrown, and then on a sudden, terrified at the look of Milo, fled towards the Tiber, and you and all virtuous men prayed to heaven that Milo might take it into his head to give full scope to his valour.

XVI. If then he did not choose to slay him, when he might have done so with the gratitude of every one, is it likely that he should have chosen to do so when some people were sure to complain of it? If he did not venture to do it when he might have done so lawfully, when he had both place and time in his favour, when he might have done so with impunity, can we believe that he did not hesitate to slay him unjustly at a time and place which supplied him with no excuse for the deed, when it was at the hazard of his life? especially, O judges, when the day of contest for the greatest distinction of the state, and the day of the comitia, was at hand. At which time, (for I know what a nervous thing ambition is, how vehement and how anxious is the desire for the consulship,) we are afraid of everything, not only of those things which can be openly found fault with, but even of whatever can be secretly thought; we shudder at every rumour, at every idle and empty story; we look anxiously at every one's countenance, at every one's eye. For there is nothing so soft, so tender, so frail, so flexible, as the inclinations and feelings of our fellow-citizens towards us; for they are not only angry at any impropriety in the conduct of candidates, but they often even take a disgust at our virtuous actions.

Did Milo then, keeping in view this long hoped-for and wished-for day of the Campus Martius, propose to himself to come to those venerable auspices of the centuries with bloody hands, owning and confessing a wickedness and a crime? How perfectly incredible is such conduct in such a man! At the same time, how undoubted is it in the case of Clodius, who thought that he should be a king as soon as Milo was slain. What shall I say more? This is the very mainspring of audacity, O judges, for who is there, who does not know that the greatest temptation of all to do wrong is the hope of impunity? Now, in which of the two did this exist? In Milo? who is even now on his trial for an action which I contend was an illustrious one, but which was at all events a necessary one; or in Clodius? who had shown such contempt for courts of justice and punishment, that he took no pleasure in anything which was not either impious, from its disregard of the prohibitions of nature, or illegal, from its violation of law.

But what am I arguing about? why do I keep on disputing at greater length? I appeal to you, O Q uintus Petillius, a most virtuous and fearless citizen; I call you to witness, O Marcus Cato; whom some heavenly interposition has given me for judges. You have heard from Marcus Favonius, and you heard it too while Clodius was alive, that he, Clodius, had said to him that Milo would die within three days,—and on the third day the deed which he had mentioned was put in execution. When he did not hesitate to reveal what he was thinking of, can you have any doubt what he did?

XVII. How then was it, that he was so correct in the day? I told you that just now. There was no great difficulty in knowing the regular days of sacrifice for the dictator of Lanuvium. He saw that it was necessary for Milo to go to Lanuvium on the very day in which he did go,—therefore, he anticipated him. But on what day? Why, on the day on which, as I have said before, there was a most furious assembly of the people, stirred up by the tribune of the people whom he had in his pay—a day, and an assembly, and an uproar which he would never have missed if he had not been hastening to some premeditated crime. Therefore, he had not only no reason for going on a journey, but he had even a reason for stopping at home. Milo had no possibility of stopping at home, and he had not only a reason, but a positive necessity for going on a journey. What more? Suppose, while he knew that Milo must go on the road on that day, so, on the other hand, Milo could not even suspect that Clodius would? For, first of all, I ask, how could Milo know it? a question which you cannot ask respecting Clodius. For even if he had not asked any one beyond his own intimate friend Titus Patina, he could have ascertained from him that on that particular day a priest must absolutely be appointed at Lanuvium by Milo as the dictator there. But there were plenty more people from whom he could easily learn that; for instance, all the people of Lanuvium. Of whom did Milo make any inquiry about the return of Clodius? Grant that he did make inquiry; see what large allowances I am making you: grant even that he bribed his slave, as my good friend Quintus Arrius said.—Read the evidence of your own witnesses.

Caius Cassinius Schola, a man of Interamna, gave his evidence,—a most intimate friend of Publius Clodius, and

more, a companion of his at the very time; according to whose testimony, Publius Clodius was at Interamna and at Rome at the very same time. Well, he said, that Publius Clodius had intended to remain that day at his Alban villa; but that on a sudden news was brought to him, that Cyrus his architect was dead; and, therefore, that he determined to proceed to Rome immediately. Caius Clodius, who was also a companion of Publius Clodius, said the same.

XVIII. Take notice, O judges, what the real effect of this evidence must be. First of all, Milo is certainly acquitted of having set out with the express intention of waylaying Clodius on his road; this must be, since there was apparently no chance whatever of his meeting him. In the next place, (for I see no reason why I should not do something for myself at the same time,) you know, O judges, that there have been men found to say, while urging on this bill against Milo, that the murder was committed by the hand indeed of Milo, but by the plan of some one of more importance than he. Those abject and profligate men, forsooth, pointed me out as a robber and assassin. Now they lie convicted by their own witnesses, who say that Clodius would not have returned to Rome that day if he had not heard the news about Cyrus. I breathed again; I was delivered; I am not any longer afraid of being supposed to have contemplated an action which I could not possibly have suspected.

Now I will examine the other point. For this expression occurs in their speech: "Therefore, Clodius never even thought of the plot against Milo, since he intended to remain in his Alban villa." Yes, he meant to remain there, if he did not rather intend to go out and commit a murder. For I see that the messenger who is said to have brought him news of Cyrus's death did not announce that to him, but told him that Milo was at hand. For why should he bring any news about Cyrus, whom Clodius had left at Rome on his death-bed? I was with him; I signed his will as a witness together with Clodius; and he had openly made his will, and had left him and me his heirs. When he had left him the day before, at the third hour, at the very point of death, was news sent express to him the next day, at the tenth hour, that he was at last dead?

XIX. Well, be it so; what reason had he for hastening to

Rome? for starting at nightfall? Why should the fact of his being his heir cause him to make so much haste? In the first place, there was no reason why there should be need of any haste; secondly, even if there was, still what was there which he could obtain that night, but which he would lose if he arrived at Rome early the next morning? And as an arrival in the city by night was rather to be avoided by him than to be desired, so it was just suited for Milo to lie in ambush and wait for him, as he was a plotter of that sort, if he knew that he was likely to come to the city by night. He would have slain him by night, in a place calculated for an ambush and full of robbers; no one would have refused to believe him if he denied it, when now all men wish to save him even when he confesses it. The brunt of the blame would have fallen on the place itself, so well suited to receive and conceal robbers, while neither the voiceless solitude would have informed against, nor the dark night discovered Milo; secondly, the numbers of men who had been insulted by Clodius, or plundered by him, or stripped of all their property by him, many, too, who were in constant fear of such misfortunes, would have fallen under suspicion; in short, the whole of Etruria would have been impeached in people's opinion.

And certainly on that day Clodius returning from Aricia did turn aside to his Alban villa. But although Milo knew that he was at Aricia, still he ought to have suspected that he, even if he was desirous to return to Rome that day, would turn aside to his own villa, the grounds of which skirted the road. Why, then, did he not meet him before, and prevent his going to his villa? nor wait in that place where he would certainly arrive by night?

I see that all things up to this point are plain and consistent. That it was even desirable for Milo that Clodius should live; that for Clodius the death of Milo was the most advantageous thing possible, with reference to those objects on which he had set his heart; that he bore him the most bitter hatred, but that Milo had no such feelings towards him; that the one lived in a perpetual round of violence, that the other's habits were limited to repelling it; that Milo had been threatened by him with death, and that his death had been openly predicted by him; that no such expression had ever been heard from Milo; that the day of Milo's journey was

well known to Clodius, but that Clodius's return was unknown to Milo; that the journey of the one was inevitable, and that of the other was even inconvenient to himself; that the one had openly declared that on that day he should set out from Rome, that the other had concealed the fact of his intending to return on that day; that the one had in no respect whatever changed his intention, that the other had invented a false pretence for changing his mind; that the one, if he were plotting, would naturally wish night to come on when he was near the city, while an arrival at the city by night was to be feared by the other, even if he had no apprehension of danger from this man.

XX. Let us now consider this, which is the main point of all; for which of the two the identical spot where they did meet was the best suited for planting an ambush. But is that, O judges, a matter about which one can possibly doubt or think seriously for a moment? In front of Clodius's farm,—that farm on which, on account of those absurd erections and excavations for foundations of his, there were pretty well a thousand vigorous men employed,—on that high and raised ground belonging to his adversary, did Milo think that he should get the better in the contest, and had he with that view selected that spot above all others? Or was he rather waited for in that place by a man who had conceived the idea of attacking, because of the hopes that that particular spot suggested to him? The facts, O judges, speak for themselves; facts, which are always of the greatest weight in a cause. If you were not hearing of this transaction, but were looking at a picture of it, still it would be quite visible which of the two was the plotter, which was thinking no evil, when one of the two was driving in a chariot wrapped up in a mantle, with his wife sitting by his side. It is hard to say which was the greatest hindrance to him, his dress, or his carriage, or his wife. How could a man be less ready for battle than when he was entangled in a mantle as in a net, hampered with a carriage, and fettered as it were by his wife clinging to him? Look, on the other hand, at Clodius, first setting out from his villa; all on a sudden: why? It was evening. Why was he forced to set out at such a time? Going slowly. What was the object of that, especially at that time of night? He turns aside to the villa of Pompeius. To see Pompeius? He knew

that he was near Alsium. To see the villa? He had been in it a thousand times. What, then, was his object? Delay; he wanted to waste the time. He did not choose to leave the spot till Milo arrived.

XXI. Come now, compare the journey of this unencumbered bandit with all the hindrances which beset Milo. Before this time he always used to travel with his wife; now he was without her. He invariably went in a carriage; now he was on horseback. His train were a lot of Greeklings wherever he was going; even when he was hastening to the camp in Etruria;[1] but this time there were no triflers in his retinue. Milo, who was never in the habit of doing so, did by chance have with him some musical slaves belonging to his wife, and troops of maid-servants. The other man, who was always carrying with him prostitutes, worn-out debauchees both men and women, this time had no one with him except such a band that you might have thought every one of them picked men. Why, then, was he defeated? Because the traveller is not always murdered by the robber; sometimes the robber is killed by the traveller; because, although Clodius in a state of perfect preparation was attacking men wholly unprepared, still it was the case of a woman falling upon men. And, indeed, Milo was never so utterly unprepared for his violence, as not to be nearly sufficiently prepared. He was always aware how greatly it concerned the interest of Publius Clodius that he should be slain, how greatly he hated him, and how great was his daring. Wherefore, he never exposed his life to danger without some sort of protection and guard, knowing that it was threatened, and that a large price, as it were, was set upon it.

Add to this consideration all the chances; add the always uncertain result of a battle, and the common fortune of Mars, who often overthrows the man who is already exulting and stripping his enemy, and strikes him to the ground by some mean agent; add the blundering conduct of a leader who had dined and drank, and who was yawning and drowsy; who, when he had left his enemy cut off in the rear, never thought of his companions on the outskirts of his train; and then when he fell among them inflamed with anger, and

[1] That is, to Manlius's camp in Etruria at the time of Catiline's conspiracy in which, in all probability, Clodius was implicated.

despairing of saving the life of their master, he fell on that punishment which the faithful slaves inflicted on him as a retribution for their master's death. Why, then, has Milo emancipated them? He was afraid, I suppose, lest they should give information against him; lest they should be unable to bear pain; lest they should be compelled by tortures to confess that Publius Clodius was slain in the Appian road by the slaves of Milo.

What need is there of any torturer? What do you want to know? whether he was slain? He was slain. Whether he was slain lawfully or unlawfully? That is beyond the province of the torturer. For the rack can only inquire into the fact; it is the bench of judges that must decide on the law.

XXII. Let us then here confine our attention to what must be investigated in this trial. All that you can want to find out by tortures we admit. But if you prefer asking why he emancipated his slaves, rather than why he gave them inadequate rewards, you are but a bungling hand at finding fault with an enemy. For Marcus Cato, who says everything with great wisdom, and consistency, and courage, said the same thing; and he said, too, in a very turbulent assembly of the people, which, however, was pacified by his authority, that those slaves were worthy not only of liberty, but even of every sort of reward possible, who had defended the life of their master. For what reward can be sufficiently great for such well-affected, such virtuous, such faithful slaves, owing to whom it is that he is still alive? Although even that is not putting it so strongly as to say, that it is owing to those very men that he did not glut the eyes and mind of his most cruel enemy with his blood and wounds. And if he had not emancipated them, then those preservers of their master, those avengers of wickedness, those defenders of their master from death, must have even been surrendered to torture. But in all these misfortunes the most comfortable reflection which Milo has is, that, even if anything should happen to himself, still he has given them the reward which they deserved.

But now the examinations which have just been conducted in the hall of liberty, are said to press against Milo. Who are the slaves who have been examined? Do you ask? The slaves of Publius Clodius. Who demanded that they should

be examined? Appius. Who produced them? Appius. Where were they brought from? From the house of Appius. O ye good gods, what can be done with more animosity? There is no law which authorizes slaves to be examined as witnesses against their master, except on accusations of impiety, as was the case in the prosecution instituted against Clodius. Clodius has been raised nearly to the gods, more nearly than even when he penetrated into their sanctuary, when an investigation into the circumstances of his death is carried on like one into a profanation of sacred ceremonies. But still, our ancestors did not think it right that slaves should be examined as witnesses against their masters, not because the truth could not be discovered, but because it seemed a scandalous thing to do, and more oppressive to the masters than even death itself. Well, then, when the slaves of the prosecutor are examined as witnesses against the defendant, can the truth be found out?

Come, however, what was the examination; and how was it conducted? Holloa, you Rufio, (that name will do as well as another,) take care you tell the truth. Did Clodius lay a plot against Milo? "He did." He is sure to be crucified for saying so. "Certainly not." He has hopes of obtaining his liberty. What can be more certain than this mode of examination? The men are suddenly carried off to be examined; they are separated from all the rest, and put into cells that no one may be able to speak to them. Then, when they have been kept a hundred days in the power of the prosecutor, they are produced as witnesses by the prosecutor himself. What can be imagined more upright than this sort of examination? What can be more free from all suspicion of corruption?

XXIII. And if you do not yet see with sufficient clearness, (though the transaction is evident of itself by so many and such irresistible arguments and proofs,) that Milo was returning to Rome with a pure and guiltless intention, with no taint of wickedness, under no apprehension, without any consciousness of crime to disquiet him; recollect, I implore you, in the name of the immortal gods, how rapid his speed while returning was; how he entered the forum while the senate-house was all on fire with eagerness; how great was the magnanimity which he displayed; how he looked, and

what he said. Nor did he trust himself to the people only, but also to the senate; nor to the senate only, but also to the public guards and their arms; nor to them only, but also to the power of that man to whom the senate had already entrusted[1] the whole republic, all the youth of Italy, and all the arms of the Roman people. And surely he never would have put himself in his power, if he had not been confident in the justice of his cause; especially as he was one who heard everything, and feared great danger, and suspected many things, and even believed some. The power of conscience is very great, O judges, and is of great weight on both sides: so that they fear nothing who have done no wrong, and they, on the other hand, who have done wrong think that punishment is always hanging over them.

Nor, indeed, is it without good reason that Milo's cause has always been approved of by the senate. For these wisest of men took into their consideration the whole circumstances of the case; Milo's presence of mind, and vigour in defending himself. Have you forgotten, O judges, when the news of Clodius's death was still recent, the opinions and the language which was held, not only by Milo's enemies, but also by other ignorant people? They said that he would not return to Rome at all. For if he had committed the deed in a passionate and excited mood, so that he had slain his enemy while under the influence of strong hatred, they thought that he would consider the death of Publius Clodius an event of such importance, that he would bear being deprived of his country with equanimity, as he had sated his hatred in the

[1] The disturbances on the death of Clodius arose to such a height, that the senate at last passed a resolution that Marcus Lepidus the Interrex, assisted by the tribunes of the people and Pompeius, should take care that the republic received no injury. And at last the senate appointed Pompeius consul without a colleague, who immediately published several new laws, and among them the one under which this trial was conducted, (see note on c. 1,) and he now limited the duration of trials, allowing only three days for the examination of witnesses, and on the fourth day the accuser was only allowed two hours to enforce the accusation, and the defendant three hours to speak in his defence. Cœlius endeavoured to arrest these laws by his veto as tribune, declaring that they were framed solely with a view to crush Milo, whom Pompeius certainly desired to get rid of; to effect which he even descended to the artifice of pretending to believe that Milo had laid a plot to assassinate him.

blood of his enemy; or, if he had deliberately intended to deliver his country by the slaughter of Clodius, then they thought that he, as a brave man, would not hesitate, after having brought safety to his country at his own risk, to submit with equanimity to the laws, to carry off with himself everlasting renown, and to leave those things to us to enjoy which he had preserved for us himself.

Many also spoke of Catiline and the monsters of his train. "We shall have another Catiline breaking out. He will occupy some strong place; he will make war on his country." Wretched sometimes is the fate of those citizens who have faithfully served the republic! when men not only forget the illustrious exploits which they have performed, but even suspect them of the most nefarious designs! Therefore, all those things were false, which would certainly have turned out true if Milo had committed any action which he could not defend with honour and with truth.

XXIV. What shall I say of the charges which were afterwards heaped upon him? which would have crushed any one who was conscious of even trifling offences. How nobly did he support them! O ye immortal gods, do I say support them? Say rather, how did he despise them, and treat them as nothing! Charges which no guilty man, were he ever so high-minded, and, indeed, no innocent man, unless he were also a most fearless man, could possibly have disregarded. It was said that a vast collection of shields, swords, bridles, lances, and javelins had been seized. They said that there was no street, no alley in the whole city, in which there was not a house hired for Milo; that arms had been carried down the Tiber to his villa at Oriculum; that his house on the Capitoline Hill was full of shields; that every place was full of firebrands prepared for the burning of the city. These things were not only reported, but were almost believed, and were not rejected till they had been thoroughly investigated. I praised, indeed, the incredible diligence of Cnæus Pompeius; but still I will say what I really think, O judges.

Those men are compelled to listen to too many statements; indeed, they cannot do otherwise, who have the whole republic entrusted to them. It was necessary even to listen to that eating-house keeper Licinius, if that was his name, a fellow out of the Circus Maximus, who said that Milo's slaves had

got drunk in his house,—that they had confessed to him that they were engaged in a conspiracy to assassinate Cnæus Pompeius, and that he himself was afterwards stabbed by one of them to prevent him from giving information. He went to Pompeius's villa to tell him this. I am sent for among the first. By the advice of his friends, Pompeius reports the affair to the senate. It was impossible for me to be otherwise than frightened almost to death at the bare suspicion of such danger to one who was the protector both of me and of my country; but still I wondered that an eating-house keeper should be at once believed,—that the confession of the slaves should be listened to, and that a wound in the side, which looked like the prick of a needle, should be admitted to be a wound inflicted by a gladiator. But, as I take the fact to have been, Pompeius was rather taking precautions than feeling any actual alarm, guarding not only against those things which it was reasonable to fear, but also against everything which could possibly disquiet you.

The house of Caius Cæsar, that most illustrious and gallant man, was besieged, as was reported, during many hours of the night. No one in that frequented part of the city had either seen or heard of any such thing. Still such a report was spread about. I could not possibly suspect Cnæus Pompeius, a man of the most admirable valour, of being timid; and I thought no diligence could be over-strained in a man who had undertaken the management and protection of the whole of the republic. In a very full meeting of the senate, lately held in the Capitol, a senator was found to say that Milo had a weapon about him. He threw back his garments in that most sacred temple, that, since the life of so good a citizen and so good a man could not procure him credit, the facts themselves might speak for him, while he held his peace.

XXV. Every word was ascertained to be a false and treacherous invention. And if people are even now afraid of Milo, we are not now under apprehension because of the charge respecting Clodius, but we are shuddering at your suspicions,—at yours, I say, O Cnæus Pompeius, (for I address you yourself, and I speak loudly so that you may be able to hear me.) If you are afraid of Milo,—if you believe that he either now cherishes wicked designs against your life, or that

he ever has entertained such; if the levying of troops throughout Italy, as some of your recruiting-sergeants pretend,—if these arms,—if these cohorts in the Capitol,—if these watchmen, these sentinels,—if this picked body of youths, which is the guard of your person and your house, is all armed against an attack on the part of Milo; and if all these measures have been arranged, and prepared, and aimed against him alone,—then certainly he must be a man of great power, of incredible courage; surely it must be more than the power and resources of one single man which are attributed to him, if the most eminent of our generals is invested with a command, and all Italy is armed against this one man. But who is there who does not understand that all the diseased and feeble parts of the republic were entrusted to you, O Pompeius, that you might heal and strengthen them with your arms? And if an opportunity had been afforded to Milo, he would, doubtless, have proved to you yourself that no man was ever more dear to another than you are to him; that he had never shunned any danger which might be of service in promoting your dignity; that he had often contended against that most foul pest on behalf of your glory; that his conduct in his tribuneship had been entirely regulated by your counsels for the protection of my safety, which was an object very dear to you; that he afterwards had been defended by you when in danger of his life,[1] and had been assisted by you when he was a candidate for the prætorship; and that he had always believed that the two firmest friends whom he had were you and I,—you, as shown by the kindness of your behaviour to him, and I, secured to him by the services which he himself had done me. And if he could not convince you of this,—if that suspicion had sunk so deep in your mind that it could not possibly be eradicated; if, in short, Italy was never to have any rest from those levies, nor the city from arms, till Milo was ruined,—then no doubt he, without hesitation, would have departed from his country,

[1] When Clodius was ædile, he instituted a prosecution against Milo for violence. Pompeius, Crassus and Cicero appeared for him; and though Clodius's mob raised a great uproar, and endeavoured to prevent Pompeius from being heard, he made a long speech, lasting three hours, in his defence. The trial was adjourned from February till May, and does not appear to have ever been brought to a regular termination.

a man born to make such sacrifices and accustomed to make them; but still he would have cited you, O Magnus, as a witness in his favour, as he now does.

XXVI. See, now, how various and changeable is the course of human life,—how fickle and full of revolutions is fortune; what instances of perfidy are seen in friends, how they dissemble and suit their behaviour to the occasion; when dangers beset one, how one's nearest connexions fly off, and what cowardice they show. The time will come, ay, will most certainly come,—that day will surely dawn some time or other, when you, though your affairs are all, as I trust they will be, in a really sound condition, though they may, perhaps, wear an altered appearance in consequence of some commotion of the times, such as we are all liable to, (and how constantly such things happen we may know from experience,)—when you, I say, may be in need of the good-will of one who is most deeply attached to you, and the good faith of a man of the greatest weight and dignity, and the magnanimity of the very bravest man that ever lived in the world. Although, who would believe that Cnæus Pompeius, a man most thoroughly versed in public law, in the usages of our ancestors, and in all the affairs of the republic, after the senate has entrusted to him the charge of taking care "that the republic suffered no injury," by which one line the consuls have always been sufficiently armed, even though no warlike weapons were given to them,—that he, I say, after having had an army and a levy of troops given to him, would wait for a legal decision to repress the designs of that man who was seeking by violence to abolish the courts of justice themselves?

It was sufficiently decided by Pompeius, quite sufficiently, that all those charges were falsely brought against Milo; when he passed a law by which, as I conceive, he was bound to be acquitted by you,—at all events, as all men allow, might legally be acquitted. But when he sits in that place, surrounded by all those bands of public guards, he declares plainly enough that he is not striking terror into you, (for what could be less worthy of him than to condemn a man whom he himself might punish if guilty, both by his own authority and in strict accordance with the precedents of our ancestors?) but that he keeps them about him for the sake of

protection; that you may be aware that it is allowed to you to decide with freedom according to your own opinions, in contradiction to that assembly of the people which was held yesterday.

XXVII. Nor, O judges, am I at all moved by the accusation respecting Clodius. Nor am I so insane, and so ignorant of, and inexperienced in, your feelings, as not to be aware what your opinions are about the death of Clodius, concerning which, if I were unwilling to do away with the accusation in the manner in which I have done away with it, still I assert that it would have been lawful for Milo to proclaim openly, with a false but glorious boast, "I have slain, I have slain, not Spurius Mælius, who fell under the suspicion of aiming at kingly power by lowering the price of corn, and by squandering his own family estate, because by that conduct he was thought to be paying too much court to the common people; not Tiberius Gracchus, who, out of a seditious spirit, abrogated the magistracy of his own colleague; whose slayers have filled the whole world with the renown of their name; but him" (for he would venture to name him when he had delivered his country at his own risk) "who was detected in the most infamous adultery in the most sacred shrine, by most noble women; him, by the execution of whom the senate has repeatedly resolved that solemn religious observances required to be propitiated; him whom Lucius Lucullus, when he was examined on the point, declared on his oath that he had detected in committing unhallowed incest with his own sister; him, who by means of armed bands of slaves drove from his country that citizen whom the senate, whom the Roman people, whom all nations had declared to be the saviour of the city and of the lives of all the citizens; him, who gave kingdoms, took them away, and distributed the whole world to whomsoever he pleased; him who, after having committed numberless murders in the forum, drove a citizen of the most extraordinary virtue and glory to his own house by violence and by arms; him, to whom nothing was ever too impious to be done, whether it was a deed of atrocity or of lust; him, who burnt the temple of the nymphs, in order to extinguish the public record of the census which was committed to the public registers; lastly, him who acknowledged no law, no civil

rights, no boundaries to any man's possessions,—who sought to obtain other people's estates, not by actions at law and false accusations, not by unjust claims, and false oaths, but by camps, by an army, by regular standards and all the pomp of war,—who, by means of arms and soldiers, endeavoured to drive from their possessions, not only the Etrurians, for he thoroughly despised them, but even this Publius Varius, that most gallant man and most virtuous citizen, one of our judges,—who went into many other people's villas and grounds with architects and surveyors, who limited his hopes of acquiring possessions by Janiculum and the Alps; him who, when he was unable to prevail on an estimable and gallant Roman knight, Marcus Paconius, to sell him his villa on the Prelian Lake, suddenly conveyed timber, and lime, and mortar, and tools in barques to the island, and while the owner of the island was looking at him from the opposite bank, did not hesitate to build a house on another man's land; who said to Titus Furfanius—O ye immortal gods, what a man! (for why should I mention that insignificant woman, Scantia, or that youth Aponius, both of whom he threatened with death if they did not abandon to him the possession of their villas?) but he dared to say to Furfanius, that if he did not give him as much money as he demanded, he would carry a dead body into his house, and so raise a storm of unpopularity against him; who turned his brother Appius, a man connected with me by the most faithful friendship, while he was absent, out of the possession of his farm; who determined to run a wall across the vestibule of his sister's house in such a manner, and to draw the line of foundation in such a direction, as not only to deprive his sister of her vestibule, but of all access to her house, and of her own threshold."

XXVIII. Although all these things appeared such as might be endured,—although he attacked with equal fury the republic, and private individuals, and men who were at a distance, and men who were near, people who had no connexion with him, and his own relations; yet somehow or other the incredible endurance of the state had by long use grown hardened and callous. But as for the things which were at hand, and were impending over you, in what manner was it possible for you either to avert them or to bear them? If he had once obtained real power,—I say nothing of our allies,

of foreign nations, and kings, and tetrarchs; for you would have prayed that he might turn himself against them rather than against your possessions, your houses, and your money: money do I say? your children rather,—I solemnly swear he would never have restrained himself from your children and from your wives. Do you think that these things are inventions of mine? They are evident; they are notorious to every one; they are proved. Is it an invention of mine that he was about to enlist an army of slaves in the city, by whose instrumentality he might take possession of the whole republic, and of the private fortune of every one?

Wherefore, if Titus Annius, holding in his hand a bloody sword, had cried out, "Come hither, I beg of you, and listen to me, O citizens: I have slain Publius Clodius; with this sword and with this right hand I have turned aside from your necks the frenzied attacks of that man whom we were unable to restrain by any laws, or by any judicial proceedings whatever; by my single efforts has it been brought to pass that right, and equity, and laws, and liberty, and modesty, and chastity remain in this city;" would there in truth have been any reason to fear in what manner the city would receive this announcement? For now, as it is, who is there who does not approve of what has been done? who does not praise it? who does not both say and feel that of all men to whom recollection can reach back, Titus Annius has done the republic the greatest service; that of all men he has diffused the greatest joy among the Roman people, and over the whole of Italy, and throughout all nations? I cannot form a conception of what would have been the old-fashioned joy of the Roman people. Already our age has seen many, and those most illustrious victories, won by consummate generals; but not one of them has brought with it a joy that either lasted so long or that was so excessive while it did last.

Commit this fact to memory, O judges. I trust that you and your children will see many happy days in the republic. On every such occasion these will always be your feelings,—that if Publius Clodius had been alive, you never would have seen one of them. We have been led now to conceive the greatest, and, as I feel sure, the best-founded hopes, that this very day, this most admirable man being made our consul, when the licentiousness of men is checked, their evil passions

put down, the laws and courts of justice reestablished on a firm footing, will be a salutary day for the republic. Is there, then, any one so insane as to think that he could have obtained all this while Publius Clodius was alive? What? why, what power of perpetual possession could you have had even in those things which you possess as your private property and in the strictest sense your own, while that frenzied man held the reins of government?

XXIX. I have no fear, O judges, lest it should seem that, because I am inflamed with hatred against him, on account of my own personal enmity to the man, I am vomiting forth these charges against him with more zeal than truth. In truth, though it is natural that that should be an especial stimulus to me, yet he was so completely the common enemy of all men, that my own hatred only bore about its fair proportion to the general detestation with which he was regarded. It cannot be expressed, O judges, it cannot even be imagined, how much wickedness, how much mischief there was in that man.

Moreover, attend to me with this idea, O judges. This investigation relates to the death of Publius Clodius. Imagine in your minds,—for our thoughts are free, and contemplate whatever they choose in such a manner that we do discern those things which we think we see;—place, therefore, before your mind's eye the image of this my condition; if I am able to induce you to acquit Milo, but still only on condition of Publius Clodius being restored to life. What fear is that that you show by your countenances? How would he affect you if alive, when even now that he is dead he has so agitated you by the bare thought of him? What? if Cnæus Pompeius himself, who is a man of such virtue and such good fortune that he has at all times been able to do things which no one except him ever could have done,—if even he, I say, had been able, in the same manner as he has ordered an investigation into the death of Publius Clodius to take place, so also to raise him from the dead, which do you think he would have preferred to do? Even if out of friendship he had been willing to raise him from the shades below, out of regard for the republic he would not have done it. You, then, are sitting now as avengers of the death of that man, whom you would not restore to life if you thought it possible that his life could be restored by you. And this investiga-

tion is appointed to be made into the death of a man who would never have seen such a law passed, if the law which ordered the inquiry had been able to restore him to life. Ought, then, the slayer of this man, if any such slayer there be, to have any reason, while confessing the deed, to fear punishment at the hand of those men whom he delivered by the deed?

Grecian nations give the honours of the gods to those men who have slain tyrants. What have I not seen at Athens? what in the other cities of Greece? What divine honours have I not seen paid to such men? What odes, what songs have I not heard in their praise? They are almost consecrated to immortality in the memories and worship of men. And will you not only abstain from conferring any honours on the saviour of so great a people, and the avenger of such enormous wickedness, but will you even allow him to be borne off for punishment? He would confess,—I say, if he had done it, he would confess with a high and willing spirit that he had done it for the sake of the general liberty; a thing which would certainly deserve not only to be confessed by him, but even to be boasted of.

XXX. In truth, if he does not deny an action from which he seeks no advantage beyond being pardoned for having done it, would he hesitate to avow an action for which he would be entitled to claim rewards? Unless indeed he thinks it more pleasing to you to look upon him as having been the defender of his own life, rather than of you; especially as from that confession, if you were to choose to be grateful, he would reap the very highest honours. If his action were not approved of by you, (although, how is it possible that any one should not approve of what secured his own safety?)—but still if the virtue of a most gallant man had happened to be at all unpleasing to his fellow-citizens, then with a lofty and firm mind he would depart from an ungrateful city. For what could be more ungrateful than for all other men to be rejoicing, and for him alone to be mourning, to whom it was owing that the rest were rejoicing? Although we have all at all times been of this disposition with respect to crushing traitors to our country,—that since the glory would be ours, we should consider the danger and the unpopularity ours also. For what praise should I have deserved to have given to me,

when I showed so much courage in my consulship on behalf of you and of your children, if I had supposed that I could venture on the exploits which I was attempting without very great struggles and dangers to myself? What woman is there who would not dare to slay a wicked and mischievous citizen, if she was not afraid of the danger of the attempt? But the man who, though unpopularity, and death, and punishment are before his eyes, still ventures to defend the republic with no less alacrity than if no such evils threatened him, he deserves to be considered really a man.

It behoves a grateful people to reward those citizens who have deserved well of the republic; it is the part of a brave man, not to be so moved even by execution itself, as to repent of having acted bravely. Wherefore, Titus Annius may well make the same confession which Ahala made, which Nasica, which Opimius, which Marius, which we ourselves have made: and then, if the republic were grateful, he would rejoice; if ungrateful, then, though under the pressure of heavy misfortune, he would still be supported by his own conscience.

But, O judges, the fortune of the Roman people, and your felicity, and the immortal gods, all think that they are entitled to your gratitude for this service which has been thus done to you. Nor, indeed, can any one think otherwise except it be a man who thinks that there is no such thing at all as any divine power or authority—a man who is neither moved by the vastness of your empire, nor by that sun above us, nor by the motions of heaven and of the stars, nor by the vicissitudes and regular order of things, nor (and that is the greatest thing of all) by the wisdom of our ancestors; who both themselves cultivated with the most holy reverence the sacred rites and religious ceremonies and auspices, and also handed them down to us their posterity to be so cultivated by us.

XXXI. There is, there is indeed, such a heavenly power. It is not the truth, that in these bodies and in this feebleness of ours there is something which is vigorous and endued with feeling, and nothing which is so in this vast and beautiful movement of nature. Unless perhaps some people think that there is no such thing in existence because it is not apparent, nor visible: just as if we were able to see our own mind,—that by which we are wise, by which we have foresight, by

which we do and say these very things which we are doing and saying; or as if we could plainly feel what sort of thing it is, or where it is. That divine power, that very same divine power which has often brought incredible prosperity and power to this city, has extinguished and destroyed this mischief; by first of all inspiring it with the idea of venturing to irritate by violence and to attack with the sword the bravest of men, and so leading it on to be defeated by the man whom if it had only been able to defeat it would have enjoyed endless licence and impunity. That result was brought about, O judges, not by human wisdom, nor even by any moderate degree of care on the part of the immortal gods. In truth, those very holy places themselves which beheld that monster fall, appear to have been moved themselves, and to have asserted their rights over him.

I implore you, I call you to witness,—you, I say, O ye Alban hills and groves, and you, O ye altars of the Albans, now overthrown, but nevertheless partners of and equals in honour with the sacred rites of the Roman people,—ye, whom that man with headlong insanity, having cut down and destroyed the most holy groves, had overwhelmed with his insane masses of buildings; it was your power then that prevailed, it was the divinity of your altars, the religious reverence due to you, and which he had profaned by every sort of wickedness, that prevailed; and you, too, O sacred Jupiter of Latium, whose lakes and groves and boundaries he had constantly polluted with every sort of abominable wickedness and debauchery, you at last, from your high and holy mountain, opened your eyes for the purpose of punishing him; it is to you, to all of you, that those punishments, late indeed, but still just and well deserved, have been made an atonement for his wickedness.

Unless, perchance, we are to say that it was by accident that it happened that it was before the very shrine of the Good Goddess which is in the farm of Titus Sextus Gallius, a most honourable and accomplished young man,—before the Good Goddess herself, I say, that when he had begun the battle, he received that first wound under which he gave up that foul soul of his; so that he did not seem to have been acquitted in that iniquitous trial, but only to have been reserved for this conspicuous punishment.

XXXII. Nor, indeed, did that same anger of the gods abstain from inflicting the very same insanity on his satellites, so that without the images of his ancestors, without any funeral song or funeral games, without any obsequies, any lamentation, or any panegyric,—without, in short, any funeral at all, smeared over with gore and mud, and deprived even of the honours which are paid to every one on that last day, and which even enemies are wont to allow to a man, he was cast out in the street half burnt. It was not right, I suppose, for the effigies of most illustrious men to confer any honour on that most foul parricide; nor was there any place in which it was more seemly that his corpse should be ill-treated than that where his life had been condemned.

I swear to you, the fortune of the Roman people appeared to me hard and cruel, while it for so many years beheld and endured that man triumphing over the republic. He had polluted the holiest religious observances with his debauchery; he had broken the most authoritative decrees of the senate; he had openly bought himself from the judges with money; he had harassed the senate in his tribuneship; he had rescinded acts which had been passed for the sake of the safety of the republic, by the consent of all orders of the state; he had driven me from my country; he had plundered my property; he had burnt my house; he had ill-treated my children and my wife; he had declared a wicked war against Cnæus Pompeius; he had made slaughter of magistrates and private individuals; he had burnt the house of my brother; he had laid waste Etruria; he had driven numbers of men from their homes and their professions. He kept pursuing and oppressing men; the whole state, all Italy, all the provinces, all foreign kingdoms could not contain his frenzy. Laws were already being drawn up in his house which were to hand us over to the power of our slaves. There was nothing belonging to any one, which he had taken a fancy to, which he did not think would become his in the course of this year. No one was an obstacle to his expectations except Milo; the very man who was most able to be an obstacle to them he thought when he returned again would be reconciled and, as it were, bound to him. The power of Cæsar, he said, was all his own. The inclinations of all good men he had treated with

contempt, while accomplishing my ruin. Milo alone weighed on his mind.

XXXIII. On this the immortal gods, as I have said before, put into the head of that abandoned and frantic man the idea of laying an ambush for Milo. That pest was not to perish any other way; the republic would never have chastened him by her laws. The senate, I suppose, would have been able to restrain him when prætor. Why, it had not been able to do anything when it tried to restrain him while a private individual. Would the consuls have been vigorous in bridling the prætor? In the first place, if Milo had been slain, he would have had his own consuls. Secondly, what consul would have behaved fearlessly against him as prætor, who remembered that he, when tribune, had offered the most cruel injuries to the virtue of the consuls? He would have oppressed everything; he would have taken possession and held possession of everything. By a new law, the draught of which was found in his house, with the rest of the Clodian laws, he would have made all our slaves his own freedmen. Lastly, if the immortal gods had not inspired him with such ideas that he, an effeminate creature, attempted to slay a most gallant man, you would have no republic at all this day. Would that man when prætor, much more when consul, provided only that these temples and these walls could have stood so long if he had been alive, and could have remained till his consulship; would he, I say, if alive, have done no harm, when even after he was dead he burned the senate-house, one of his satellites, Sextus Clodius, being the ringleader in the tumult? What more miserable, more grievous, more bitter sight have we ever seen than that? that that temple of sanctity, of honour, of wisdom, of the public council, the head of the city, the altar of the allies, the harbour of all nations, the abode granted by the universal Roman people to one of the orders of the state, should be burnt, profaned, and destroyed?[1] and that that should be done, not by

[1] When Clodius was killed, his slaves fled, and left his dead body in the road; and it was brought to Rome the next day by Sextus Tedius, a senator, who was passing by and saw it; and then it was exposed to the view of the populace of the city. The next day the mob, headed by Sextus Clodius, carried the body naked, so as to show his wounds, into the forum, and placed it on the rostra; and then the tribunes harangued the people on the subject, and wrought them up to such a pitch of

an ignorant mob, although that would have been a miserable thing, but by one single person? who, if he dared so much in his character of burner of a dead man, what would he not have done as standard-bearer of a living one? He selected the senate-house, of all the places in the city, to throw him down in, in order that when dead he might burn what he had overturned while alive.

And are there men, then, who complain of what took place in the Appian road, and say nothing of what happened in the senate-house? and who think that the forum could have been defended from him when alive, whose very corpse the senate-house was unable to resist? Arouse the man himself; resuscitate him, if you can, from the shades below. Will you be able to check his violence when alive, when you were hardly able to support his fury while he lies unburied? unless, indeed, you did support the sight of those men who ran with firebrands to the senate-house, with scythes to the temple of Castor, and who ranged over the whole forum sword in hand. You saw the Roman people slaughtered, you saw the assembly disturbed by the drawn swords, while Marcus Cœlius, a tribune of the people, was listened to in silence, a man of the greatest courage in the affairs of state, of the greatest firmness in any cause which he undertook, wholly devoted to the service of the virtuous part of the citizens, and to the authority of the senate, and in this—shall I say unpopularity, or misfortune of Milo's? behaving with singular, and god-like, and incredible good faith.

XXXIV. But I have said enough about the cause; and, perhaps, too much that was foreign to the cause. What remains, except for me to pray and entreat you, O judges, to show that mercy to a most gallant man, which he himself does not implore; but which I, even against his will, implore and demand in his behalf? Do not, if amid the tears of all of us you have seen no tears shed by Milo,—if you see his countenance always the same, his voice and language steady and unaltered.—do not, on that account, be the less inclined to spare him. I know not whether he does not deserve to be assisted all the more on that account. In truth, if in the

excitement, that, snatching up the body, they carried it into the senate-house, and tearing up the benches and tables, dressed up a funeral pile on the spot, and, together with the body, burnt the senate-house itself, with the Basilica Porcia which joined it.

battles of gladiators, and in the case of men of the very lowest class and condition and fortune, we are accustomed to dislike those who are timid and suppliant, and who pray to be allowed to live, and if we wish to save those who are brave and courageous, and who offer themselves cheerfully to death; and if we feel more pity for those men who do not ask our pity, than for those who entreat it; how much more ought we to nourish those feelings in the case of our bravest citizens? As for me, O judges, I am dispirited and almost killed by those expressions of Milo, which I hear continually, and at the utterance of which I am daily present: "May my fellow-citizens fare well," says he; "may they fare well. May they be safe, and prosperous, and happy; may this illustrious city, and my country, which I love so well, long endure, however it may treat me; may my fellow-citizens (since I may not enjoy it with them) enjoy the republic in tranquillity without me, but still in consequence of my conduct. I will submit, and depart; if it cannot be allowed me to enjoy a virtuous republic, at least I shall be at a distance from a bad one; and the first well regulated and free city that I arrive at, in that will I rest. Oh how vain," says he, "are the labours which I have undertaken! Oh how fallacious have been my hopes! Oh how empty all my thoughts! When as tribune of the people, when the republic was oppressed, I had devoted myself to the senate, which, when I came into office, was utterly extinct; and to the Roman knights, whose power was enfeebled, and to the virtuous part of the citizens, who had given up all their authority under the arms of Clodius; could I ever have thought that I should fail to find protection from the citizens? When I had restored you" (for he very frequently converses with me and addresses me) "to your country, could I ever suppose that I myself should have no place in my country? Where now is the senate which we followed? where are those Roman knights, those knights," says he, "so devoted to you? where is the zeal of the municipal towns? where is the voice of Italy? what, above all, has become of that voice of yours, O Marcus Tullius, which has been an assistance to many; what has become of your voice and defensive eloquence? am I the only person whom it is unable to help, I who have so often exposed myself to death for your sake?"

XXXV. Nor does he say these things to me, O judges, weeping, as I now repeat them; but with the same unmoved countenance that you behold. For he says, he never did all the things which he had done for citizens who are ungrateful; ungrateful, he says, they are not. That they are timid, and thinking too much of every danger, he does not deny. He says, that he treated the common people, and that multitude of the lower class which, while they had Publius Clodius for their leader, threatened the safety of all of you, in such a way, in order to render all your lives more secure; that he not only subdued it by his virtue, but won it over at the expense of three estates which he inherited. Nor has he any apprehension that, while he was conciliating the common people by his liberality, he was not also securing your attachment by his singular services to the republic. He says, that the goodwill of the senate towards him has been repeatedly experienced by him in the times that have lately gone by; and that he shall carry with him, and ever retain in his recollection, the way in which you and all your order flocked to meet him, the zeal you showed in his behalf, and the kindness of your language to him, whatever may be the destiny which fortune allots to him. He remembers, also, that the voice of the crier, proclaiming his triumph, was the only thing wanting to him; but that he was declared consul by the unanimous vote of the people, and that was the great object of his ambition. And now if all these things are to go against him, it will be only the suspicion of guilt, not the reality of any crime which has injured him. He adds this, which is unquestionably true; that brave and wise men are not in the habit of setting their hearts so much on the rewards for virtuous conduct, as on the fact of their conduct being so; that he has never acted throughout his life in any but the most honourable manner, since there can be nothing better for a man to do than to deliver his country from dangers; that those men are happy for whom such conduct procures honour among their fellow-citizens, but yet, that those men are not miserable who have exceeded their fellow-citizens in good deeds. Moreover, that of all the rewards of virtue, if one is to make an estimate of the different rewards, the most honourable of all is glory; that this is the only reward which can make amends for the shortness of life, by the recollection of posterity; which can cause us

while absent to be present, when dead to be still alive; that this is the thing by the steps of which men appear to mount even to heaven.

"Concerning me," says he, "the Roman people and all nations will be continually talking. The remotest ages will never be silent about me. Even at this very time when the firebrands of envy are being hurled against me by my enemies, still I am celebrated in every company of men, who express their thanks to me, who congratulate themselves on my conduct, who make me the sole topic of their conversation. I say nothing of the days of festival, and sacrifice, and joyful celebration in Etruria. This is the hundredth, or I rather think the hundred and first day since the death of Publius Clodius; a day on which, wherever the boundaries of the Roman empire extend, there did not only the report of, but the joy caused by that occurrence penetrate. Wherefore," said he, "I am not anxious as to where this body of mine may be; since the glory of my name already is and always will be in every country upon earth."

XXXVI. This is what you have constantly said to me, O Milo, when these men who hear me now have been absent; but this is what I say to you when they are present to listen. I cannot, indeed, praise you sufficiently for being of such a spirit as you are; but the more godlike that virtue of yours is, the greater is the pain which I feel at being separated from you. Nor, indeed, if you are taken from me, will the complaints, which are all that is left to me, do anything to comfort me, or to prevent my being angry with those men from whom I have received so severe a blow. For it is not my enemies who will tear you from me, but those who are my greatest friends. It is not men who have at times deserved ill at my hands, but those who have always deserved exceedingly well. You never, O judges, will inflict such grief upon me, (although, what grief can be so great as this?) but you will never inflict this particular grief upon me, of forcing me to forget how greatly you have always regarded me. And if you, yourselves, have forgotten it, or if any part of my conduct has offended you, why do you not make me atone for that offence rather than Milo? For I shall have lived gloriously enough if I die before seeing any such great misfortune happen to him.

At present one consolation supports me, that no exertion that affection, or that zeal, or that gratitude could possibly make, has been wanting on my part to promote your interest, O Titus Annius. For your sake I have courted the enmity of powerful citizens; I have repeatedly exposed my person and my life to the weapons of your enemies; I have thrown myself as a suppliant at the feet of many for your sake; I have considered my fortunes and those of my children as united with yours in the time of your necessities. Lastly, on this very day, if any violence is prepared against you, or any struggle, or any danger of death, I claim my share in that. What remains now? What is there that I can say, or that I can do in return for your services to me, except considering whatever fortune is yours mine also? I do not object, I do not refuse so to consider it. And I entreat you, O judges, either to add to the kindnesses which you have already conferred on me by granting me this man's safety, or else to take notice that they will all perish in his fall.

XXXVII. These tears of mine have no effect on Milo. He is of an incredible strength of mind. He thinks that any place where there is no room for virtue is a place of banishment; and death he considers the end appointed by nature, and not a punishment. Let him continue to cherish these ideas in which he was born. What will you think yourselves, O judges? What will be your feelings? Will you preserve the recollection of Milo, and drive away the man himself? And will you allow any place in the whole earth to be more worthy to receive this virtue of his than this place which produced him? You, you, I appeal to you, O you brave men, who have shed much of your blood for the sake of the republic. I appeal to you, O centurions, and to you, O soldiers, in this time of danger to a brave man and an invincible citizen. While you are not only looking on, but armed, and standing as guards around this court of justice, shall this mighty virtue be driven from the city, be banished, be cast out?

Oh, miserable man that I am! Oh, unhappy man that I am! Were you, O Milo, able through the instrumentality of these men to recal me to my country, and cannot I through the agency of the very same men even retain you in yours? What answer shall I make to my children, who consider you

a second father? What answer shall I make to you, O my brother Quintus, you who are now absent, you who were my companion in that cruel time? Shall I reply, that I was unable to preserve the safety of Milo by the instrumentality of those very men by whose means he had preserved mine? And what is the cause in which I shall have failed to do so? One which is sanctioned by all the nations of the earth. From whom must I say that I failed to procure it? From those very men who of all others have gained the greatest tranquillity by the death of Publius Clodius. And who will it be who has entreated in vain? I. What great wickedness is it that I planned, what enormous crime did I commit, O judges, when I traced out, and laid open, and revealed, and for ever crushed those beginnings and signs of the general destruction that was intended? For that is the spring from which all the distresses of myself and my friends arise. Why did you wish me to return to my country? Was it in order that I might look on while those men were being driven out, by whose efforts I had been restored? Do not, I entreat you, suffer my return to be more miserable than even my departure was. For how can I think that I have been restored if I am torn from those men by whom I was restored?

XXXVIII. Would that the immortal gods had granted, (I must entreat your permission to say it, O my country, for I fear lest it should be a wicked wish as far as you are concerned, though it may be a pious one for Milo,)—would that they had granted that Publius Clodius should not only be alive, but should even be prætor, consul, dictator, rather than I should see this sight! O ye immortal gods, before I should see this brave man, this man who deserves to be saved by you, O judges, in this plight! "Say not so, say not so," says Milo. "Rather let him have suffered the penalty which he deserved, and let us, if so it must be, suffer what we have not deserved."

Shall this man, born for his country, die in any other land except his country? or, as it may perchance turn out, for his country? Will you preserve the monuments of this man's courage, and yet allow no sepulchre containing his body to exist in Italy? Will any one by his vote banish this man from this city, when all other cities will gladly invite him to them if he is driven out from among you? O happy

will that land be which shall receive him! Ungrateful will this land be if it banishes him; miserable if it loses him.

However, I must make an end. Nor, indeed, can I speak any longer for weeping; and this man forbids me to defend him by tears. I pray and entreat you, O judges, when you are giving your votes, to dare to decide as you think just. And believe me that man[1] will be sure greatly to approve of your virtue, and justice, and good faith; who, in selecting the judges, selected all the best, and wisest, and most fearless men whom he could find.[2]

[1] Cnæus Pompeius.

[2] Milo, as has been said before, was convicted by a majority of thirty-eight to thirteen, though Cato voted openly for his acquittal. He went into exile to Marseilles. Some years afterwards, A.U.C. 706, Cœlius, when prætor, recalled him from banishment, and endeavoured to raise some public commotion in favour of Pompey, between whom and Cæsar (who was in his second consulship) the civil war was just breaking out. But he and Cœlius were both killed by the soldiers with whom they were tampering.

# THE SPEECH OF M. T. CICERO IN DEFENCE OF CAIUS RABIRIUS POSTUMUS.

THE ARGUMENT.

When Gabinius, the colleague of Piso, returned from his province of Syria, he was prosecuted on two indictments; in the first prosecution Cicero appeared as a witness against him; but he was acquitted, as Cicero says in his letters to his brother Quintus, (iii. 4,) in consequence of the stupidity of Lentulus, the prosecutor, and the great exertion of Pompey, and the corruption of the judges. In the second prosecution Cicero was prevailed on by Pompey to defend him; but he was condemned to perpetual banishment.

The trial of Caius Rabirius Postumus, a Roman knight, arose out of that trial of Gabinius. It had been one of the articles against him, that he had received an enormous sum for restoring Ptolemy to his kingdom of Egypt; but when he was convicted, his estate was found inadequate to meet the damages which he was condemned to pay, and the deficiency was now demanded from those through whose hands the management of his money affairs had passed, and who were supposed to have been sharers in the spoil; and of these men the chief was Rabirius, who was now accused of having advised Gabinius to undertake Ptolemy's restoration; of having accompanied him; of having been employed by him to solicit the payment of the money, and of having lived at Alexandria for that purpose in the king's service as the public receiver of the king's taxes, and wearing the dress of an Egyptian. The prosecution was instituted under the provisions of the *Lex Julia*, concerning extortion and peculation. It was conducted by Caius Memmius Gemellus. Rabirius was acquitted; and, though it was to please Pompey that Cicero had undertaken his defence, he afterwards attached himself to Cæsar, and was employed by him in the war in Africa and in Sicily.

I. If there is any one, O judges, who thinks Caius Rabirius to be blamed for having entrusted his securely founded and well-established fortunes to the power and caprice of a sovereign, he may back his opinion by a reference not only to mine, but also to the feelings of the man himself who did so. For there is no one who is more grieved at the line of conduct which he then adopted than he is himself. Although we are very much in the habit of judging of the wisdom of a plan

by the result, and of saying that the man whose designs have succeeded has shown a great deal of foresight, and that he who has failed has shown none at all. If the king had had any honesty, nothing would have been considered more sagacious than the conduct of Postumus; but because the king deceived him he is said to have acted as madly as possible; so that it appears now that nothing is a proof of a man being wise, unless he can foresee the future.

But still, if there be any one who thinks that Postumus's conduct, whether it proceeded from a vain hope, or from a not sufficiently considered calculation, or (to use the strongest possible terms) from pure rashness, deserves to be blamed, I will not object to his entertaining that opinion. But I do beg this, that as he sees that his designs have been punished with the greatest cruelty by fortune herself, he will not think it necessary to add any additional bitterness to the ruin with which he is already overwhelmed. It is quite enough not to help to set men up again who have fallen through imprudence; but to press down those already fallen, or to increase their impetus when falling, is unquestionably most barbarous. Especially, O judges, when this principle is almost implanted by nature in the race of man, that those men who are of a family which considerable glory has already distinguished, should with the greatest eagerness pursue the same path as their ancestors, seeing that the virtue of their fathers is celebrated in the recollection and conversation of all men, just as not only did Scipio imitate Paullus in his renown gained by military exploits; not only did his son imitate Maximus; but his own son also imitated Decius in the devotion of his life, and the exact manner of his death. Let small things, O judges, be compared in this way to great things.

II. For, when we were children, this man's father Caius Curius was a most gallant chief of the equestrian order, and a most extensive farmer of the public revenues, a man whose greatness of spirit as displayed in carrying on his business men would not have so greatly esteemed, if an incredible kindness had not also distinguished him; so that while increasing his property, he seemed not so much to be seeking to gratify his avarice, as to procure additional means for exerting his kindness. My client, being this man's son, although he had never seen his father, still under the guidance of nature her-

self,—who is a very powerful guide,—and instigated by the continual conversation of every one in his family, was naturally led on to adopt a similar line of conduct to that of his father. He engaged in extensive business. He entered into many contracts. He took a great share of the public revenues. He trusted different nations. His transactions spread over many provinces. He devoted himself also to the service of kings. He had already previously lent a large sum of money to this very king of Alexandria; and in the mean time he never ceased enriching his friends; sending them on commissions; giving them a share in his contracts; increasing their estates, or supporting them with his credit. Why need I say more? He gave a faithful representation of his father's career and habits of life in his own magnanimity and liberality.

In the mean time, Ptolemæus being expelled from his kingdom with treachery, with evil designs (as the Sibyll said, an expression of which Postumus found out the meaning) came to Rome. This unhappy man lent him money, as he was in want and asked for it; and that was not the first time, (for he had lent him money before while he was king, without seeing him.) And he thought that he was not lending his money rashly, because no one doubted that he would be restored to his kingdom by the senate and people of Rome. But he went still further in making him presents and loans. And he lent him not his own money only, but also that of his friends. A very foolish thing to do—who denies it? at all events, who is there who does not now remind him of it? How could one think that a sensible proceeding which has turned out ill? But it is difficult not to carry out to the end a line of conduct which one has begun with sanguine hopes.

III. The king was a suppliant to him. He asked him every sort of favour; he promised him every sort of recompense. So that Postumus was at last compelled to fear that he might lose what he had already lent, if he put a stop to his loans. But no one could possibly be more affable, no one could be more kind than the king; so that it was easier to repent having begun to lend than to find out how to stop.

Here first rises a charge against my client. They say that the senate was bribed. O ye immortal gods! is this that much-desired impartiality of the courts of justice? Those who have bribed us are put on their trial, we who have been

bribed are exposed to no such dangers. What, then, shall I do? Shall I here defend the senate, O judges? I ought, indeed, to do so here and everywhere, so well has that body deserved at my hands. But that is not the question at the present moment; nor is that affair in the least connected with the cause of Postumus. Although money was supplied by Postumus for the expense of his journey, and for the splendour of his appointments, and for the royal retinue, and though contracts were drawn up in the Alban villa of Cnæus Pompeius when he left Rome; still he who supplied the money had no right to ask on what he who received the money was spending it. For he was lending it not to a robber, but to a king; nor to a king who was an enemy of the Roman people, but to him whose return to his kingdom he saw was granted to him by the senate, and entrusted to the consul to provide for; nor to a king who was a stranger to this empire, but to one with whom he had seen a treaty made in the Capitol.

But if the man who lends money is to blame, and not the man who has made a scandalous use of the money which has been lent to him, then let that man be condemned who has made a sword and sold it, and not the man who with that sword has slain a citizen. Wherefore, neither you, O Caius Memmius, ought to wish the senate, to support the authority of which you have devoted yourself from your youth upwards, to labour under such disrepute, nor ought I to speak in defence of conduct which is not the subject of the present inquiry. For the cause of Postumus, whatever it is, is at all events unconnected with the cause of the senate. And if I show that it has no connexion with Gabinius either, then certainly you will have not a leg to stand upon.

IV. For this cause is an inquiry, "What has become of the money?" a sort of appendix as it were to an action which has been already decided, and in which a man has been convicted. An action was brought successfully against Aulus Gabinius, and he was condemned in damages; but no securities were given for the payment of them, nor did the people get out of his property a sum sufficient for the payment of those damages. The law is impartial. The Julian law orders that what is deficient should be required of those into whose hands the money, which the man who has been convicted received, came.

If this is a new provision in the Julian law,—as there are many clauses of a severer and stricter tendency than those which are found in the ancient laws,—let us also have this new description of tribunal before which to prosecute the inquiry. But if this clause is transferred word for word not only from the Cornelian law but from the Servilian law, which is older still; then, in the name of the immortal gods, what is it that we are doing, O judges? Or what is this new principle of new legal proceedings that we are introducing into the republic? For the ancient mode of proceeding was well known to all of you, and if practice is the best of teachers it ought to be known to me above all men. For I have prosecuted men for extortion and peculation; I have sat as judge; I have conducted inquiries as prætor; I have defended many men; there is no step in such proceedings which can give a man any facility in speaking in which I have not taken a part.

This is what I assert:—that no one ever was put on his trial on the formula, "What had become of that money," who had not been summoned as a witness on the action for damages. But in the action in this instance, no one was summoned except in consequence of something said by witnesses, or something which appeared in the accounts of private individuals, or in the accounts of the cities. Therefore, when actions were being brought, those men were usually present who had some apprehension about themselves; and then when they were summoned, then, if they thought it advantageous for them, they proceeded at once to contradict what had been said. But if they were afraid of unpopularity, because the facts in question were recent, they answered at some future time; and when they had done this, many of them gained their object.

V. But this is quite a novel way of managing business, and one utterly unheard of before this time. In the previous action Postumus's name never once occurs. In the action, do I say? You yourselves, O judges, lately sat as judges on Aulus Gabinius. Did any one witness then mention Postumus? Any witness? did ever the prosecutor name him? Did you, in short, in the whole of that trial once hear the name of Postumus?

Postumus, then, is not an additional criminal implicated in the cause which has been already decided. But still one

Roman knight has been dragged before the court as a defendant, on a charge of extortion and peculation. On what account-books is this charge founded? On some which were not read on the trial of Aulus Gabinius. By what witness is it supported? By some one who never once mentioned his name at that time. On the sentence of what arbitrator do they rely? On one in which no mention whatever was made of Postumus. In accordance with the provisions of what law? Of one under which he is not liable.

Here now, O judges, the affair is one which has need of all your acuteness and of all your good sense. For you ought to consider what it is becoming to you to do, and not what is lawful for you. For if you ask what is lawful, you certainly have the power to remove any one whom you please out of the city. It is the voting tablet which gives you that power; and at the same time it conceals the capricious exercise of it. No one has any need to fear the consciousness of the tablet, if he has no reverence for his own conscience. Where, then, is the wisdom of the judge shown? In this, that he considers not only what he has the power to do, but also what he ought to do; and he does not recollect only what power has been committed to him, but also to what extent it has been committed. You have a tablet given you on which to record your judgment. According to what law? To the Julian law about extortion and peculation. Concerning what defendant? Concerning a Roman knight. But that body is not liable to the operation of that law. * * * *
But now I hear what you say. Postumus, then, is prosecuted under that law, from the operation of which not only he, but his whole order, is released and wholly free.

VI. Here I will not at present implore your aid, O Roman knights,—you whose privileges are attacked by this prosecution,—before I implore you, O senators, whose good faith towards this order of knights is at stake; that good faith which has been often experienced before, and which has been lately proved in this very cause. For when—when that most virtuous and admirable consul Cnæus Pompeius made a motion with respect to this very inquiry—some, but very few, unfavourable opinions were delivered, which voted that prefects, and scribes, and all the retinue of magistrates were liable to the provisions of this law, you—you yourselves, I say

—and the senate, in a very full house, resisted this; and although at that time, on account of the offences committed by many men, people's minds were inflamed so that even innocent people were in danger, still, though you could not wholly extinguish its unpopularity, at all events you would not allow fuel to be added to the existing fire.

In this spirit did the senate act. What next? What are you, O Roman knights, what are you about to do, I pray? Glaucia, a profligate but still a shrewd man, was in the habit of warning the people when any law was being read to attend to the first line of it. If the first word was "dictator, consul, prætor, master of the horse," then not to trouble themselves about it; they might know that it was no concern of theirs. But if it began "Whoever after the passing of this law," then they had better take care that they were not made liable to any new judicial proceedings.

Now do you, O Roman knights, take care. You know that I was born of your order; that all my feelings have always been enlisted in your cause. I say nothing of what I am now saying but with the deepest anxiety and the greatest regard for your order. Other men may be attached to other men and to other orders; I have always been devoted to you. I warn you, I forewarn you, I give you notice while the affair and the cause are still undecided; I call all men and gods to witness. While you have it in your power, while it is lawful for you, beware lest you establish for yourselves and for your order a harder condition than you may be able to bear. This evil (believe me) will crawl on and extend further than you fancy.

VII. When a most powerful and noble tribune of the people, Marcus Drusus, proposed one formula of inquiry affecting the equestrian order,—"If any one had taken money on account of a judicial decision,"—the Roman knights openly resisted it. Why? Did they wish to be allowed to act in such a manner? Far from it. They thought this cause of receiving money not only shameful, but actually impious. But they argued in this way: that those men only ought to be made liable to the operation of any law, who of their own judgment submitted to such conditions of life. "The highest rank," say they, "in the state is a great pleasure; and the curule chair, and the fasces, and supreme command, and a

province, and priesthoods, and triumphs, and even the fact of having an image to keep alive the recollection of one with posterity. There is also some anxiety mingled with this pleasure, and a greater apprehension of laws and of trials. We have never despised those considerations;" (for so they argued;) "but we have adopted this tranquil and easy kind of life, which, because it does not bring honours with it, is also free from annoyance." "You are just as much a judge as I am a senator." "Just so, but you sought for the one honour, and I am compelled to accept of the other; wherefore, it ought to be lawful for me either to decline being a judge, or else I ought not to be subject to any new law which ought properly to regulate only the conduct of senators." Will you, O Roman knights, abandon this privilege which you have received from your fathers? I warn you not to do so. Men will be hurried before these courts of justice, not only whenever they fall into all deserved unpopularity, but whenever spiteful people say a word against them, if you do not take care to prevent it. If it were now told you that opinions were pronounced in the senate that you should be liable to be proceeded against under these laws, you would think it necessary to run in crowds to the senate-house. If the law was passed, you would throng to the rostra. The senate has decided that you are exempt from the operation of this law; the people has never subjected you to it; you have met together here free from it; take care that you do not depart entangled in its toils.

For if it was imputed as a crime to Postumus, who was neither a tribune, nor a prefect, nor one of his companions from Italy, nor even a friend of Gabinius's, how will these men hereafter defend themselves, who, being of your order, have been implicated with our magistrates in these causes?

VIII. "You," says the prosecutor, "instigated to Gabinius to restore the king." My own good faith does not allow me to speak with severity of Gabinius. For after having been reconciled to him, and given up that most bitter hostility with which I regarded him, and after having defended him with the greatest zeal, I ought not to attack him now that he is in distress. And even if the influence of Cnæus Pompeius had not reconciled me to him while he was in prosperity, his own disasters would do so now. But still, when you say that

Gabinius went to Alexandria at the instigation of Postumus, if you place no confidence in what was alleged in the defence of Gabinius, do you forget also what you stated in your own speech for the prosecution? Gabinius said that he did that for the sake of the republic, because he was afraid of the fleet of Archelaus,—because he thought that otherwise the sea would be entirely full of pirates. He said, moreover, that he was authorized to do so by a law. You, his enemy, deny that. I pardon your denial, and so much the more because the decision was contrary to the statement of Gabinius.

I return, therefore, to the charge, and to your speech for the prosecution. Why did you keep crying out that ten thousand talents had been promised to Gabinius? I suppose it was necessary to find out a very civil man indeed, who should be able to prevail on one whom you call the most avaricious of men, not to despise immoderately two hundred and forty millions of sesterces. Whatever may have been the intention with which Gabinius acted, it certainly was his own unsuggested intention. Whatever sort of idea it was, it was Gabinius's own. Whether, as he said himself, his object was glory, or whether, as you insist, it was money, it was for himself that he sought it. Had Gabinius any companion or attendant? He says, no. For he had departed from Rome in deference to the authority, not of Gabinius, whose business it was not, but of Publius Lentulus, a most illustrious man, given to him by the senate, and with a definite design, and with very sanguine hopes.

But he was the king's steward. Ay, and he was in the king's prison, and his life was nearly taken away. He bore many things besides, which the caprice of the king and necessity compelled him to endure. So that all these matters come under one single reproach, that he entered his kingdom, and that he entrusted himself to the power of the king. A very foolish action, if we must say the truth. For what can be more foolish than for a Roman knight, a man of this city, I say, a citizen of this republic, which, of all others, is, and always has been, most especially free, to go into a place where he is forced to obey and be the steward of another?

IX. But, nevertheless, may I not pardon this in Postumus, who is not a man of much learning, when I see that the very

wisest men have fallen into the same error? We have heard that that great man, beyond all comparison the most learned man that all Greece ever produced, Plato, was in the greatest danger, and was exposed to the most treacherous designs by the wickedness of Dionysius, the tyrant of Sicily, to whom he had trusted himself. We know that Callisthenes, a very learned man, the companion of Alexander the Great, was slain by Alexander. We know that Demetrius,—he, too, being a citizen of the free republic of Athens, the affairs of which he had conducted with the greatest ability, and being also a man eminent for, and deeply impressed with, learning,—the one, I mean, who was surnamed Phalereus, was deprived of his life in that selfsame kingdom of Egypt, having had an asp applied to his body. I plainly confess that nothing more insane can be done, than for a man willingly to come into a place where he will lose his liberty. But the still greater folly which he had already committed is his excuse for the folly of this subsequent conduct; for that causes this most stupid action, the act, I mean, of going into the kingdom, and of trusting himself to the king, to appear a wise and sensible step. At all events, it is not so much the act of one who is for ever a fool, as one who is wise too late, after he has got into difficulties through his folly, to endeavour to release himself by whatever means he can. Let, then, that be regarded as a fixed and certain point, which can neither be moved nor changed, in which those who look fairly at the matter say that Postumus had entertained hopes, those who are unfavourable to him say that he made a blunder, and he himself confesses that he acted like a madman, in lending his own money, and that of his friends, to the king, to the great danger of his own fortunes; still, when this had once been begun, it was necessary to endure these other evils, in order, at last, to reunite himself to his friends. Therefore, you may reproach him as often as you please with having worn an Egyptian robe, and with having had about him other ornaments which are not worn by a Roman citizen. For every time that you mention any one of these particulars, you are only repeating that same thing—that he lent money rashly to the king, and that he trusted his fortunes and his character to the royal caprice. He did so rashly, I confess it; but the case could not possibly be changed then; either he was forced

to put on an Egyptian cloak at Alexandria, in order afterwards to be able to wear his gown at Rome; or, if he retained his gown in Egypt, he must have discarded all hope of recovering his fortunes.

X. For the sake of luxury and pleasure we have often seen, not only ordinary Roman citizens, but youths of high birth, and even some senators, men born in the highest rank, wearing little caps, not in their country seats or their suburban villas, but at Naples, in a much-frequented town. We have even seen Lucius Sylla, that great commander, in a cloak. And you can now see the statue of Lucius Scipio, who conducted the war in Asia, and defeated Antiochus, standing in the Capitol, not only with a cloak, but also with Grecian slippers. And yet these men not only were not liable to be tried for wearing them, but they were not even talked about; and, at all events, the excuse of necessity will be a more valid defence for Publius Rutilius Rufus; for when he had been caught at Mitylene by Mithridates, he avoided the cruelty with which the king treated all who wore the Roman gown, by changing his apparel. Therefore, that Rutilius, who was a pattern to our citizens of virtue, and of the ancient dignity, and of prudence, and a man of consular rank, put on slippers and a cloak. Nor did any one think of reproaching the man with having done so, but all imputed it to the necessity of the time. And shall that garment bring an accusation upon Postumus, which afforded him a hope that he might at some time or other recover his fortune?

For when he came to Alexandria to Auletes,[1] O judges, this one means of saving his money was proposed to Postumus by the king—namely, that he should undertake the management, and, as it were, the stewardship of the royal revenues. And he could not do that unless he became the steward. For he uses that title which had been given to the office by the king. The business seemed an odious one to Postumus, but he had actually no power of declining it. The name itself, too, was annoying; but the business had that name of old among those people, it was not now newly imposed by the king. He detested also that dress, but without it he could neither have the title nor fill his office. Therefore, I say, that he was

[1] Ptolemæus was surnamed Auletes.

compelled by force to act as he did,—by force which, as our great poet says—

"Breaks and subdues the loftiest dignity."

He should have died, you will say; for that is the alternative And so he would have done, if, while his affairs were in such a state of embarrassment, he could have died without the greatest disgrace.

XI. Do not, then, impute his hard fortune to him as a fault; do not think the injury done to him by the king his crime; do not judge of his intentions by the compulsion under which he was, nor of his inclination by the force to which he submitted. Unless, indeed, you think those men deserving of reproach who have fallen among enemies or among thieves, and who then act differently under compulsion from what they would if they were free. No one of us is ignorant, even if we have had no personal experience of it, of the mode of proceeding adopted by a king. These are the orders given by kings,—"Take notice," "Obey orders," "Do not complain when you are not asked." These are their threats,—"If I catch you here to-morrow, you shall die." Expressions which we ought to read and consider, not only for the purpose of being amused by them, but in order to learn to beware of their authors, and to avoid them.

But from the circumstance of this employment itself another charge arises. For the prosecutor says, that while Postumus was collecting the money for Gabinius, he also amassed money for himself out of the tenths belonging to the generals. I do not quite understand what this charge means; whether Postumus is charged with having made an addition of one per cent. to the tenth, as our own collectors are in the habit of doing, or whether he deducted that sum from the total amount of the tenths. If he made that addition, then eleven thousand talents came to Gabinius. But not only was the amount mentioned by you ten thousand talents, but that also was the sum at which it was estimated by them. I add this consideration also. How can it be likely, that when the burden of the tributes was already so heavy, an addition of one thousand talents could be made to so large a sum which was to be collected? or that, when a man, a most avaricious man as you make him out, was to receive

so large a reward, he would put up with a diminution of a thousand talents? For it was not like Gabinius, to give up so vast a portion of what he had a right to; nor was it natural for the king to allow him to impose so great an additional tax on his subjects. Witnesses will be produced, deputies from Alexandria. They have not said a word against Gabinius. Nay, they have even praised Gabinius. Where, then, is that custom? what has become of the usages of courts of justice? Where are your precedents? Is it usual to produce a witness to give evidence against a man who has been the collector of money, when he has not been able to say a word against the man in whose name the money was collected? Nay more; if it is usual to produce a man who has said nothing, is it usual to produce one who has spoken in his praise? Is it not customary rather to look on such a cause as already decided, and to think that it is sufficient to read the previous evidence of the witnesses, without producing the men themselves?

XII. And this intimate companion and friend of mine says also that the men of Alexandria had the same reason for praising Gabinius that I had for defending him. My reason, O Caius Memmius, for defending him was, that I had become reconciled to him. Nor do I repent of considering my friendships immortal, but my enmities mortal. For if you think that I defended him against my will, because I did not like to offend Pompeius, you are very ignorant both of his character and of mine. For Pompeius would not have wished me to do anything contrary to my inclination for his sake. Nor would I, to whom the liberty of all the citizens has always been the dearest object, ever have abandoned my own. As long as I was on terms of the greatest enmity to Gabinius, Pompeius was in no respect the less my dearest friend. Nor after I had made to his authority that concession to which it was entitled from me, did I feign anything; I could not behave with treachery so as to injure the very man whom I had just been obliging. For by refusing to be reconciled to my enemy, I was doing no harm to Pompeius; but if I had allowed him to reconcile us, and yet had myself been reconciled to Gabinius with a treacherous intention, I should have behaved dishonestly,—principally, indeed, to myself, but in the next degree to him also.

But, however, I will say no more about myself. Let us return to those Alexandrians. What a face those men have! What audacity! The other day, when you were present at the trial of Gabinius, they were cross-examined at every third word they said. They declared that the money had not been given to Gabinius. The evidence of Pompeius was read at the same time, to the effect that he had written to the king that no money had been given to Gabinius except for military purposes. "At that time," says the prosecutor, "the judges refused to believe the Alexandrians." What does he say next? "Now they do believe them." Why so? "Because they now affirm what they then denied." What of that? Is this the way in which we are to regard witnesses,—to refuse them belief when they deny a thing, but to believe the very same men when they affirm a thing? But if they told the truth then, when they spoke with every appearance of truth, they are telling lies now. If they told lies then, they must give us good proof that they are now speaking the truth. Why need I say more. Let them hold their tongues. We have heard men speak of Alexandria before. Now we know it from our own experience. Thence it is, that every sort of chicanery comes. Thence, I say, comes every sort of deceit. It is from that people that all the plots of the farce-writers are derived. And, indeed, there is nothing which I wish for more, O judges, than to see the witnesses face to face.

XIII. They gave their evidence a little while ago before this tribunal, at the same time that we ourselves did. With what effrontery did they then repudiate the charge of this ten thousand talents! You are acquainted by this time with the absurd ways of the Greeks. They shrugged their shoulders at that time, I suppose, in respect of the existing emergency; but now there is no such necessity. When any one has once perjured himself he cannot be believed afterwards, not even if he swears by more gods than he did before; especially, O judges, when in trials of this sort there is not usually any room for a new witness; and on that account the same judges are retained who were judges in the case of the original defendant, because everything is already known to them, and nothing new can be invented.

Actions on the formula, "What has become of that

money," are usually decided, not by any proceedings taken especially with reference to them, but by those which were adopted in the case of the original defendant. Therefore, if Gabinius had either given sureties, or if the people had got as large a sum out of his property as the damages amounted to, then, however large a sum had been obtained from him by Postumus, none would have been demanded back again. So that it may easily be seen, that in a case of this sort, the money is only demanded back again from any one who has been clearly proved in the former action to have become possessed of it. But at present what is the question under discussion? Where in the world are we? What can be either said or imagined so unprecedented, so unsuitable, so preposterous as this? That man is being prosecuted who did not receive any money from the king, as it has been decided that Gabinius did, but who lent a vast sum of money to the king. Therefore, he gave it to Gabinius, as he certainly did not repay it to Postumus. Tell me now, I beg, since the man who owed Postumus money did not pay it to him, but gave money to Gabinius, now that Gabinius is condemned has he paid him back that money, or does he owe it to him still?

XIV. "Oh, but Postumus has the money, and is hiding it." For there are men who talk in this way. What a strange sort of ostentation and vain-gloriousness is this! If he had never originally had anything, still, if he had acquired a fortune, there could be no reason why he should conceal his having it. But in the case of a man who had inherited two ample and splendid patrimonial estates, and who had, moreover, increased his property by legitimate and honourable means, what reason could there possibly be why he should wish to be supposed to have nothing? Are we to believe that, when he was induced by the hope of interest to lend his money, his object was to have as large an estate as possible, but that after he had got back the money which he had lent, he then wished to be thought to be in want? He is certainly aiming at quite a new sort of glory. "And again," says the prosecutor, "he acted in a very arbitrary manner at Alexandria." I should rather say he was treated in a most arbitrary, ay, in a most insolent manner; he himself had to endure imprisonment. He saw his intimate friends thrown

into prison. Death was constantly before his eyes. And at last, naked and needy, he fled from the kingdom. "But his money was employed in commerce in other quarters. We have heard that ships belonging to Postumus arrived at Puteoli, and merchandize belonging to him was seen there, things only showy and of no real value, made of paper, and linen, and glass; and there were several ships entirely filled with such articles; but there was also one little ship, the contents of which were not known." That voyage to Puteoli, (such was the conversation at that time,) and the course taken by the crew, and the parade they made, and the fact, too, of the name of Postumus being rather unpopular with some spiteful people, on account of some idea or other respecting his money, filled in one summer numbers of ears with those topics of conversation.

XV. But if, O judges, you wish to know the truth,—if the liberality of Caius Cæsar, which is very great to every one, had not been quite incredible towards my client, we should long since have ceased to have Postumus among us in the forum. He by himself, took upon himself the burden of many of Postumus's friends; and those responsibilities, which during the prosperity of Postumus many of his friends supported by dividing them, now that he is unfortunate, Cæsar supports the whole of. You see, O judges, the shadow and phantom of a Roman knight, preserved by the assistance and good faith of one single friend. Nothing can be taken from him except this image of his former dignity, and that Cæsar by himself preserves and maintains. And that, even amid his greatest distresses, is still to be attributed to him in an eminent degree.

Unless, indeed, this can be effected by a moderate degree of virtue, that so just a man as Cæsar should think this my client of so much consequence, especially now that he is in distress and absent, and while he himself is in the enjoyment of such splendid fortune that it is a great thing for him to give a thought to the fortunes of others; while he is so incessantly busied about the mighty achievements which he has performed and is still performing, that it would be no wonder if he forgot other people altogether; and even if he afterwards recollected that he had forgotten them, he would easily find excuse for so doing

I have, indeed, before now, become acquainted with many virtues of Caius Cæsar, great and incredible virtues. But those other virtues of his are suited as it were to a more extensive theatre, are what I may almost call virtues to catch the eye of the people. To select a place for a camp, to array an army, to storm cities, to put to flight the army of the enemy, to endure the severity of cold and bad weather, which we can hardly support sheltered by the houses of this city; at this very time[1] to be pursuing the enemy, at a time when even the wild beasts hide themselves in their lurking-places, and when all wars are suspended by the general consent of nations;—these are great deeds: who denies it? But still they are prompted by vast rewards, being handed down to the eternal recollection of men. So that there is less reason to wonder at a man's performing them who is ambitious of immortality.

XVI. This is wonderful praise, which is not celebrated by the verses of poets, nor by the records of annals, but is estimated by the judgments of wise men. He took up the cause of a Roman knight, his own ancient friend, one zealous for, attached and devoted to himself, who was getting involved in difficulties; not through licentiousness, nor through any discreditable expense and waste to gratify his passions, but through an honest endeavour to increase his fortune; he would not allow him to fall; he propped him up and supported him with his estate, his fortune, and his good faith, and he supports him to this day. Nor will he allow his friend, trembling in the balance as he is, to fall; nor does the splendour of his own reputation at all dazzle his eyes, nor does the height of his own position and of his own renown at all obscure the piercing vision of his mind. Grant that those achievements of his are great things, as in truth they are; every one else may agree with my opinion or not, as he pleases, for I, amid all his power and all his good-fortune, prefer this liberality of his towards his friends, and his recollection of old friendship, to all the rest of his virtues. And you, O judges, ought not only not to despise or to regret this goodness of so novel a kind, so unusual in illustrious and preeminently powerful men, but even to embrace and increase it; and so much the more, because you see that these days have been taken for the purpose of, as it were, undermining his

[1] This trial took place in January.

dignity; from which nothing can be taken which he will not either bravely bear, or easily replace. But if he hears that his dearest friend has been stripped of his honourable position, that he will not endure without just indignation; and yet he will not have lost what he can have no possible hope of ever recovering.

XVII. These arguments ought to be quite sufficient for men who are of a just disposition; and more than sufficient for you, who we feel sure are men of the greatest justice. But, in order fully to satisfy everybody's suspicions, or malevolence, or even cruelty, we will take this statement too. "Postumus is hiding his money; the king's riches are concealed." Is there any one of all this people who would like to have all the property of Caius Rabirius Postumus knocked down to him for one single sesterce?[1] But, miserable man that I am! with what great pain do I say this,—Come, Postumus, are you the son of Caius Curius, the son, as far as his judgment and inclination go, of Caius Rabirius, not in reality and by nature the son of his sister? Are you the man who is so liberal to all his relations; whose kindness has enriched many men; who has never wasted anything; who has never spent any money on any profligacy? and all your property, O Postumus, knocked down by me for one single sesterce? Oh how miserable and bitter is my office as an auctioneer! But he, miserable man, even wishes to be convicted by you; and to have his property sold, so that every one may be repaid his principal. He has no concern about anything except his own good faith. Nor will you, if you should, in his case, think fit to forget your habitual humanity, be able to take from him anything beyond his property. But, O judges, I beg and entreat you not to forget that usual course of yours, and so much the more as in this instance money which he has nothing to do with is being claimed of a man who is not even repaid his own. Odium is sought to be stirred up against a man, who ought to find an ally in the general pity.

But now, since, as I hope, I have discharged as well as I have been able to, the obligations of good faith to you, O Postumus, I will give you also the aid of my tears, as I well

[1] Those who bought a property took it with all its liabilities.

may; for I saw abundant tears shed by you at the time of my own misfortune. That miserable night is constantly present to the eyes of all my friends, on which you came to me with your forces, and devoted yourself wholly to me. You supported me at that time of my departure with your companions, with your protection, and even as much gold as that time would admit of. During the time of my absence you were never deficient in comforting and aiding my children, or my wife. I can produce many men who have been recalled from banishment as witnesses of your liberality; conduct which I have often heard was of the greatest assistance to your father, whose behaviour was like your own, when he was tried for his life. But at present I am afraid of everything: I dread even the unpopularity which your very kindness of disposition may provoke. Already the weeping of so many men as we behold indicates how beloved you are by your own relations; but, as for me, grief enfeebles and stifles my voice. I do entreat you, O judges, do not deprive this most excellent man, than whom no more virtuous man has ever lived, of the name of a Roman knight, of the enjoyment of this light, and of the pleasure of beholding you. He begs nothing else of you, except to be allowed with uplifted eyes to behold this city, and to pace around the forum; a pleasure which fortune would have already deprived him of, if the power of one single friend had not come to his assistance.

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# THE SPEECH OF M. T. CICERO IN BEHALF OF MARCUS CLAUDIUS MARCELLUS.

THE ARGUMENT.

Marcus Claudius Marcellus was descended from the most illustrious families at Rome, and had been consul with Servius Sulpicius Rufus; in which office he had given great offence to Cæsar by making a motion in the senate to deprive him of his command; and in the civil war he espoused the side of Pompeius, and had been present at the battle of Pharsalia, after which he retired to Lesbos. But after some time the whole senate interceded with Cæsar to pardon him, and to allow him to return to his country. And when he yielded to their entreaties, Cicero made the following speech, thanking Cæsar for his magnanimity; though he had, as he says himself, (Ep. Fam. iv. 4,) determined to say nothing; but he was afraid that if he continued silent Cæsar would interpret it as a proof that he despaired of the republic.

Cæsar, though he saw the senate unanimous in their petition for Marcellus, yet had the motion for his pardon put to the vote, and called for the opinion of every individual senator on it. Cicero appears at this time to have believed that Cæsar intended to restore the republic, as he mentions in his letters, (Ep. Fam. xiii. 68.)

I. This day, O conscript fathers, has brought with it an end to the long silence in which I have of late indulged; not out of any fear, but partly from sorrow, partly from modesty; and at the same time it has revived in me my ancient habit of saying what my wishes and opinions are. For I cannot by any means pass over in silence such great humanity, such unprecedented and unheard-of clemency, such moderation in the exercise of supreme and universal power, such incredible and almost godlike wisdom. For now that Marcus Marcellus, O conscript fathers, has been restored to you and the republic, I think that not only his voice and authority are preserved and restored to you and to the republic, but my own also.

For I was concerned, O conscript fathers, and most exceedingly grieved, when I saw such a man as he is, who had espoused the same cause which I myself had, not enjoying the same good fortune as myself; nor was I able to persuade my-

self to think it right or fair that I should be going on in my usual routine, while that rival and imitator of my zeal and labours, who had been a companion and comrade of mine throughout, was separated from me. Therefore, you, O Caius Cæsar, have reopened to me my former habits of life, which were closed up, and you have raised, as it were, a standard to all these men, as a sort of token to lead them to entertain hopes of the general welfare of the republic. For it was seen by me before in many instances, and especially in my own, and now it is clearly understood by everybody, since you have granted Marcus Marcellus to the senate and people of Rome, in spite of your recollection of all the injuries you have received at his hands, that you prefer the authority of this order and the dignity of the republic to the indulgence of your own resentment or your own suspicions.

He, indeed, has this day reaped the greatest possible reward for the virtuous tenor of his previous life; in the great unanimity of the senate in his favour, and also in your own most dignified and important opinion of him. And from this you, in truth, must perceive what great credit there is in conferring a kindness, when there is such glory to be got even by receiving one. And he, too, is fortunate whose safety is now the cause of scarcely less joy to all other men than it will be to himself when he is informed of it. And this honour has deservedly and most rightfully fallen to his lot. For who is superior to him either in nobleness of birth, or in honesty, or in zeal for virtuous studies, or in purity of life, or in any description whatever of excellence.

II. No one is blessed with such a stream of genius, no one is endowed with such vigour and richness of eloquence, either as a speaker or as a writer, as to be able, I will not say to extol, but even, O Caius Cæsar, plainly to relate all your achievements. Nevertheless, I assert, and with your leave I maintain, that in all of them you never gained greater and truer glory than you have acquired this day. I am accustomed often to keep this idea before my eyes, and often to affirm in frequent conversations, that all the exploits of our own generals, all those of foreign nations and of most powerful states, all the mighty deeds of the most illustrious monarchs, can be compared with yours neither in the magnitude of your wars, nor in the number of your battles, nor in the variety of

countries which you have conquered, nor in the rapidity of your conquests, nor in the great difference of character with which your wars have been marked; and that those countries the most remote from each other could not be travelled over more rapidly by any one in a journey, than they have been visited by your, I will not say journeys, but victories.

And if I were not to admit, that those actions are so great that scarcely any man's mind or comprehension is capable of doing justice to them, I should be very senseless. But there are other actions greater than those. For some people are in the habit of disparaging military glory, and of denying the whole of it to the generals, and of giving the multitude a share of it also, so that it may not be the peculiar property of the commanders. And, no doubt, in the affairs of war, the valour of the troops, the advantages of situation, the assistance of allies, fleets, and supplies, have great influence; and a most important share in all such transactions, Fortune claims for herself, as of her right; and whatever has been done successfully she considers almost entirely as her own work.

But in this glory, O Caius Cæsar, which you have just earned, you have no partner. The whole of this, however great it may be,—and surely it is as great as possible,—the whole of it, I say, is your own. The centurion can claim for himself no share of that praise, neither can the prefect, nor the battalion, nor the squadron. Nay, even that very mistress of all human affairs, Fortune herself, cannot thrust herself into any participation in that glory; she yields to you; she confesses that it is all your own, your peculiar private desert. For rashness is never united with wisdom, no is chance ever admitted to regulate affairs conducted with prudence.

III. You have subdued nations, savage in their barbarism, countless in their numbers, boundless, if we regard the extent of country peopled by them, and rich in every kind of resource; but still you were only conquering things, the nature and condition of which was such that they could be overcome by force. For there is no strength so great that it cannot be weakened and broken by arms and violence. But to subdue one's inclinations, to master one's angry feelings, to be moderate in the hour of victory, to not merely raise from the ground a prostrate adversary, eminent for noble birth, for genius, and for virtue, but even to increase his previous dignity,—they are

actions of such a nature, that the man who does them, I do not compare to the most illustrious man, but I consider equal to God.

Therefore, O Caius Cæsar, those military glories of yours will be celebrated not only in our own literature and language, but in those of almost all nations; nor is there any age which will ever be silent about your praises. But still, deeds of that sort, somehow or other, even when they are read, appear to be overwhelmed with the cries of the soldiers and the sound of the trumpets. But when we hear or read of anything which has been done with clemency, with humanity, with justice, with moderation, and with wisdom, especially in a time of anger, which is very adverse to prudence, and in the hour of victory, which is naturally insolent and haughty, with what ardour are we then inflamed, (even if the actions are not such as have really been performed, but are only fabulous,) so as often to love those whom we have never seen! But as for you, whom we behold present among us, whose mind, and feelings, and countenance, we at this moment see to be such, that you wish to preserve everything which the fortune of war has left to the republic, oh with what praises must we extol you? with what zeal must we follow you? with what affection must we devote ourselves to you? The very walls, I declare, the very walls of this senate-house appear to me eager to return you thanks; because, in a short time, you will have restored their ancient authority to this venerable abode of themselves and of their ancestors.

IV. In truth, O conscript fathers, when I just now, in common with you, beheld the tears of Caius Marcellus, a most virtuous man, endowed with a never-to-be-forgotten affection for his brother, the recollection of all the Marcelli presented itself to my heart. For you, O Cæsar, have, by preserving Marcus Marcellus, restored their dignity even to those Marcelli who are dead, and you have saved that most noble family, now reduced to a small number, from perishing. You, therefore, justly prefer this day to all the splendid and innumerable congratulations which at different times have been addressed to you. For this exploit is your own alone; the other achievements which have been performed by you as general, were great indeed, but still they were performed by the agency of a great and numerous band of comrades. But in this exploit

you are the general, and you are your own sole comrade: and the act itself is such that no lapse of time will ever put an end to your monuments and trophies; for there is nothing which is wrought by manual labour which time will not sometime or other impair or destroy; but this justice and lenity of yours will every day grow brighter and brighter, so that, in proportion as time takes away from the effect of your deed, in the same degree it will add to your glory. And you had already surpassed all other conquerors in civil wars, in equity, and clemency, but this day you have surpassed even yourself. I fear that this which I am saying cannot, when it is only heard, be understood as fully as I myself think and feel it; you appear to have surpassed victory itself, since you have remitted in favour of the conquered those things which victory had put in your power. For though, by the conditions of the victory itself, we who were conquered were all ruined, we still have been preserved by the deliberate decision of your clemency. You, therefore, deserve to be the only man who is never conquered, since you conquer the conditions and the violent privileges of victory itself.

V. And, O conscript fathers, remark how widely this decision of Caius Cæsar extends. For by it, all of us who, under the compulsion of some miserable and fatal destiny of the republic, were driven to take up arms as we did, though we are still not free from the fault of having erred as men may. are at all events released from all imputation of wickedness. For when, at your entreaty, he preserved Marcus Marcellus to the republic, he, at the same time, restored me to myself and to the republic though no one entreated him in my favour, and he restored all the other most honourable men who were in the same case to ourselves and to their country; whom you now behold in numbers and dignity present in this very assembly. He has not brought his enemies into the senate-house; but he has decided that the war was undertaken by most of them rather out of ignorance, and because of some ungrounded and empty fear, than out of either any depraved desires or cruelty.

And in that war, I always thought it right to listen to all proposals that gave any hope of peace, and I always grieved, that not only peace, but that even the language of those citizens who asked for peace, should be rejected. For I never approved of either that or of any civil war whatever; and my

counsels were always allied to peace and peaceful measures, not to war and arms. I followed the man from my own private feelings, not because of my judgment of his public conduct; and the faithful recollection of the grateful disposition which I cherish had so much influence with me, that though I had not only no desire for victory, but no hope even of it, I rushed on, knowingly, and with my eyes open, as it were to a voluntary death. And, indeed, my sentiments in the matter were not at all concealed; for in this assembly, before any decisive steps were taken either way, I said many things in favour of peace, and even while the war was going on I retained the same opinions, even at the risk of my life. And from this fact, no one will form so unjust an opinion as to doubt what Cæsar's own inclination respecting the war was, when, the moment that it was in his power, he declared his opinion in favour of saving the advisers of peace, but showed his anger against the others. And, perhaps, that was not very strange at a time when the event of the war was still uncertain, and its fortune still undecided. But he who, when victorious, attaches himself to the advisers of peace, plainly declares that he would have preferred having no war at all even to conquering.

VI. And in this matter I myself am a witness in favour of Marcus Marcellus. For as our opinions have at all times agreed in time of peace, so did they then in respect of that war. How often have I seen him affected with the deepest grief at the insolence of certain men, and dreading also the ferocity of victory! On which account your liberality, O Caius Cæsar, ought to be more acceptable to us who have seen those things. For now we may compare, not the causes of the two parties together, but the use which each would have made of victory. We have seen your victory terminated at once by the result of your battles; we have seen no sword unsheathed in the city. The citizens whom we have lost were stricken down by the force of Mars, not by evil feelings let loose by

[1] Cicero was not present at the battle of Pharsalia, but remained at Dyrrachium, vexed at his advice being totally disregarded. Cato also remained at Dyrrachium. When Labienus brought them the news of Pompey's defeat, Cato offered Cicero the command, as the superior in dignity; and Plutarch relates, that on his refusal of it, young Pompey was so enraged, that he would have killed him on the spot if Cato had not prevented him. And this is what Middleton (who quotes the sentence in the text) thinks that Cicero is alluding to here.

victory; so that no man can doubt that Caius Cæsar would even raise many from the dead if that were possible, since he does preserve all those of that army that he can.

But of the other party I will say no more than what we were all afraid of at the time, namely, that theirs would have been too angry a victory. For some of them were in the habit of indulging in threats not only against those of their enemies who were in arms, but even against those who remained quiet; and they used to say that the matter to be considered was not what each man had thought, but where he had been. So that it appears to me that the immortal gods, even if they were inflicting punishment on the Roman people for some offence, when they stirred up so serious and melancholy a civil war, are at length appeased, or at all events satiated, and have now made all our hopes of safety depend on the clemency and wisdom of the conqueror.

Rejoice, then, in that admirable and virtuous disposition of yours; and enjoy not only your fortune and glory, but also your own natural good qualities, and amiable inclinations and manners; for those are the things which produce the greatest fruit and pleasure to a wise man. When you call to mind your other achievements, although you will often congratulate yourself on your valour, still you will often have reason to thank your good fortune also. But as often as you think of us whom you have chosen to live safely in the republic as well as yourself, you will be thinking at the same time of your own exceeding kindness, of your own incredible liberality, of your own unexampled wisdom; qualities which I will venture to call not only the greatest, but the only real blessings. For there is so much splendour in genuine glory, so much dignity in magnanimity and real practical wisdom, that these qualities appear to be given to a man by virtue, while all other advantages seem only lent to him by fortune.

Be not wearied then in the preservation of virtuous men; especially of those who have fallen, not from any evil desires, or depravity of disposition, but merely from an opinion of their duty,—a foolish and erroneous one perhaps, but certainly not a wicked one,—and because they were misled by imaginary claims which they fancied the republic had on them. For it is no fault of yours if some people were afraid of you; and, on the other hand, it is your greatest praise that they have now felt that they had no reason to fear you.

VII. But now I come to those severe complaints, and to those most terrible suspicions that you have given utterance to; of dangers which should be guarded against not more by you yourself than by all the citizens, and most especially by us who have been preserved by you. And although I trust that the suspicion is an ungrounded one, still I will not speak so as to make light of it. For caution for you is caution for ourselves. So that, if we must err on one side or the other, I would rather appear too fearful, than not sufficiently prudent. But still, who is there so frantic? Any one of your own friends? And yet who are more your friends than those to whom you have restored safety which they did not venture to hope for? Any one of that number who were with you? It is not credible that any man should be so insane as not to prefer the life of that man who was his general when he obtained the greatest advantages of all sorts, to his own. But if your friends have no thoughts of wickedness, need you take precautions lest your enemies may be entertaining such? Who are they? For all those men who were your enemies have either already lost their lives through their obstinacy, or else have preserved them through your mercy; so that either none of your enemies survive, or those who do survive are your most devoted friends.

But still, as there are so many hiding places and so many dark corners in men's minds, let us increase your suspicions, for by so doing we shall at the same time increase your diligence. For who is there so ignorant of everything, so very new to the affairs of the republic, so entirely destitute of thought either for his own or for the general safety, as not to understand that his own safety is bound up with yours? that the lives of all men depend on your single existence? I myself, in truth, while I think of you day and night,—as I ought to do,—fear only the chances to which all men are liable, and the uncertain events of health and the frail tenure of our common nature, and I grieve that, while the republic ought to be immortal, it depends wholly on the life of one mortal man. But if to the chances of human life and the uncertain condition of man's health there were to be added also any conspiracy of wickedness and treachery, then what god should we think able to assist the republic, even if he were to desire to do so?

VIII. All things, O Caius Cæsar, which you now see lying

stricken and prostrate—as it was inevitable that they should be—through the violence of war, must now be raised up again by you alone. The courts of justice must be re-established, confidence must be restored, licentiousness must be repressed, the increase of population must be encouraged, everything which has become lax and disordered must be braced up and strengthened by strict laws. In so vast a civil war, when there was such ardour of feeling and of warlike preparation on both sides, it was impossible but that—whatever the ultimate result of the war might be—the republic which had been violently shaken by it should lose many ornaments of its dignity and many bulwarks of its security, and that each general should do many things while in arms, which he would have forbidden to have been done while clad in the garb of peace. And all those wounds of war thus inflicted now require your attention, and there is no one except you who is able to heal them. Therefore, I was concerned when I heard that celebrated and wise saying of yours, "I have lived long enough to satisfy either nature or glory." Sufficiently long, if you please, for nature, and I will add, if you like, for glory; but, which is of the greatest consequence of all, certainly not long enough for your country.

Give up then, I entreat you, that wisdom of learned men shown in their contempt of death; do not be wise at our expense. For it has often come to my ears that you are in the habit of using that expression much too frequently—that you have lived long enough for yourself. I dare say you have; but I could only be willing to hear you say so if you lived for yourself alone, or if you had been born for yourself alone. But as it is,—as your exploits have brought the safety of all the citizens and the entire republic to a dependence on you,—you are so far from having completed your greatest labours, that you have not even laid the foundations which you design to lay. And will you then limit your life, not by the welfare of the republic, but by the tranquillity of your own mind? What will you do, if that is not even sufficient for your glory, of which—wise man though you be—you will not deny that you are exceedingly desirous? "Is it then," you will say, "but small glory that we shall leave behind us?" It may, indeed, be sufficient for others, however many they may be, and insufficient for you alone. For whatever it is, however ample it may be, it certainly is insufficient, as long as

there is anything greater still. And if, O Caius Cæsar, this was to be the result of your immortal achievements, that after conquering all your enemies, you were to leave the republic in the state in which it now is; then beware, I beg of you, lest your virtue should earn admiration rather than solid glory; since the glory which is illustrious and which is celebrated abroad, is the fame of many and great services done either to one's own friends, or to one's country, or to the whole race of mankind.

IX. This, then, is the part which remains to you; this is the cause which you have before you; this is what you must now labour at,—to settle the republic, and to enjoy it yourself, as the first of its citizens, in the greatest tranquillity and peacefulness. And then, if you please, when you have discharged the obligations which you owe to your country, and when you have satisfied nature nerself with the devotion of your life, then you may say that you have lived long enough. For what is the meaning of this very word "long" when applied to what has an end? And when the end comes, then all past pleasure is to be accounted as nothing, because there is none to come after it. Although that spirit of yours has never been content with this narrow space which nature has afforded us to live in; but has always been inflamed with a desire of immortality. Nor is this to be considered your life which is contained in your body and in your breath. That, —that, I say, is your life, which will flourish in the memory of all ages; which posterity will cherish; which eternity itself will always preserve. This is what you must be subservient to; it is to this that you ought to display yourself; which indeed has long ago had many actions of yours to admire, and which now is expecting some which it may also praise.

Unquestionably, posterity will stand amazed when they hear and read of your military commands,—of the provinces which you have added to the empire,—of the Rhine, of the ocean, of the Nile, all made subject to us,—of your countless battles, of your incredible victories, of your innumerable monuments and triumphs. But unless this city is now securely settled by your counsels and by your institutions, your name will indeed be talked about very extensively, but your glory will have no secure abode, no sure home in which to repose. There will be also among those who shall be born hereafter, as there has been among us, great disputes, when some with

their praises will extol your exploits to the skies, and others, perhaps, will miss something in them,—and that, too, the most important thing of all,—unless you extinguish the conflagration of civil war by the safety of the country, so that the one shall appear to have been the effect of destiny and the other the work of your own practical wisdom. Have regard, then, to those judges who will judge you many ages afterwards, and who will very likely judge you more honestly than we can. For their judgment will be unbiassed by affection or by ambition, and at the same time it will be untainted by hatred or by envy. And even if it will be incapable of affecting you at that time, (which is the false opinion held by some men,) at all events, it concerns you now to conduct yourself in such a manner that no oblivion shall ever be able to obscure your praises.

X. The inclinations of the citizens have been very diverse, and their opinions much distracted; for we showed our variance, not only by our counsels and desires, but by arms and warlike operations. And there was obscurity in the designs of, and contention between, the most illustrious generals: many doubted which was the best side; many, what was expedient for themselves; many, what was becoming; some even felt uncertain as to what it was in their power to do. The republic has at last come to the end of this miserable and fatal war; that man has been victorious who has not allowed his animosities to be inflamed by good fortune, but who has mitigated them by the goodness of his disposition; and who did not consider all those with whom he was displeased deserving on that account of exile or of death. Arms were laid aside by some, were wrested from the hands of others. He is an ungrateful and an unjust citizen, who, when released from the danger of arms, still retains, as it were, an armed spirit, so that that man is better who fell in battle, who spent his life in the cause. For that which seems obstinacy to some people may appear constancy in others. But now all dissension is crushed by the arms and extinguished by the justice of the conqueror; it only remains for all men for the future to be animated by one wish, all at least who have not only any wisdom at all, but who are at all in their senses. Unless you, O Caius Cæsar, continue safe, and also in the same sentiments as you have displayed on previous occasions, and on this day most eminently, we cannot be safe either.

Wherefore we all—we who wish this constitution and these things around us to be safe—exhort and entreat you to take care of your own life, to consult your own safety; and we all promise to you, (that I may say also on behalf of others what I feel respecting myself,) since you think that there is still something concealed, against which it is necessary to guard, —we promise you, I say, not only our vigilance and our wariness also to assist in those precautions, but we promise to oppose our sides and our bodies as a shield against every danger which can threaten you.

XI. But let my speech end with the same sentiment as it began. We all, O Caius Cæsar, render you the greatest thanks, and we feel even deeper gratitude than we express; for all feel the same thing, as you might have perceived from the entreaties and tears of all. But because it is not necessary for all of them to stand up and say so, they wish it at all events that by me, who am forced in some degree to rise and speak, should be expressed both all that they feel, and all that is becoming, and all that I myself consider due to Marcus Marcellus, who is thus by you restored to this order, and to the Roman people, and to the republic. For I feel that all men are exulting, not in the safety of one individual alone, but in the general safety of all. And as it becomes the greatest possible affection, such as I was always well known by all men to have towards him, so that I scarcely yielded to Caius Marcellus, his most excellent and affectionate brother and certainly to no one except him,—that love for him which I displayed by my solicitude, by my anxiety, and my exertions, as long as there was a doubt of his safety, I certainly ought to display at this present time, now that I am relieved from my great care and distress and misery on his account.

Therefore, O Caius Cæsar, I thank you, as if,—though I have not only been preserved in every sort of manner, but also loaded with distinctions by you,—still, by this action of yours, a crowning kindness of the greatest importance was added to the already innumerable benefits which you have heaped upon me, which I did not before believe were capable of any augmentation.

# THE SPEECH OF M. T. CICERO IN DEFENCE OF QUINTUS LIGARIUS.

THE ARGUMENT.

Quintus Ligarius was a Roman knight, who had been one of the lieutenants of Considius, the proconsul of Africa, and one of Pompey's partisans, and as such had borne arms against Cæsar in Africa, on which account he had gone into voluntary exile, to get out of the reach of the conqueror. But his two brothers had been on Cæsar's side, and had joined Pansa and Cicero in interceding with Cæsar to pardon him. While Cæsar was hesitating, Quintus Tubero, who was an ancient enemy of his, knowing that Cæsar was very unwilling to restore him, (for Ligarius was a great lover of liberty,) impeached him as having behaved with great violence in the prosecution of the African war against Cæsar, who privately encouraged this proceeding, and ordered the action to be tried in the forum, where he sat in person as judge to decide it; and so determined was he against Ligarius, that he is said to have brought the sentence of condemnation with him into court, already drawn up and formally signed and sealed. But he was prevailed upon by Cicero's eloquence, which extorted from him a verdict of acquittal against his will; and he afterwards pardoned Ligarius and allowed him to return to Rome.

Ligarius afterwards became a great friend of Brutus, and joined him in the conspiracy against Cæsar.

I. It is a new crime, and one never heard of before this day, O Caius Cæsar, which my relation Quintus Tubero has drought before you, when he accuses Quintus Ligarius with having been in Africa; and that charge Caius Pansa, a man of eminent genius, relying perhaps on that intimacy with you which he enjoys, has ventured to confess. Therefore I do not know which way I had best proceed. For I had come prepared, as you did not know that fact of your own knowledge, and could not have heard it from any other quarter, to abuse your ignorance in order to further the safety of a miserable man. But, however, since that which was previously unknown has been ferreted out by the diligence of his enemy we must, I suppose, confess the truth; especially as my dear friend Caius Pansa has so acted that it would not now be in my power to deny it. Therefore, abandoning all dispute of the fact, all my speech must be addressed to your mercy; by which many have already been preserved, having besought of

you, not a release from all guilt, but pardon from admitted error.

You, therefore, O Tubero, have that which is of all things most desirable for a prosecutor, a defendant who confesses his fault; but still, one who confesses it only so far as he admits that he was of the same party as you yourself, O Tubero, were, and as that man worthy of all praise, your father, also was. Therefore you must inevitably confess yourselves also to be guilty, before you can find fault with any part of the conduct of Ligarius.

Quintus Ligarius, then, at a time when there was no suspicion of war, went as lieutenant into Africa with Caius Considius, in which lieutenancy he made himself so acceptable, both to our citizens there and to our allies, that Considius on departing from the province could not have given satisfaction to those men if he had appointed any one else to govern it. Therefore, Quintus Ligarius, after refusing it for a long time without effect, took upon himself the government of the province against his will. And while peace lasted, he governed it in such a manner, that his integrity and good faith were most acceptable both to our citizens and to our allies. On a sudden, war broke out, which those who were in Africa heard of as being actually raging before any rumour of its preparation had reached them. But when they did hear of it, partly out of an inconsiderate eagerness, partly out of some blind apprehension, they sought for some one as a leader, at first only with the object of securing their safety, and afterwards with that of indulging their party-spirit; while Ligarius, keeping his eyes fixed on home, and wishing to return to his friends, would not allow himself to be implicated in any business of the sort. In the mean time, Publius Attius Varus, who as prætor had obtained the province of Africa, came to Utica. Every one immediately flocked to him, and he seized on the government with no ordinary eagerness, if that may be called government which was conferred on him, while a private individual, by the clamour of an ignorant mob, without the sanction of any public council. Therefore, Ligarius, who was anxious to avoid being mixed up in any transactions of the sort, remained quiet for some time on the arrival of Varus.

II. Up to this point, O Caius Cæsar, Quintus Ligarius is free from all blame. He left his home, not only not for the

purpose of joining in any war, but when there was not even the slightest suspicion of war. Having gone as lieutenant in time of peace, he behaved himself in a most peaceable province in such a manner, that it wished that peace might last for ever. Beyond all question, his departure from Rome with such an object ought not to be and cannot be offensive to you. Was, then, his remaining there offensive? Much less. For if it was no discreditable inclination that led to his going thither, it was even an honourable necessity which compelled him to remain. Both these times, then, are free from all fault—the time when he first went as lieutenant, and the time when, having been demanded by the province, he was appointed governor of Africa.

There is a third time: that during which he remained in Africa after the arrival of Varus; and if that is at all criminal, the crime is one of necessity, not of inclination. Would he, if he could possibly have escaped thence by any means whatever, would he rather have been at Utica than at Rome,—with Publius Attius, in preference to his own most united brothers? would he rather have been among strangers, than with his own friends? When his lieutenancy itself had been full of regret and anxiety on account of the extraordinary affection subsisting between him and his brothers, could he possibly remain there with any equanimity when separated from those brothers by the discord of war?

You have, therefore, O Cæsar, no sign as yet of the affections of Quintus Ligarius being alienated from you. And observe, I entreat you, with what good faith I am defending his cause. I am betraying my own by so doing. O the admirable clemency, deserving to be celebrated by all possible praise, and publicity, and writings, and monuments! Marcus Cicero is urging in Ligarius's defence before you, that the inclinations of another were not the same as he admits his own to have been; nor does he fear your silent thoughts, nor is he under any apprehension as to what, while you are hearing of the conduct of another, may occur to you respecting his own.

III. See how entirely free from fear I am. See how brilliantly the light of your liberality and wisdom rises upon me while speaking before you! As far as I can, I will lift up my voice so that the Roman people may hear me. When the war began, O Cæsar, when it was even very greatly advanced

towards its end, I, though compelled by no extraneous force, of my own free judgment and inclination went to join that party which had taken up arms against you. Before whom now am I saying this? Forsooth, before the man who, though he was acquainted with this, nevertheless restored me to the republic before he saw me; who sent letters to me from Egypt, to desire me to behave as I always had behaved; who, when he himself might have been the sole leader of the Roman people in the whole empire, still permitted me to be the other; by whose gift it was, (this very Caius Pansa, who is here present, bringing me the news,) that I retained the fasces wreathed with laurel, as long as I thought it becoming to retain them at all, and who would not have considered that he was giving me safety at all, if he did not give it me without my being stripped of any of my previous distinctions.

Observe, I pray you, O Tubero, how I, who do not hesitate to speak of my own conduct, do not venture to make any confession with respect to Ligarius: and I have said thus much respecting myself, to induce Tubero to excuse me when I say the same things of him. For I look in the forum on his industry and desire of glory, either on account of the nearness of our relationship, or because I am delighted with his genius and with his earnestness, or because I think that the praises of a young man who is my relative redound somewhat to my own credit. But I ask this—Who is it who thinks that it was any crime in Ligarius to have been in Africa? Why, the very man who himself also wished to be in Africa, and who complains that he was prevented by Ligarius from going there, and who certainly was in arms and fought against Cæsar. For, O Tubero, what was that drawn sword of yours doing in the battle of Pharsalia? against whose side was that sword-point of yours aimed? What was the feeling with which you took up arms? What was your intention? Where were your eyes? your hands? your eagerness of mind? What were you desirous of? What were you wishing for? I am pressing you too hard. The young man appears to be moved. I will return to myself. I also was in arms in the same camp.

IV. But what other object had we, O Tubero, except to be able to do what this man can do now? Shall, then, O Cæsar, the speech of those men spur you on to deeds of cruelty

whose impunity is the great glory of your clemency? And in this cause, in truth, O Tubero, I am somewhat at a loss to discern your usual prudence, but much more so to see the sagacity of your father, since that man, eminent both for genius and erudition, did not perceive what sort of case this was. For if he had perceived it, he would, I doubt not, have preferred that you should conduct it in any manner in the world, rather than as you did.

You are accusing one who confesses the facts which you allege against him. That is not enough. You are accusing one who has a case, as I say, better than your own, or, as you yourself allow, at least as good as yours. This is strange enough; but what I am about to say is a perfect miracle. That accusation of yours does not tend to the point of procuring the condemnation of Quintus Ligarius, but of causing his death. And this is an object which no Roman citizen has ever pursued before you. That way of acting is quite foreign. It is the hatred of fickle Greeks or of savage barbarians that is usually excited to the pitch of thirsting for blood. For what else is your object? To prevent him from being at Rome? To deprive him of his country? To hinder him from living with his excellent brothers, with this Titus Brocchus, whom you see in court, his uncle, or with Brocchus's son, his cousin? To prevent his appearing in his country? Is that it? Can he be more deprived of all these things than he is already? He is prevented from approaching Italy; he is banished. You, therefore, do not wish to deprive him of his country, of which he already is deprived, but of his life.

But even in the time of that dictator who punished with death every one whom he disliked, no one ever proceeded in that manner to accomplish such an end. He himself ordered men to be slain, without any one asking him; he even invited men to slay them by rewards; and that cruelty of his was avenged some years afterwards by this selfsame man whom you now wish to become cruel!

V. "But I am not asking for his death," you will say. I think indeed that you do not intend to do so, O Tubero. For I know you, I know your father, I know your birth and your name, and the pursuits of your race and family; your love of virtue, and civilization, and learning; your many admirable qualities,—all are known to me. Therefore

I know for a certainty that you are not thirsting for blood, but you give no heed to the effect of your prosecution. For the transaction has this tendency, to make you seem not contented with that punishment under which Quintus Ligarius is at present suffering. What further punishment then is there but death? For if he be in exile, as he is, what more do you require? That he may never be pardoned? But this is much more bitter and much harsher. That which we begged for at his house with prayers and tears, throwing ourselves at his feet, trusting not so much to the strength of our cause as to his humanity, will you now struggle to prevent our obtaining? Will you interrupt our weeping? and will you forbid us to speak, lying at his feet, with the voice of suppliants? If, when we were doing this at his house, as we did, and as I hope we did not do in vain, you had all on a sudden burst in, and had begun to cry out, "O Caius Cæsar, beware how you pardon, beware how you pity brothers entreating you for the safety of their brother," would you not have renounced all humanity by such conduct? How much harder is this, for you to oppose in the forum what we begged of him in his own house! and while numbers are in this distress, to take away from them the refuge which they might find in his clemency!

I will speak plainly, O Caius Cæsar, what I feel. If in this splendid fortune of yours your lenity had not been as great as you of your own accord—of your own accord, I say, (I know well what I am saying,) make it, that victory of yours would have been pregnant with the bitterest grief to the state. For how many of the conquering party must have been found who would have wished you to be cruel, when some of even the conquered party are found to wish it! how many who, wishing no one to be pardoned by you, would have thrown obstacles in the way of your clemency, when even those men whom you yourself have pardoned are unwilling that you should be merciful to others!

But if we could prove to Cæsar that Ligarius was actually not in Africa at all, if we wished to save an unfortunate citizen by an honourable and merciful falsehood; still it would not be the act of a man, in a case of such danger and peril to a fellow-citizen, to contradict and refute our falsehood; and if it were decent for any one to do so, it would certainly not be so for one who had himself been in the same case and con-

dition. But, however, it is one thing to be unwilling that Cæsar should make a mistake, and another to be unwilling that he should be merciful. Then you would say, "Beware, O Cæsar, of believing all this—Ligarius was in Africa. He did bear arms against you." But now what is it that you say? "Take care you do not pardon him." This is not the language of a man; but he who uses it to you, O Caius Cæsar, will find it an easier matter to abjure his own humanity than to strip you of yours.

VI. And the first beginning, and the first proposition of Tubero, I imagine, was this; that he intended to speak of the wickedness of Quintus Ligarius. I make no doubt that you wondered how it was that no one made this statement respecting some one else, or how it was that he made it who had been in the same condition himself, or what new crime it was which he was bringing forward. Do you call that wickedness, Tubero? Why so? For that cause has not as yet been attacked by that name. Some call it mistake; some call it fear; those who give it a harder name term it hope, ambition, hatred, obstinacy; those who use the hardest language style it rashness. But up to this time no one except you has ever called it wickedness. My own opinion is, if any one seeks for a proper and accurate name for our misfortune, that some disaster sent by destiny descended upon and occupied the improvident minds of men; so that no one ought to wonder that human counsels were overruled by divine necessity.

Let it be allowed to us to be miserable, although that we cannot be when this man is our conqueror. But I am not speaking of those who have perished. Grant that they were ambitious, that they were angry, that they were obstinate men; but still let Cnæus Pompeius, for he is dead, and let many others with him, be free from the imputation of wickedness, of insanity, of parricide. When did any one hear such an expression from you, O Caius Cæsar? or what other object did your arms propose to themselves except the repelling insult from yourself? What was it that was accomplished by that invincible army of yours, beyond the preservation of its own rights, and of your dignity? What? when you were anxious for peace, was it your object to be able to come to terms of agreement with the wicked, or with the virtuous part of the citizens? To me, of a truth, O Cæsar, your services towards me, immense as they are, would certainly not appear

so great, if I thought that I had been preserved by you while you considered me a wicked man. And how could you possibly have deserved well of the republic, if you had wished so many wicked men to remain with all their dignity unimpaired? Originally, O Cæsar, you considered that as a secession, not as a declaration of war; you considered it as a demonstration not of hostile hatred, but of civil dissension, in which both parties desired the safety of the republic, but some departed from measures calculated for the general welfare out of an error of judgment, and some out of party spirit. The dignity of the leaders was nearly on a par; but that of those who followed them was perhaps not quite equal; the justice of the cause, too, was at that time doubtful, because there was something on each side which deserved to be approved of; but now that is unquestionably entitled to be thought the better cause which even the gods assisted. But now that your clemency is known, who is there who does not think well of that victory, in which no one has fallen except those who fell with arms in their hands?

VII. But to say no more of the general question, let us come to our own individual case. Which do you think was easiest, O Tubero, for Ligarius to depart from Africa, or for you to abstain from coming into Africa? "Could we so abstain," you will say, "after the senate had voted that we should do so?" If you ask me, I say, Certainly not. But still the same senate had appointed Ligarius lieutenant. And he obeyed them at a time when men were forced to obey the senate; but you obeyed at a time when no one obeyed them who did not like it. Do I then find fault with you? By no means;—for a man of your family, of your name, of your race, of your hereditary principles, could not act otherwise. But I do not grant that you have a right to reprove in others the very same conduct which you boast of in yourselves.

Tubero's lot was drawn in pursuance of a resolution of the senate when he himself was not present, when he was even hindered by sickness from being present. He had made up his mind to excuse himself. I know all this from the great intimacy which exists between Lucius Tubero and myself: we were brought up together, in our campaigns we were comrades, afterwards we became connected by marriage, and throughout the whole of our lives, in short, we have been friends; it has been, moreover, a great bond between us, that we have been

devoted to the same studies. I know, therefore, that Tubero wished to remain at home; but there was a person who contrived matters in such a way, who put forth that most holy name of the republic so artfully, that even had his sentiments been different from what they were, he would not have been able to support the weight of his language. He submitted to the authority of a most distinguished man, or, I should rather say, he obeyed him. He went off at the same time with those men who were already embarked in the same cause, but he made his journey slower than they. Therefore, he arrived in Africa when it was already occupied; and from this it is that the charge against Ligarius, or rather the enmity against him, has its rise. For if it be a crime in him to have wished to hinder you, it is a no less serious one for you to have wished to obtain Africa, the citadel of all the provinces, a land created for the purpose of waging war against this city, than for somebody else to have preferred obtaining it himself,—and that somebody was not Ligarius. Varus kept saying, that he had the command there; the fasces he certainly had. But however the case, as to that part of it, may be, what weight is there O Tubero, in this complaint of yours? "We were admitted into the province." Well, suppose you had been admitted? was it your object to deliver it up to Cæsar, or to hold it against Cæsar?

VIII. See, O Cæsar, what licence, or rather what audacity, your liberality gives us. If Tubero replies that his father would have given up to you that province to which the senate and the lot which he drew had sent him, I will not hesitate in severe language to reprove that design of his before you yourself, to whose advantage it was that he should do so. For even if the action had been an acceptable one to you, it would not have been thought an honest one by you. But, however, all these topics I will pass over, not so much for fear of offending your most patient ears, as because that I do not wish that Tubero should appear to have been likely to do what he never thought of.

You two came, then, into the province of Africa,—the province of all others that was most hostile to the views of this victorious party, in which there was a most powerful king, an enemy to this cause, and in which the inclinations of a large and powerful body of Roman settlers were entirely adverse to it. I ask what you intended to do? Though I do not really

doubt what you intended to do, when I see what you have done. You were forbidden to set foot in your province, and forbidden, as you state yourselves, with the greatest insults. How did you bear that? To whom did you carry your complaints of the insults which you had received? Why, to that man whose authority you had followed when you came to join his party in the war. If it had been in Cæsar's cause that you were coming to the province, unquestionably, when excluded from the province, it was to him that you would have gone. But you came to Pompeius. What is the meaning, then, of this complaint which you now urge before Cæsar, when you accuse that man by whom you complain that you were prevented from waging war against Cæsar? And as to this part of the business you may boast, for all I care, even though it will be falsely, that you would have given the province up to Cæsar, even if you had been forbidden by Varus, and by some others. But I will confess that the fault was all Ligarius's, who deprived you of an opportunity of acquiring so much glory.

IX. But observe, I pray you, O Caius Cæsar, the consistency of that most accomplished man, Lucius Tubero, which even though I thought as highly of it as I do, I still would not mention, if I were not aware that that is a virtue which you are in the habit of praising as much as any. Where, then, was there ever an example of such great consistency in any man? Consistency, do I say? I do not know whether I might not more fitly call it patience. For how few men would have acted in such a manner as to return to that same party by which he had been rejected in a time of civil dissension, and rejected even with cruelty! That is the act of a great mind, and of a man whom no contumely, no violence, and no danger can turn from a side which he has espoused, and from an opinion which he has adopted. Grant that in all other respects Tubero and Varus were on a par, as to honour, that is, and nobleness of birth, and respectability, and genius,—which, however, was by no means the case; at all events, Tubero had this great advantage, that he had come to his own province with a legitimate command, in pursuance of a resolution of the senate. When he was prevented from entering it, he did not betake himself to Cæsar, lest he should appear to be in a passion,—he did not go home, lest he should be thought inactive,—he did not go

into any other district, lest he might seem to condemn that cause which he had espoused. He came into Macedonia to the camp of Cnæus Pompeius, to join that very party by whom he had been repulsed with every circumstance of insult.

What? when that affair had had no effect on the mind of the man to whom you came, you behaved, after that, with a more languid zeal, I suppose, in his cause? You only stayed in some garrison? But your affections were alienated from his cause? Or were we all, as is the case in a civil war, and not more with respect to you two, than with respect to others, —were we all wholly occupied with a desire of victory? I, indeed, was at all times an advocate of peace, but that time I was too late. For it was the part of a madman to think of peace when he saw the hostile army in battle array. We all, every one of us, I say, were eager for victory; you most especially, as you had come into a place where you must inevitably perish if your side were not victorious. Although, as the result now turns out, I make no doubt that you consider your present safety preferable to what would have been the consequences of victory.

X. I would not say these things, O Tubero, if you had any reason to repent of your consistency, or Cæsar of his kindness. I ask now whether you are seeking to avenge your own injuries, or those of the republic? If those of the republic, what reply can you make with respect to your perseverance in the cause of that other party? If your own, take care that you are not making a great mistake in thinking that Cæsar will be angry with your enemies, after he has pardoned his own.

Do I, then, appear to you, O Cæsar, to be occupied in the cause of Ligarius? Do I appear to be speaking of his conduct? In whatever I have said, I have endeavoured to refer everything to the leading idea of your humanity, or clemency, or mercy, whichever may be its most proper name. I have, indeed, O Caius Cæsar, pleaded many causes with you, while your pursuit of honours detained you in the forum; but certainly I never pleaded in this way, "Pardon my client, O judges; he has erred, he has tripped, he did not think. * * If ever hereafter * * ". This is the sort of way in which one pleads with a parent; to judges one says, "He never did it, he never thought of it, the witnesses are false, the accu-

sation is false." Say, O Cæsar, that you are sitting as judge on the conduct of Ligarius. Ask me in what garrisons he was. I make no reply. I do not even adduce these arguments, which, perhaps, might have weight even with a judge,—"He went as a lieutenant before the war broke out; he was left there in time of peace; he was overtaken by the war; in the war itself he was not cruel; he was in disposition and zeal wholly yours." This is the way in which men are in the habit of pleading before a judge. But I am addressing a parent. "I have erred; I have acted rashly; I repent; I flee to your clemency; I beg pardon for my fault; I entreat you to pardon me." If no one has gained such indulgence from you, it is an arrogant address. But if many have, then do you give us assistance who have already given us hope. Is it possible that Ligarius should have no reason for hope, when I am allowed to approach you even for the purpose of entreating mercy for another? Although the hope which we entertain in this cause does not rest upon this oration of mine, nor on the zeal of those who entreat you for Ligarius, intimate friends of your own.

XI. For I have seen and known what it was that you mainly considered when many men were exerting themselves for any one's safety; I have seen that the causes of those who were entreating you had more weight with you than the persons of the advocates, and that you considered, not how much the man who was entreating you was your friend, but how much he was the friend of him for whom he was exerting himself. Therefore, you grant your friends so many favours, that they who enjoy your liberality appear to me sometimes to be happier than you yourself who give them so much. But, however, I see, as I said before, that the causes of those who entreat your mercy have more weight with you than the entreaties themselves; and that you are most moved by those men whose grief, which they display in their petitions to you, is the most genuine.

In preserving Quintus Ligarius you will do what will be acceptable to numbers of your intimate friends; but, I entreat you, give weight to the considerations which are accustomed to influence you. I can mention to you most brave men, Sabines, men most highly esteemed by you; and the whole of the Sabine district, the flower of Italy and the chief strength of the republic. You are well acquainted

with the men. Observe the sadness and grief of all these men. You see yourself the tears and mourning attire of Titus Brocchus, who is here present, and I am in no doubt as to what your opinion of him is: you see the grief of his son. Why need I speak of the brothers of Ligarius? Do not fancy, O Cæsar, that we are pleading for the life of one individual only. You must either retain all three of the Ligarii in the city, or banish them all three from the city. Any exile is more desirable for them than their own country, their own house, and their own household gods will be, if this their brother is banished by himself. If they act as brothers should,—if they behave with affection and with genuine grief, then let their tears, their affection, and their relationship as brothers move you. Let that expression of yours have weight now which gained the victory; for we heard that you said that we thought all men our enemies, but those who were with us; but that you considered all men as your friends who were not actually arrayed against you. Do you see, then, this most respectable band; do you see the whole house of the Brocchi here present, and Lucius Marcius, and Caius Cæsetius, and Lucius Corfidius, and all these Roman knights, who are present here in mourning garments,—men who are not only well known to, but highly esteemed by you? They all were with you then; and we were full of anger against them,—we were attacking them; some even personally threatened them. Preserve, therefore, their friends to your friends; so that, like everything else which has been said by you, this, too, may be found to be strictly true.

XII. But if you were able to look into the hearts of the Ligarii, so as to see the perfect unanimity which subsists between them, you would think that all the brothers were on your side. Can any one entertain a doubt that, if Quintus Ligarius had been able to be in Italy, he would also have adopted the same opinions as his brothers adopted? Who is there who is not acquainted with the harmony existing between them, united and molten together, as I may say, by their nearness of age to one another? Who does not feel that anything in the world was more likely than that these brothers should adopt different opinions and embrace different parties? By inclination, therefore, they were all with you. Owing to the necessity of the times one was separated from

you; but he, even if he had done what he did deliberately, would still have been only like those men whom, nevertheless, you have shown yourself desirous to save.

However, grant that he went up of his own accord to the war, and that he departed, not only from you, but also from his brothers. These friends of your own entreat you to pardon him. I, indeed, at the time when I was present at, and mixed up in, all your affairs, remember well what was the behaviour of Titus Ligarius at that time, when he was city quæstor, with reference to you and your dignity. But it is of no importance for me to remember this. I hope that you, too, who are not in the habit of forgetting anything, except the injuries which have been done to you, since it is a part of your character, a part of your natural disposition, to do so, while you are thinking of the manner in which he conducted himself[1] in the discharge of his duty as quæstor, and while you remember, too, how some other quæstors behaved, —I hope, I say, that you will also recollect this.

This Titus Ligarius, then, who had at that time no other object except to induce you to think him attached to your interests, and a virtuous man also, (for he could never foresee these present circumstances,) now as a suppliant begs the safety of his brother from you. And when, urged by the recollection of his devotion to you, you have granted that safety to these men, you will by so doing have made a present of three most virtuous and upright brothers, not only to themselves, nor to these men, numerous and respectable as they are, nor to us who are their intimate friends, but also to the republic. That, therefore, which in the case of that most noble and most illustrious man, Marcus Marcellus, you lately did in the senate-house, do now also in the forum with respect to these most virtuous brothers, who are so highly esteemed by all the crowd here present. As you granted him to the

[1] There is some uncertainty as to what Cicero alludes to here. Most of the commentators think that Ligarius must have been quæstor when Metellus and the rest of his colleagues endeavoured to prevent Cæsar from taking the money from the public treasury; but Fabritius objects to this view, that at that time Cicero had no connexion with Cæsar's affairs, which is certainly true, while he says here that he had at the time that he alludes to. He thinks, therefore, that Cicero is alluding to what took place in the consulship of Lentulus and Philippus, (the year of Cicero's recal,) respecting the vote of pay to Cæsar's army in Gaul.

senate, so grant this man to the people, whose affections you have always considered most important to you. And if that day was one most glorious to you, and at the same time most acceptable to the Roman people, do not, I entreat you,—do not hesitate to earn the praise of a glory like that as frequently as possible.

For there is nothing so calculated to win the affections of the people as kindness. Of all your many virtues, there is none more admirable, none more beloved than your mercy. For there is no action by which men make a nearer approach to the gods, than by conferring safety on others. Fortune has no greater gifts for you than when it bestows on you the ability—nature has no better endowment for you than when it bestows on you the will, to save as many people as possible. The cause of my client, perhaps, requires a longer speech than this: a shorter one would certainly be sufficient for a man of your natural disposition. Wherefore, as I think it more desirable for you to converse, as it were, with yourself, than for me or any one else to be speaking to you, I shall now make an end. This only will I remind you of, that if you do grant this protection to him who is absent, you will be giving it also to all these men who are here present.

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## THE SPEECH OF M. T. CICERO IN BEHALF OF KING DEIOTARUS.

### ADDRESSED TO CAIUS CÆSAR.

#### THE ARGUMENT.

This speech, like those for Marcellus and Ligarius, was addressed to Cæsar. Deiotarus was king of Galatia, and during Cicero's proconsulship in Cilicia he had formed a friendship with him, and had been of great assistance to him in his campaign against Pacorus and the Parthians. Having been an adherent of Pompey, he had already been deprived of a considerable part of his dominions by Cæsar, and he was now accused by his grandson, who was aware of Cæsar's inveterate dislike to him, of having formed a design against Cæsar's life four years before, when he entertained him in his palace on his return from Egypt. It is probable that Cæsar was aware of the groundlessness of the charge, but countenanced it, and allowed it to be brought before him, in the hopes of finding a pretext for stripping the king of all the rest of his dominions.

Brutus espoused Deiotarus's cause very warmly, and went towards Spain

to meet Cæsar, and made him a most earnest address in favour of Deiotarus.

The present trial was held in Cæsar's house, and Cicero proved the king's innocence so completely, that he was unable to condemn him; but, as he would not acquit him, he adjourned the further consideration of the matter till he himself could go into the East and investigate the affair on the spot.

This speech was delivered in the year of Cæsar's fourth consulship; the year before he was killed.

I. In all causes of more than ordinary importance, O Caius Cæsar, I am accustomed, at the beginning of my speech, to be more vehemently affected than either common custom or my own age appears to require. And in this particular cause I am agitated by so many considerations, that in proportion as my fidelity to my friend inspires me with zeal to defend the safety of king Deiotarus, in the same proportion do my fears take away from my ability to do so. In the first place, I am speaking in defence of the life and fortunes of a king; and although there is no particular injustice in such a fact, especially when it is oneself who is in danger, yet it is so unusual for a king to be tried for his life, that up to this time no such thing has ever been heard of. In the second place, I am compelled now to defend against a most atrocious accusation that very king whom I, in common with all the senate, used formerly to extol on account of his uninterrupted services towards our republic. There is this further consideration, that I am disturbed by the cruelty of one of the prosecutors, and by the unworthy conduct of the other.

O cruel, not to say wicked and impious, Castor! a grandson, who has brought his grandfather into danger of his life, and has caused that man to dread his youth, whose old age he was bound to defend and protect; who has sought to recommend his entrance into life to our favour by impiety and wickedness; who has instigated his grandfather's slave, whom he corrupted by bribes, to accuse his master, and has carried him away from the feet of the king's ambassadors.

But when I saw the countenance and heard the words of this runaway slave, accusing his master,—his absent master,—his master, who was a most devoted friend to our republic,—I did not feel so much grief at the depressed condition of the monarch himself, as fear for the general fortunes of every one. For though, according to the usage of our ancestors, it is not lawful to examine a slave as a witness against his master, not

even by torture,—in which mode of examination pain might, perhaps, elicit the truth from a man even against his will,—a slave has arisen, who, without any compulsion, accuses him against whom he might not legally say a word even on the rack.

II. This thing also, O Caius Cæsar, at times disturbs me; which, however, I cease to fear when I come to a complete recollection of your disposition. For in principle it is an unjust thing, but by your wisdom it becomes a most just one. For it is a serious business (if you consider the matter by itself) to speak concerning a crime before that man against whose life you are accused of having meditated that crime; for there is hardly anybody who, when he is a judge in any matter in which his own safety is at stake, does not act with more partiality towards himself than towards the accused person; but, O Caius Cæsar, your admirable and extraordinary natural virtue to a great extent releases me from this fear. For I am not so much afraid what you may wish to decide with respect to king Deiotarus, as I am sure what you wish to decide in all other cases.

I am affected, also, by the unusual circumstance of the trial in this place; because I am pleading so important a cause—one, the fellow of which has never been brought under discussion—within the walls of a private house; I am pleading it out of the hearing of any court or body of auditors, which are a great support and encouragement to an orator. I rest on nothing but your eyes, your person and countenance; I behold you alone; the whole of my speech is necessarily confined to you alone. And if those considerations are very important as regards my hope of establishing the truth, they for all that are impediments of the energy of my mind, and to the proper enthusiasm and ardour of speaking.

For if, O Caius Cæsar, I were pleading this cause in the forum, still having you for my auditor and my judge, with what great cheerfulness would the concourse of the Roman people inspire me! For what citizen would do otherwise than favour that king, the whole of whose life he would recollect had been spent in the wars of the Roman people? I should be beholding the senate-house, I should be surveying the forum, I should call the heaven above me itself to witness;—and so, while calling to mind the kindnesses of the immortal gods, and of the Roman people, and of the senate to king Deiotarus, it

would be impossible for me to be at a loss for topics or arguments for my speech. But since the walls of a house narrow all these topics, and since the pleading of the cause is greatly crippled by the place, it behoves you, O Cæsar, who have yourself often pleaded for many defendants, to consider within yourself what my feelings at present must be; so that your justice, and also your careful attention in listening to me, may the more easily lessen my natural agitation and anxiety.

But before I say anything about the accusation itself, I will say a few words about the hopes entertained by the accusers. For though they appear to be possessed of no great skill or experience in affairs, nevertheless they have never, surely, undertaken this cause without some hope or other and some definite design.

III. They were not ignorant that you were offended with king Deiotarus. They recollected that he had been already exposed to some inconvenience and loss on account of the displeasure with which you regarded him; and while they knew that you were angry with him, they had had proofs also that you were friendly to them. And as they would be speaking before you of a matter involving personal danger to yourself, they reckoned that a fictitious charge would easily lodge in your mind, which was already sore. Wherefore, O Caius Cæsar, first of all by your good faith, and wisdom, and firmness, and clemency deliver us from this fear, and prevent our suspecting that there is any ill-temper lurking in you. I entreat you by that right hand of yours which you pledged in token of everlasting friendship to king Deiotarus; by that right hand, I say, which is not more trustworthy in wars or in battles than in promises and pledges of good faith. You have chosen to enter his house, you have chosen to renew with him the ancient ties of friendship and hospitality. His household gods have received you under their protection; the altars and hearths of king Deiotarus have beheld you at peace with and friendly towards him.

You are accustomed, O Caius Cæsar, not only to be prevailed upon by entreaties easily, but to be prevailed on once for all. No enemy has ever been reconciled to you who has found any remnant of hostility remaining in your breast afterwards. Although, who is there who has not heard of your complaints against king Deiotarus? You have never accused him as being an enemy to you, but as being a friend very slack in his duty;

because his inclination led him more to friendships with Cnæus Pompeius than with you. And yet that very fact you said that you would have pardoned, if when he sent reinforcements and even his son to Pompeius, he had himself availed himself of the excuse furnished him by his age. And in this way, while you were acquitting him of the most important charges, you left behind only the little blame of his friendship for another. Therefore, you not only abstained from punishing him, but you released him from all apprehension; you acknowledged him as your friend, you left him king. And, indeed, his proceedings were not dictated by any hatred of you; he fell by the general error of us all. That king, whom the senate had repeatedly addressed by this name, using it in decrees most complimentary to him, and who from his youth up had always considered that order most important and most sacred, being a man living at a great distance, and a foreigner by birth, was perplexed by the same affairs which embarrassed us who were born and who at all times had lived in the middle of the republic.

IV. When he heard that men had taken arms by the authority of the senate, acting with great unanimity; that the defence of the republic had been entrusted to the consuls, the prætors, the tribunes of the people, and to all of us who had received the title of Imperator, he was agitated in his mind, and being a man most deeply attached to this empire, he became alarmed for the safety of the Roman people, in which also he considered that his own was bound up. And being in a state of the greatest alarm, he thought it best to remain quiet himself. But he was beyond measure agitated when he heard that the consuls had fled from Italy, and all the men of consular rank (for so it was reported) with them, and all the senate, and that the whole of Italy was emptied. For the road was wide open for all such messengers and reports to travel to the East, and no true accounts followed. He never heard a word of the conditions which you offered, nor of your eagerness for concord and peace, nor of the way in which certain men conspired against your dignity. And though this was the state of things, still he continued quiet until ambassadors and letters came to him from Cnæus Pompeius. Pardon Deiotarus, pardon him, I entreat you, O Cæsar, if he, though a king, yielded to the authority of that man whom we all followed, and on whom both gods and men had heaped every sort of distinction, and on whom you yourself had conferred the

most numerous and most important honours[1] of all. Nor, indeed, does it follow that, because your exploits have thrown a cloud over the praises of others, we have, therefore, entirely ost all recollection of Cnæus Pompeius. Who is there who is ignorant how great the name of that man was, how great his influence, how great his renown in every description of war, how great were the honours paid him by the Roman people, and by the senate, and by you yourself? He had surpassed all his predecessors in glory as much as you have surpassed all the world. Therefore, we used to count up with admiration the wars, and the victories, and the triumphs, and the consulships, of Cnæus Pompeius. But yours we are wholly unable to reckon.

V. To him then came king Deiotarus in this miserable and fatal war, to him whom he had previously assisted in his regular wars against the enemies of Rome, and with whom he was bound, not only by ties of hospitality, but also by personal intimacy. And he came, either because he had been asked, as a friend; or because he had been sent for as an ally; or because he had been summoned, like one who had learnt to obey the senate; and last of all, he came as to a man flying, not to one pursuing others—that is to say, as a sharer of danger, not a partner in victory.

Therefore, after the result of the battle of Pharsalia, he departed from Pompeius; he did not choose to persist in hopes of which he saw no end. He thought he had done quite enough to satisfy the claims of duty, if indeed he was under any such obligations, and that he had made quite mistake enough if he had ignorantly erred. He returned home; and all the time that you were engaged in the Alexandrian war, he consulted your interests. He supported in his palaces and from his own resources the army of Cnæus Domitius, that most distinguished man. He sent money to Ephesus to him whom you selected as the most faithful and most highly esteemed of all your friends. He gave him money a second time; he gave him money a third time for you to employ in the war, though he was forced to sell property by auction in order to raise it. He exposed his own person to danger, and he was with you, serving in your army against Pharnaces, and he considered him as his own enemy because he was yours. And all those actions of his were accepted by you, O Caius Cæsar, in such a spirit that you paid him the

[1] For Cæsar had given Pompey his daughter in marriage.

highest possible honours, and confirmed him in the dignity and title of king.

He, therefore, having been not only released from danger by you, but having been also distinguished by you with the highest honours, is now accused of having intended to assassinate you in his own house—a thing which you cannot in truth possibly suspect, unless you consider him to have been utterly mad. For, to say nothing of what a deed of enormous wickedness it would have been to assassinate his guest in the sight of his own household gods; what a deed of enormous unreasonableness it would have been to have extinguished the brightest light of all nations, and of all human recollection; what a deed of enormous ferocity it would have been to have had no dread of the conqueror of the whole earth; what a sign of an inhuman and ungrateful disposition it would have been to be found to behave like a despot to the very man by whom he had been addressed as a king;—to say nothing of all this, what a deed of utter frenzy would it have been to rouse all kings, of whom there were numbers on the borders of his own kingdom, all free nations, all the allies, all the provinces, all the arms, in short, of every people on earth against himself alone! To what misery would he not have exposed his kingdom, his house, his wife, and his beloved son, not merely by the accomplishment of such a crime, but even by the bare idea of it!

VI. But I suppose that improvident and rash man did not see all this! On the contrary, who is a more considerate man than he? Who is more secret in his plans? Who is more prudent? Although in this place it is not so much on the ground of cleverness and prudence that it seems to me that I should defend Deiotarus, as on that of good faith and religious feeling and conduct. You are well acquainted, O Caius Cæsar, with the honesty of the man, with his virtuous habits, with his wisdom and firmness. Indeed, who is there who has ever heard of the name of the Roman people, who has not heard also of the integrity, and wisdom, and virtue, and good faith of Deiotarus? A crime, then, that cannot be imputed to an imprudent man, on account of his fear of instant destruction, nor to an unscrupulous man, unless he be at the same time utterly insane; will you pretend that such a crime was thought of by a most virtuous man, and one too who was never accounted a fool?

And in what a way do you try and support this invention! in a way not only not calculated to win belief, but not even such as to give rise to the least suspicion. When, says the prosecutor, you had come to the Luceian fort, and had turned aside to the palace of the king your entertainer, there was a certain place where all those things were arranged which the king had settled to offer you as presents. To this place he intended to conduct you on coming out of the bath, before you lay down; for there were armed men stationed in that very place on purpose to kill you. This is the charge; this is the reason why a runaway should accuse a monarch, a slave accuse his master! I, in truth, O Caius Cæsar, at the very beginning, when the cause was originally laid before me, was struck with a suspicion that Phidippus the physician, one of the king's slaves, who had been sent with the ambassadors, had been corrupted by that young man. He has suborned the physician to act as informer, thought I; he will be sure to invent some accusation of poisoning. Although my conjecture was some way from the exact truth, it was not much out as to the general principle of the accusation. What says the physician? Not a word about poison. But in the first place, that might have been administered much more secretly in a potion or in food; in the second place, a crime is committed in that way with greater impunity, because when it has been done, it can be denied. If he had assassinated you openly, he would have brought upon himself not only the hatred of all nations, but their arms also. If he had slain you by poison, to be sure he never would have been able to conceal the action from the divine wrath of the Jupiter who presides over hospitality, but he might perhaps have concealed it from men. Are we, then, to suppose that that which he might have attempted in secret, and have executed with great caution, he never entrusted to you who were a skilful physician, and, as he believed, a faithful servant, and yet that he could conceal nothing from you with respect to arms, and blood, and ambuscade? And how cleverly is the whole accusation worked up! It was your own good fortune, says he, that fortune which always preserves you, which saved you then. You said that you did not wish at that moment to see the presents.

VII. What happened afterwards? Did Deiotarus, after he had failed in accomplishing the business at that time, at once

dismiss his army? was there no other place where he could set an ambush? But you said that when you had supped you would come back again the same way; and you did so. Was it a very difficult job to detain the armed men one or two hours in the place where they had been stationed? After you had spent your time at the banquet courteously and merrily, then you went back that way, as you had said; and then and there you found that the behaviour of Deiotarus to you resembled that of king Attalus to Publius Africanus: to whom, as we have read, he sent the most magnificent gifts from Asia to Numantia; which Africanus accepted in the sight of all his army. And when Deiotarus, being present with you, had done all this in a kingly spirit and with royal courtesy, you departed to your chamber. I entreat you, O Cæsar, trace back your recollection of that time, bring that day back before your eyes, remember the countenances of the men who were then gazing on you and admiring you; was there any trepidation among them? any disorder? Was anything done except in an orderly and quiet manner,—except as became the establishment of a dignified and honourable man? What reason then can be imagined why he should have intended to murder you after you had bathed, and why he should not have chosen to do so after you had supped? "Oh, he put it off," says the prosecutor, "till the next day, in order that when he arrived at the Luceian fort, he might there put his designs in execution." I do not understand the effect of his changing the place; but still the whole case was conducted in an incriminatory manner. "When," says the prosecutor, "you said after supper that you wished to vomit, they began to lead you to the bath-room; for that was the place where the ambuscade was; but still that same fortune of yours saved you; you said that you had rather go to your bedroom." May the gods forgive you, you runaway slave! Are you so utterly, not only worthless and infamous, but also stupid and senseless? What? were they brazen statues that he had planted in ambush, so that they could not be moved from the bath-room to the bed-chamber?

Here you have the whole charge as to the ambuscade: for he said nothing further. "In all this," says he, "I was his accomplice." What do you mean? Was he so demented as to allow a man to leave him who was privy to so enormous a wickedness? As even to send him to Rome, where he knew his grandson was, who was most bitterly hostile to him, and

where Caius Cæsar was, against whom he had laid this plot? especially when he was the only man who could give any information against him in his absence. "My brothers too," says he, "because they also were privy to it, he threw into prison." When, then, he was putting those men in prison whom he had with him, did he leave you at large and send you to Rome,—you who knew the very same facts which you say that they knew?

VIII. The remainder of the accusation was of a twofold character; one part of which was, that the king was always in his watch-tower because he was so disaffected to your interests; the other, that he had levied a large army against you. As to the army, I will reply to that charge in a very few words, as I will to the rest of the charges. King Deiotarus never had any forces with which he could have made war upon the Roman people; but only just sufficient to protect his own territories from the incursions of enemies, and to send reinforcements to our generals. And before this time he was able to maintain a larger force than he can now; at present he can with difficulty keep up a very small one. "Oh, but he sent to Cæcilius; I don't know who it was he sent, but he threw those whom he sent, or rather ordered to go, into prison, because they would not go." I do not stop to ask how far it is probable that a king should have had no one to send; or that those whom he ordered to go should not have obeyed him; or how it was that those men who refused obedience in so important an affair, were put in prison, and not executed; but still, when he was sending to Cæcilius,[1] was he ignorant that that party had been defeated, or did he think that Cæcilius a person of great importance? a man whom he, who was well acquainted with our leading men, would have despised because he knew him, and just as much because he did not know him He added, also, that he did not send his best cavalry;—I dare say, they were old troops, O Cæsar: nothing to your cavalry; but still they were the best men he had, his picked men. He says, that one of the body was recognised as being a slave;—I do not believe it; I never heard of it. But still, even if such a thing had happened, I should not conceive that that was any fault of the king's.

[1] This was Quintius Cæcilius Brassus, a zealous partisan of Pompey's, who after the battle of Pharsalia collected some of the remnants of his army in Syria, with which he afterwards joined Cassius after the death of Cæsar.

IX. "He was very ill-disposed towards you." How so? He hoped, I suppose, that you would find it difficult to get out of Alexandria, on account of the nature of the country and of the river. But, at that very time, he supplied you with money, and with provisions for your army; he cooperated to the utmost of his power with the officer to whom you had given command in Asia; he assisted you when victorious, not only in the way of affording you hospitality, but with you he encountered danger, and stood by your side in the array of battle.

The African war followed: there were unfavourable reports spread about you, which also roused that frantic Cæcilius. What on that occasion was the disposition evinced towards you by the king? He sold property by auction, and preferred stripping himself, to not supplying you with money. "But," says the prosecutor, "at that very time he was sending men to Nicæa, and to Ephesus, to catch every report that came from Africa, and to bring it to him with all speed." Therefore, when news came that Domitius had perished by shipwreck, and that you were blockaded in some fortress, he quoted a Greek verse with reference to Domitius, having the same meaning as that of our poet:

> "So can we well afford to lose our friends,
> If our foes perish in the same destruction:"[1]

an expression which he would never have uttered had he been ever so much an enemy to you. For he himself is a man of a humane disposition; and that verse is a savage one. Besides, how could a man be a friend to Domitius, who was an enemy to you? Moreover, why should he be an enemy to you, by whom he might even have been put to death according to the laws of war, and by whom he recollected that he and his son had been appointed kings?

What is the next statement? What is the next step taken by this scoundrel? He says that Deiotarus was so elated at this, that he drowned his joy in wine, and danced naked at a banquet. What cross is there that could be a sufficient punishment for this slave? Did any one ever see Deiotarus dancing,—did any one ever see him drunk? All kingly virtues are united in that man, and that I think your-

[1] The Greek proverb is given by Plutarch as ἐρρέτω φίλος σὸν ἔχθρῳ. If the Latin iambic quoted by Cicero comes from any Latin poet, it is not known who he was.

self are well aware of, O Cæsar; but most especially is that singular and admirable economy of his conspicuous. Although this is an attribute for which I know that it is not usual to praise kings. To say that a man is economical is not much praise for a king. To be brave, just, severe, dignified, magnanimous, open-handed, beneficent, liberal,—these are the praises suited to a king. Economy is a virtue for a private individual. Let every one take it as he pleases: but I consider economy—that is to say, moderation and temperance—the very greatest of virtues. And this existed in this man from his earliest youth, and was experienced by, and known to, all Asia, and by all our magistrates and ambassadors, and by all the Roman knights who trafficked in Asia.

It was by many successive steps of dutiful service towards our republic that he arrived at this title of king; but still, whatever leisure he had from the wars of the Roman people, he devoted entirely to cultivating friendship and intimacy with our citizens, and to uniting his affairs and interests to theirs. So that he was not only considered a noble tetrarch, but also an excellent father of a family, and a most industrious farmer and grazier. Did he, then, who, while a young man, before he had arrived at his subsequent high rank, never did anything that was inconsistent with the most rigid virtue and the greatest dignity, after he had raised to himself the esteem in which he is now held, and when he had become of so advanced an age, did he dance?

X. You ought, O Castor, rather to imitate the manner and principles of your grandfather, than calumniate a most virtuous and most illustrious man with the language of a runaway slave. Even if you had had a grandfather who was a dancer, and not a man from whom examples of modesty and chastity might be derived, still this reproach is one which is very little suited to your age. Those pursuits to which he had been habituated from his earliest age—not dancing, but such as would train him to wield his arms and manage his horses in the best manner,—those all had now failed him at his advanced time of life; so that we used to wonder, when several men had lifted Deiotarus on his horse, how so old a man as he could contrive to stick on. But this young man, who was a soldier of mine in Cilicia, and a comrade of mine in Greece, how was he used to ride about in

that army of ours, with his own picked body of cavalry, whom his father had sent with him to join Pompeius! what gallops he used to take! now he used to display his skill! What a parade he used to make! How did he refuse to yield to any one in his zeal and eagerness for the success of that cause! But even after the army was lost, I, who had at all times been an adviser of peace, but who, after the battle of Pharsalia, urged every one not to lay aside, but to throw away their arms, could never bring this young man to adopt my advice, both because of his own eagerness for that war, and because he thought himself bound to satisfy the expectations of his father.

Happy is that house which has obtained, not only impunity, but licence to accuse others! Unfortunate Deiotarus, who is not only accused by one who was in the same camp with him, before you, but who is impeached even by his own relations. Cannot you, O Castor, be content with your own good fortune without bringing misery on your relations?

XI. Grant that there may be enmity between you; which, however, there ought not to be; for it was king Deiotarus who raised your family, when abject and obscure, from darkness into light. Who ever heard of your father, or who he was, before they heard whose son-in-law he was? But even supposing you repudiated the name of the connexion with ever so much ingratitude and impiety, still you might have conducted your quarrel like a man, and not pursue him with a false accusation, not seek his life, not prosecute him on a capital charge. Be it so:—let even this excess of bitterness and hatred be permitted. Was it to go to such an extent, that all the laws of ordinary life and of common safety, and even of humanity, are to be violated? to tamper with slaves by words, to corrupt them by hopes and promises; to lead them away to your own house, to arm them against their master, to wage an impious war not against one relation, but against every family in the world? For that corruption of slaves, if it be not only unpunished, but even approved by such a great authority as that of this tribunal, no walls, no laws, no rights will be sufficient for the protection of our safety. For when that which is in our houses and is our own can sally out with impunity and fight against us, slavery then gets the mastery and the master's position is slavery.

Shame on the times, and on our present habits! That

Cnæus Domitius, whom we as boys saw consul, and censor, and chief pontiff, when, as tribune of the people, he had impeached Marcus Scaurus, the chief man of the state, before the people, and when a slave of Scaurus had come secretly to him at his own house, and had offered to give information with respect to charges which might be brought against his master, ordered the slave to be apprehended, and taken to Scaurus. See what a difference there is now,—although it is a shame of me to compare Castor to Domitius; still, he sent his slave back to his enemy, you have seduced one from your grandfather; he refused to listen to one though he had not been bribed, you have brided one; he rejected a slave as his assistant against his master, you have employed one even as an accuser. But was it only once that that fellow was corrupted by you? Did he not escape back again to the ambassadors after he had been brought forward by you, and after he had been with you? Did he not even come to this Cnæus Domitius? Did not he, in the hearing of this Servius Sulpicius, that most illustrious man, who is present here, and of this Titus Torquatus, a most virtuous young man, who is also present, confess that he had been bribed by you, and that it was by your promises that he had been instigated to this dishonesty?

XII. What then is the object of this shameless, and barbarous, and unrestrained inhumanity? Was it for this that you came into this city, that you might corrupt the principles predominant in, and the examples furnished by this city, and that you might pollute the humanity of our state by your own private ferocity?

And how ingeniously have all your charges been collected! Blesamius, says he, (for it was in his name, a very excellent man, and one who was a stranger to you, that he was calumniating you, O Deiotarus,) used to write to the king, that you, O Cæsar, were very unpopular; that you were considered a tyrant; that men were exceedingly offended at your statue having been placed among those of the kings; that you were never well received on your appearance in public. Do not you perceive, O Cæsar, that these statements were collected by these fellows, from the city conversation of spiteful men? Could Blesamius have written to say that Cæsar was a tyrant? Ay, for he had seen the heads of many citizens exposed; he had seen many men by the orders of Cæsar ill-treated, scourged

and executed; he had seen many houses pillaged and destroyed; he had seen the forum filled with armed troops!—No; those things which previously we always have felt after victories in civil war, we have not seen now, when you have been our conqueror. You are the only man—you I say, O Caius Cæsar, are the only man, by whose victory no one has perished except with arms in his hand. And can the man whom we, free men, born in the enjoyment of the perfect liberty of the Roman people, consider not only no tyrant, but as even the most merciful man possible in the use of victory, can he appear a tyrant to Blesamius, who is living under a king? For who complains about a statue, especially about one single statue, when he sees such a number? Great reason have we, indeed, to envy a man his statues, when we do not grudge him trophies; for if it be the place which provokes envy, surely there is no place more open and fit for a statue than the rostra. And as to the way in which he is received in public, why need I make any reply at all? for public applause has never been desired by you, and sometimes, owing to the amazement with which men have viewed your achievements, it has even been stifled by the excess of their admiration; and perhaps, too, it has been omitted because nothing vulgar could possibly appear worthy of you.

XIII. I do not think that anything has been omitted by me; but some topics have been reserved for the end of my speech, and they are of such a nature that they ought to reconcile you cordially to Deiotarus—for I am not now afraid of your being angry with him; I am apprehensive rather of your suspecting that he harbours some resentment against you. And that suspicion, believe me, O Cæsar, is as remote as possible from the truth. For he recollects only what he still has left owing to you, and not what he has lost by your means; nor does he consider that he has been deprived of anything by you, but, being aware that it was necessary for you to give many rewards to many people, he did not think it hard that you should take something from him who had been on the other side. In truth, if that great prince, Antiochus the Great, the king of Asia, who, after he had been conquered by Scipio, was ordered to consider Mount Taurus as the boundary of his dominions, and was deprived of all this Asia which is now a province of our own,—if he was accustomed to say that he had been kindly treated by the Roman

peop_e, because he had been released by them from the care of an overgrown empire, and was now at liberty to enjoy a kingdom of moderate extent, Deiotarus can comfort himself much more easily. For Antiochus had suffered a chastisement for his insanity, my client only for an error. You, O Cæsar, gave everything to Deiotarus when you gave him and his son the title of King; and as long as he is allowed to retain and preserve this title, he does not think that the kindness of the Roman people is at all diminished, or that the senate has come to any unfavourable decision respecting him. He preserves a great and lofty spirit, and will never succumb to his enemies, nor even to fortune.

He thinks that by his previous conduct he has given birth to much, and that by his own courage and virtue he still has much which he cannot possibly be deprived of. For what fortune, or what accident, or what injury can happen to Deiotarus of such severity as to efface the decrees of all our generals respecting him? For he has been complimented and distinguished ever since he was of an age to serve in their camps, by all those men who have had the conduct of our wars in Asia, and in Cappadocia, and in Pontus, and in Cilicia, and in Syria. And what length of time will ever efface, what forgetfulness will ever obliterate those numerous and honourable resolutions of the senate respecting him, which have been recorded in the public writings and memorials of the Roman people?

Why need I speak of his valour? why of his greatness of mind? of his wisdom? of his firmness and consistency? qualities which not only have all wise and learned men pronounced to be the greatest blessings, but which some have even considered the only real ones, and have said that virtue wanted nothing more than these for the purpose of living not only well, but even happily. He, considering these things, and reflecting on them day and night, is so far from feeling resentment against you, (for he would not only be ungrateful, but even mad to do so,) that he attributes the whole of the tranquillity and quiet of his old age which he enjoys, to your clemency.

XIV. And as these were his sentiments previously, I do not doubt also that after the receipt of your letters, of which I have read a copy, which you gave to this Blesamius at Tarraco for Deiotarus, his spirit became loftier still, and that

he ceased to feel any anxiety whatever. For in them you bid him entertain good hopes, and to be of good courage—expressions which I know you are not in the habit of using without a meaning: for I recollect that you wrote to me in almost the same language, and that when you bade me entertain good hopes of the future you were not deceiving me.

I am anxious, indeed, in this cause of King Deiotarus, with whom the affairs of this republic have united me in friendship, while our mutual regard for one another has connected us by ties of hospitality, with whom long acquaintance has engendered intimacy, and his great services to me and to my army have wrought in me the greatest affection for him. But while I am anxious about him, I am anxious also about many most distinguished men, who have been pardoned by you, and who ought to be able to consider their pardon, whenever pronounced, as binding for ever; and who ought not to feel that a doubt is thrown on the permanency of your kindness to them, nor to have a perpetual anxiety implanted in their minds; nor, in short, ought it to be allowed to happen that any one of those men should begin again to feel apprehension, who has once been released by you from fear.

I ought not, O Cæsar, to endeavour, as is often done by men in such danger as this, to move your pity by my language. There is no need of my doing so. Your feelings are of their own accord accustomed to come to the aid of the suppliant and unfortunate, without being elicited by the eloquence of anybody. Place before your eyes two kings, and contemplate with your mind what you cannot behold with your eyes. You will surely yield to your feelings of compassion what you refused to your resentment. There are many monuments of your clemency, but the chief, sure, are the secure happiness of those men to whom it is you have been the author of safety. And if such an action is glorious in the case of a private individual, much more will it be celebrated when it is a king who is the object of it. The title of King has always been accounted a holy name in this city; but the names of ally and king, when united together, are then the holiest of all titles.

XV. And these kings were afraid that if you were victorious they might lose that name. But now that they have been allowed to retain it, and have been confirmed in it by you, I confidently trust that they will even transmit it to

their posterity. Moreover, these ambassadors whom you see before you, Hieras, and Blesamius, and Antigonus, men with whom you and all of us have long been acquainted, and also Dorylaus, a man of the same loyalty and virtue as they, who was lately sent as ambassador to you in company with Hieras, devoted friends of the king, and men too who, as I hope, are highly esteemed by you, offer you their persons as hostages and pledges to secure the safety of their prince. Ask Blesamius whether he ever wrote anything to the king to the disparagement of your dignity. Hieras, indeed, undertakes the whole cause of Deiotarus, and offers himself as the defendant against all these charges in behalf of, and instead of the king. He implores the aid of your recollection in his favour; a quality in which you greatly excel: he declares that all the time that you were in the tetrarchy of Deiotarus he never left your side. He says that he met you on the frontier, and that he attended you to the borders on the opposite side of the country; that when you left the bath he was with you, and when you surveyed all those presents after supper, and when you retired to rest in your bed-chamber And he says, too, that he attended you in the same unremitting manner all the next day.

Wherefore, if any one of those things which Deiotarus has been accused of, really was thought of, he does not object to your thinking the crime his. I entreat you, O Caius Cæsar, to consider that on this day your sentence will bring on those kings either most miserable calamity, accompanied with infinite disgrace, or an unsullied reputation attended with safety; and to desire the one of those results would be an act of cruelty, to secure the other is an action suitable to your clemency.

END OF VOL. III.

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