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SELECTED POLITICAL SPEECHES OF CICERO

ON THE COMMAND OF CNAEUS POMPEIUS

AGAINST LUCIUS SERGIUS CATILINA (I–IV)

INTRODUCTION & IN DEFENCE OF THE POET AULUS LICINIUS ARCHIAS

IN DEFENCE OF MARCUS CAELIUS RUFUS

IN DEFENCE OF TITUS ANNIUS MILO

IN SUPPORT OF MARCUS CLAUDIUS MARCELLUS

THE FIRST PHILIPPIC AGAINST MARCUS ANTONIUS

Translated with an Introduction by

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PENGUIN BOOKS

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INTRODUCTION

CICERO's political speeches remain immensely important for a variety of reasons. They are a mine of information about one of the most significant periods in the history of the world. They are transcripts of the most successful and persuasive oratory ever delivered, belonging to an age when oratory was the major activity of civil life and the nucleus of the educational system. They help to reveal the man who was this pre-eminent orator and who also played a prominent part in the seething, ominous political scene, a person of extraordinary character whom we are able to get to know intimately. Moreover, his works have continued to exercise a decisive influence on the minds of men throughout the intervening ages.

The following table indicates the principal landmarks in Cicero's life and the dates at which the speeches translated in this book were delivered.

106 B.C.	Cicero born at Arpinum, sixty miles south-east of Rome
c. 97 B.C.	Moves to Rome with his family
89–87 B.C.	Attends lectures on law, philosophy and rhetoric
c. 84 B.C.	First extant rhetorical work
c. 81 B.C.	First speech (under Sulla)
79–77 B.C.	Attends lectures at Athens and Rhodes
70 B.C.	First major political speeches[1]
68–44 B.C.	Letters to Atticus (XVI books)

1. The first speech against Verres (70) and the *Second Philippic against Antonius* (44) are translated in *Cicero: Selected Works*, Penguin, 1971 ed.

66 B.C. *On the Command of Cnaeus Pompeius: In Support of the Manilian Law:* before the Assembly

63 B.C. Consul. *Against Lucius Sergius Catilina* (four speeches; first and fourth before the Senate, second and third before the Assembly)

62 B.C. *In Defence of the Poet Aulus Licinius Archias:* before a court

58–57 B.C. Exiled (First Triumvirate had started 60–59)

56 B.C. *In Defence of Marcus Caelius Rufus:* before a court

52 B.C. *In Defence of Titus Annius Milo:* before a court

46 B.C. *In Support of Marcus Claudius Marcellus:* before the Senate (after the death of Pompeius following the battle of Pharsalus against Caesar in 48)

44 B.C. *First Philippic against Marcus Antonius:* before the Senate (after the murder of Caesar)

43 B.C. Death of Cicero (proscribed by the Second Triumvirate)

These sixty-three years were fateful for the history of the world. The Roman empire had achieved a position which was unprecedented and has never been repeated: it had established control over the entire Mediterranean area. But Rome was showing itself more and more incapable of governing this vast territory. Administrators were corrupt, Italy itself was reft by an ever-deepening gulf between rich and poor and by a too grudging enfranchisement policy. The machinery of government at Rome, designed for a small Republic, had proved woefully inadequate for the guidance of a huge empire. Politics was a selfish and ruthless struggle among aristocratic groups and grandees and business concerns (knights), each with their hordes of hangers-on.

There was also an ever-growing tendency for successful

2. This was also the peak period of his philosophical essays (*Cicero: On the Good Life*, Penguin, 1971).

generals to become political leaders on their own account, with the backing of their soldiers and ex-soldiers and proletarian dependents who developed personal instead of patriotic loyalties. As each successive commander – Marius, Sulla, Pompeius, Caesar – asserted himself with increasing contempt for the constitution and the laws and the conservative 'Faction', as Caesar called it, a great act in the drama of western civilization was nearing its end. The Republic could not survive. Twelve years after Cicero's Philippics, the young Octavian, the future Augustus (who had acquiesced in the orator's violent end), became sole master of Rome and its empire. The Republic had shown itself unable to grasp the nettle; just as three hundred years later the not wholly illiberal principate founded by Augustus again proved insufficiently tough to cope with fresh threats, and a harsher totalitarian regime took shape.

Yet the dying Republic was full of talent, in the political as well as the literary field. The Romans were the most gifted race of politicians the world has ever seen; and the leading statesmen of late Republican times have never been outdone for versatility. Theirs was the age, before dictatorship clamped down upon it, to which the historian Tacitus was looking back when he observed 'rare is the felicity of the times when you can think what you like and speak what you think.'

This is the decisive epoch revealed by Cicero in his 774 surviving letters, in his treatises which attain the ancient high-water mark of a decent, practical attitude to life, and in the speeches of which fifty-eight survive (forty-eight are lost) and ten are translated in the present volume. Like his other literary works they are full of information not only about his times but about himself, and it is a gifted, distinctive and unique personality that emerges. As a result of all his writings that have come down to us, we know Cicero better than any

other individual from the ancient world, and indeed better than almost any other historical figure at all until comparatively recent times. Those of us who study the ancient civilizations are sometimes tempted by the enigmatically sparse and biased nature of our material to regard our field of study as a fundamentally different one from more recent periods of history, since we still have comparatively little idea what most of the leading Greeks and Romans were really like. But a study of Cicero restores a more optimistic viewpoint. There is, of course, bias again, since so much of the evidence comes from his own highly egotistical self, but in compensation he is self-revealing, deliberately and otherwise, to an extraordinary degree.

The part he played as a politician will be discernible from his speeches. It was a part which he rated higher in his own mind than all his other activities; he was the sort of man not infrequently met with today, who once he has touched politics finds everything else dust and ashes in comparison. But unfortunately the political role in which Cicero cast himself was one in which he could not succeed. For what he wanted was unrealizable. His central interest (in very Roman fashion) being the state, he resembled his contemporaries in having no constructive ideas for its much needed reform. Instead he looked back longingly and conservatively to a stable and balanced Republic, with each of its parts keeping loyally to its proper functions in pursuit of the common good and submitting voluntarily to the guidance of a small élite of enlightened leaders. But the old order which Cicero saw in so rosy a light had never truly existed in this ideal form. More important, it certainly could not be brought into existence now. The noblemen were too reactionary, the businessmen too grasping, the poor too poor, Pompeius and Caesar too ambitious. So Cicero's political ideal, to which he devoted so much labour and tortuous ingenuity, and in pursuit of which he suffered such disappointments, was a nostalgic vision – a

vision of a certain romantic grandeur, but far too deeply rooted in that venerable, quasi-legendary tradition which meant so much to Romans.

Yet Cicero was the keenest of observers of the contemporary scene, and it would obviously be an exaggeration to regard this highly intelligent man as nothing but unrealistic. For one thing, it was brought to his notice only too clearly that his ideal state was now bound, in practice, to be modified by the predominance of some single powerful individual. He therefore formed the ambition, derived from Greek models, of becoming the political, philosophical and ethical mentor of that individual. He never could quite bring himself, however, to offer these services to Caesar, since for all Caesar's brilliance, tactful clemency and courtesy – and for all his similarity to Cicero in culture and persuasiveness – the orator was left with an uncomfortable, ineradicable and perfectly accurate conviction that Caesar intended the death of the Republic. So, possibly, did Pompeius, but less certainly; and so it was to this tricky man, an excellent soldier but lacking in political sense, that Cicero, with frequently recurrent misgivings, attached himself. But any idea of becoming Pompeius' mentor was ruled out, because Pompeius would have scoffed at the idea. What infuriated him most was that after his phenomenal victories in the east (67–63 B.C.) Cicero did nothing but utter self-praise about his own achievement at home in putting down the Catilinarian conspiracy as consul.

This was a conflict between vanities. Readers will be appalled at the boastfulness of Cicero in these speeches. He blows his own trumpet with an unremitting loudness which can scarcely be paralleled. Its worst and most strident notes are due to the justified fear that his contemporaries, not to speak of posterity, might think that in his handling of the conspiracy of Catilina (and notably in the executions that followed) he had acted illegally and wrongly. This would not do at all, since it was a cardinal feature of his life, a psychological

and political necessity, to believe he himself had behaved marvellously – and to persuade the world of this. We must remember that our particular conventions about modesty are not necessarily always the best – and indeed are sometimes irksome. For example, imagine you were a tennis-player of Wimbledon standard, about to play a friendly singles game and asked how good you were: if you replied, 'Not much good,' this would subsequently prove embarrassing for all. Besides, the conception which prompts such self-depreciation is localized in space as well as time. A brilliant western applicant for a Chair in a middle-eastern country failed to secure the post because, in reply to a question whether he knew a lot about the subject, he answered like the tennis-player I mentioned above. ('Well, if he himself says he doesn't know much about it, how can we appoint him?') These *autres moeurs* must be borne in mind when Cicero's immodesty horrifies us. So must the importance which Romans, like ancient Greeks and Renaissance Italians, attached to glory. The only way to defy mortality is to live on the lips of men: 'honour', as Aristotle declared, 'is the reward of excellence and it is assigned to the good.' Nevertheless, all this still remains insufficient justification for Cicero's self-praise, which seemed altogether excessive even to his own fellow-citizens and contemporaries. Their view is reflected in his *Life* by Plutarch, who said that 'this unpleasing habit of his clung to him like fate'.

But it was not mere vanity. Curiously enough, Cicero's writings about philosophy and rhetoric show him as a relatively modest man. His political boasting had a purpose, and that purpose was derived from the situation in which Cicero found himself. Holding, as he did, that it was necessary for his consulship and other political deeds to be praised, he found that there was a dearth of supporters prepared to say the same with sufficient loudness, frequency and eloquence. This was largely because of his crippling disadvantage of being a 'new

man', whose ancestors had never held a consulship. In a city where some twenty families controlled Senatorial policy very few 'new men' broke into the charmed, exclusive circle; and Cicero pointed out that in the past thirty years he was the very first son of a knight (that is to say, not of a Senator) to reach the consulship at all. A new man lacked the immense sources of influence available to the great families; and Cicero, it must be admitted, became consul not through merit alone – as he liked to declare – but because a faction among the nobles, afraid of something worse, unenthusiastically and temporarily opened its gates. But Cicero was out of his league among these better born, far richer, desperately hard men whose shifting combinations had for so long dominated the state. He had to accept many humiliating failures and compromises, especially as he himself was far from tough – a vain, timid, mercurial character, with the lawyer's ability to see both sides of a question all too clearly.

But Cicero was also peace-loving, free from envy, extremely clever, sometimes idealistic and on the whole amiable (very few of his letters show any real bad temper). And it is impossible not to feel that his boasting is partly redeemed by an engaging tendency to laugh at himself. When Caesar, amusedly trying to discover just how much flattery he would take, expressed the most fulsome admiration of one of Cicero's poems, but added a little mild criticism, Cicero in surprise asked his brother to find out exactly what the criticism meant. But he added: 'Don't worry, however! It won't make me even a fraction less pleased with it!' Another of Cicero's jokes at his own expense relates to his quaestorship (deputy-governorship) of Sicily (76–5 B.C.) – one quaestor resided at Syracuse, but the other, Cicero, was stationed at Lilybaeum (Marsala). Cicero tells us that he came back to Rome thinking everyone was talking of his marvellous achievements at Lilybaeum. But the first man he met had no idea where he had been, and when Cicero provided a reminder that he had just

come from his province, said, 'Ah, yes, Africa.' However, a second person corrected him – and depressingly added: 'Don't you know he was quaestor at Syracuse?'

Cicero's very marked sense of humour comes out strongly in the speech *In Defence of Caelius*. The melodramatic bath-house incident still seems funny, and so do quite a lot of Cicero's jokes – a great tribute when you think of the unfunniness of *Punch* of fifty or even thirty years ago. In his day he was an extremely well-known humorist, master of epigram, irony, satire, anecdote and *double entendre* (in addition, I fear, to the pun), and famous for his entertaining cross-examinations. Caesar used to have Cicero's current witticisms collected and brought to him, and Cicero (who analyses wit at length in one of his treatises) complained that everyone's funny remarks, including even those of the most ponderous of his fellow-citizens, were attributed to him. But the trouble was that this otherwise engaging quality of Cicero's was not a help to his political life; it was yet another hindrance. For one thing, a lot of the jokes were personal. Contemporary taste regarded moral and intellectual failings and even the crudest physical defects as fair game, and Cicero's shafts were sharp and wounding. When the aristocratic Q. Metellus Nepos asked Cicero the snobbish question 'Who was your father?' it was understandable, but not calculated to endear a great family towards him, for Cicero to reply: 'I can scarcely ask you the same question since your mother has made it rather difficult to answer.' Most irritating of all were the witticisms which flowed from Cicero during the Civil War, while he sat, a critical non-combatant, in Pompeius' unsuccessful camp. 'We still have seven Eagles left' (the Eagle being the standard of the Legion), said someone with an attempt at optimism after the great defeat of Pharsalus. 'Excellent,' remarked Cicero, 'if only we were fighting against jackdaws.' How not to make and keep friends!

So even his sense of humour was often yet another disadvantage. What, then, did Cicero have to recommend him as a politician – what made it possible for him to play a role on the competitive stage of Roman politics at all? One gift and one only, a tremendous gift in the circumstances of the time, and a gift which Cicero possessed to an exceptional degree: his genius as a public speaker. Oratory in the ancient world, and especially in the later Roman Republic, was a part of life several thousand times more important than it is now. This went back to the classical Greeks. Their society had relied heavily on oral expression (as it still does), their government was largely conducted by talk and argument in mass gatherings, and rhetoric became one of their principal interests, with as much significance attached to form as to content.

In the fifth century B.C. Corax of Syracuse wrote the first manual on rhetoric, which was defined as an art of persuasion; and he and Tisias taught the art at Athens. The Sophists called the study useful and legitimate, but Plato, although admitting that 'even the wolf is entitled to plead in its own defence', was its severest enemy, because according to Socrates (d. 399) truth was absolute and discoverable (by dialectic), while rhetoric meant trickery and superficiality. Plato was answered by Isocrates (d. 338) who affirmed that speech is what divides us from brutes; that 'nothing done with intelligence is done without speech, but it is the marshal of all actions and of thoughts, and those who have the greatest wisdom use it most';[3] and that rhetoric is the best way of discovering what is probable, and the supreme means of training the Whole Man for citizenship, political activity and life. Aristotle's *Rhetoric* added that those speaking the truth have an obligation to be persuasive, and that rhetoric and Plato's dialectic are not contradictory but related. This point of view won a large measure of acceptance, and later Greek experts, among

3. Isocrates, *Nicocles*, 5 ff.; cf. *Antidosis*, 253 ff.

whom Hermagoras of Temnos (*c.* 150 B.C.) was the most eminent, proceeded to formulate that staggering multitude of detailed rules, classifications and subdivisions which awakened some echo in Elizabethan England but nowadays leave us feeling we are in the presence of a totally alien way of existence.

In Republican Rome public speaking assumed the same vital and urgent role as in Greece, and when Rome became important the orator began to discuss increasingly vital issues and consequently to possess an immense personal power for good and ill. No activity more adequately reflected Roman ideals and aspirations, or was more highly esteemed for its practical effectiveness in law and politics. These were the only respectable civil careers open to the Romans, and advocacy was as honourable as fighting. There were also huge benefits to be won, not necessarily in fees, which were forbidden (though evasions were frequent), but in gifts, loans, bequests, favours and political advancement. Even under the emperors, when speech had become less free, Tacitus makes a spokesman in his *Dialogue on Orators* describe the profession in these superlative terms:

You cannot imagine any profession in the whole country more productive of practical benefits, or that carries with it a sweeter sense of satisfaction, or that does more to enhance a man's personal standing, or that brings more honour and renown here in Rome, or that secures a more brilliant reputation throughout the Empire and in the world at large.... Can there be any safer line to take than the practice of an art which gives you an ever-ready weapon with which to protect your friends, to succour those to whom you are a stranger, to bring deliverance to persons in jeopardy, and even to strike fear and terror into the hearts of malignant foes – while you yourself have no anxiety, entrenched as you are behind a rampart of inalienable authority and power?... Can vast wealth or great power bring with it any satisfaction comparable to the sight of grave and reverend

seniors, men with the whole world at their feet, freely owning that, though in circumstances of the utmost affluence, they lack the greatest gift of all?[4]

More astonishing still was the extent to which the entire structure of Roman higher education, and the greater part of secondary education also, was geared to training in oratory. Greek rhetoricians, especially from Athens and Rhodes, had come to Rome during the second century B.C., and in *c.* 95–3 B.C. the first school for Latin rhetoricians was opened. Soon afterwards it was suppressed – because conservatives did not want these dangerous techniques to spread too widely – but the floodgates could not be kept closed, and within a very few years Roman education became dominated by speech training, consisting chiefly of tuition in declamation, both as a practical exercise and a social grace. The best pupil was the best speaker. This was a rhetorician's world, and its ideal was an orator.

There followed a whole array of textbooks, based on innumerable Hellenistic models but also reflecting specifically Roman concerns. The most notable are those of Cicero, which – although a valedictory tribute to a political order already passing away – are peculiarly valuable since it is so rare for a first-rate exponent to describe his own art so well; then came Quintilian who in the first century A.D. became the first salaried professor of rhetoric. These works reveal the fantastic thoroughness and intricacy of the instruction that was regarded as necessary. For instance, they indicate at length the profound significance attached to the smallest minutiae of delivery, including care of the throat (with exercises to avoid strain on a hot or wet or windy day), breath-control and voice-production (one orator shouted so loud he drowned the proceedings in neighbouring courts), tone variation (the beginning of the speech for Milo was quoted as an example), carriage, expression, eyebrow movement, bearing of neck,

4. Tacitus, *Dialogus de Oratoribus*, 5 f. (translated by W. Peterson).

chin and shoulders, gestures (the detailed doctrine, compared to acting on the stage, reaches a startling degree of elaboration), toga-arrangement, stance (not too much walking – an orator was once asked how many miles he had spoken), the production of tears at necessary junctures (Cicero managed this on behalf of Milo, but his client was much too stone-faced), and action of the lips ('do not twist them sideways until they nearly reach the ear'). No wonder the speaker was told that he must keep fit by walking, simple living and looking after his digestion.

No wonder also that Cicero remarks more than once in these speeches that an orator had no time left for social life. Cicero himself, it is true, managed to find time for many other activities, but his great strength lay in the fact that he had pursued all this oratorical training and preparation so meticulously, professionally and successfully that every time he opened his mouth the powers of persuasion he exercised upon his audiences were fabulous and unequalled. The ancients, who liked comparing Romans with Greeks, inevitably compared Cicero with Demosthenes (d. 322 B.C.). The literary critic known as Longinus (now usually ascribed to the first century A.D.) sees Demosthenes as a thunderbolt, Cicero as a steady blaze. Quintilian realizes that Demosthenes, having come first, could not have failed to influence him, but finds all the same that Cicero's excellences really 'spring from the outstandingly abundant fertility of his own superhuman genius – the greatest artist who ever played on the strings of men's hearts'.[5] That he possessed this astonishing persuasiveness is a matter not of conjecture, or of whether one regards Cicero as lovable or not, but of undeniable historical fact. He won a fantastic number of cases, often against the severest odds.

How did he do it? To begin with, he knows all the technicalities. Analyses of his speeches, notably the defence of

5. Quintilian, *Institutio Oratoria*, X, i, 108 f., XI, i, 85.

Milo and even (it now seems) the unorthodox oration for Archias, show every sign of them behind the scenes. He knows all about the five parts of rhetoric and the three styles – the plain designed to teach, the grand intended to move, the middle to give pleasure: the orator himself regarded his speech on Pompeius' command as a typical example of this last – another is the speech for Caelius, delivered with swift changes of mood and manner, before tired and irritable judges. But he also stresses that these are not watertight compartments, that there are many overflows, that a speaker must be a master of all three styles, that there are as many styles as speakers, and that the best speaker must be able to manage them all. Cicero did just this. 'Like a spreading conflagration,' said Longinus, 'he ranges and rolls over the whole field.' His impeccable, gorgeous, ever-changing language, with its elaborate, resounding, clanging rhythms which obey and exploit (to the surprise of moderns) rules as intricate as those of the most formal poetry, has in many or most epochs of subsequent European literature been regarded as the greatest of all Latin prose; and he himself has been described as the most consummate prose stylist who has ever lived, with the possible exception of Plato.[6]

Cicero, with an obliqueness which is all the modesty one ought to expect from such a peerless authority, expresses in his treatises the immense and varied qualities which gave him absolute mastery, when he describes those that were lacking in the orators he used to hear around him during his youth.

> There was not one of them who gave the impression of having read more deeply than the average man, and reading is the well-spring of perfect eloquence; no one whose studies had embraced philosophy, the mother of excellence in deeds and in words; no one who had mastered thoroughly the civil law, a subject absolutely essential to

6. For more on this subject, and for the problems it sets the translator, see *Cicero: Selected Works*, pp. 20 ff.

equip the orator with the knowledge and practical judgement requisite for the conduct of private suits; no one who knew thoroughly Roman history, from which as occasion demanded he could summon as from the dead unimpeachable witnesses; no one who with brief and pointed jest at his opponent's expense was able to relax the attention of the court and pass for a moment from the seriousness of the business in hand to provoke a smile or open laughter; no one who understood how to amplify his case, and, from a question restricted to a particular person and time, transfer it to universals; no one who knew how to enliven it with brief digression; no one who could inspire in the judge a feeling of angry indignation, or move him to tears, or in short (and this is the one supreme characteristic of the orator) sway his feelings in whatever direction the situation demanded.[7]

Enough has been said above of the 'brief and pointed jests', but the rest of the passage shows clearly two especially important features of Cicero's approach to his job. In the first place, he rises far beyond the rhetoricians' rules and insists on a very wide range of knowledge. He worked incessantly to possess this himself, succeeding thoroughly (even, perhaps, in law, though here the consultation of experts remained necessary). This more generous interpretation was a return from narrow Hellenistic conceptions to the more versatile classical ideal of Isocrates' Whole Man. The wide and liberal qualifications on which Cicero insisted made him agree with Aristotle that the conflict between rhetoric and philosophy was unreal: 'to speak copiously and elegantly on the most important subjects is in itself the most important philosophy.' Furthermore, philosophy being ethical (especially to the morally minded Romans), this meant that the orator had to be not only a learned but a virtuous man: already in the second century B.C. Cato the Censor had described the orator as 'a good man skilled in speaking', and this congenial idea was at the back of all Cicero's theorizing. He was deeply conscious of the responsibility that orators could wield in the society of

7. Cicero, *Brutus*, XCIII, 322 (translated by G. L. Hendrickson).

his day – the equivalent of press, pulpit and university combined – and he felt they were better equipped than anyone else to preach the good life.

However, the concluding part of that quotation from the *Brutus* also lays great stress on a second and quite different thing that the Roman orator had to do. He had to arouse that emotion which the rhetoricians had already regarded as the function of one of their three styles. And Cicero's unprecedented capacity to do this, not by adopting any particular stylistic category but by playing on every human chord, was the real key to his success. These rock-faced Romans were wildly excitable – a disconcerting blend between highly efficient Prussians and the most volatile of southerners. Cicero, who possessed impressive looks and who although never really robust kept himself in good health, had a magnificent voice, which he cured of a tendency to speak too loud – though he could still be heard all over the Forum. He observed that an orator's power depended on three things, first delivery, second delivery and third delivery; and he knew and asserted that audiences decide more problems by emotion than by reason.

There is unanimous evidence of his learning his lesson so well that he possessed an almost uncanny power to exploit the electric atmosphere that surrounded him, whipping up the feelings of his audiences to an extraordinary and indeed abnormal degree. Often he displayed passion himself: 'Many a time,' he makes his brother Quintus say, 'I have seen in you such passion of look and gesture that I thought some power was rendering you unconscious of what you did.'[8] But whether the feeling was genuine or not, the demonstration was very deliberate. However much his enemies mocked at these tear-drops, his method was immensely successful, skilful and insidious; as Quintilian remarks, 'Cicero appears to obtain as a favour what he is really extracting by force, and the judge, in reality forcibly carried away by Cicero, does not

8. Cicero, *De Divinatione*, I, xxxviii, 80.

know that he is being swept away but thinks he is following voluntarily.'[9] One of the greatest tributes to his powers – and there is no reason to doubt the story – was supplied, despite himself, by Caesar the dictator, whose extreme strength of mind must have made him relatively impervious to techniques he perfectly well understood. 'It is said that when Quintus Ligarius was being prosecuted as one of Caesar's enemies and Cicero was defending him, Caesar said to his friends: "Why should we not hear a speech from Cicero after all this time? As for Ligarius, we have long known him to be guilty and an enemy." But when Cicero began to speak, his words were incredibly moving; and as his speech proceeded, ranging in the most wonderfully charming language from one emotion to another, the colour came and went on Caesar's face and it was evident that every passion of his soul was stirred. And finally, when the orator touched on the battle at Pharsalus, Caesar was so deeply affected that his whole body shook, and the papers that he was holding dropped from his hand. So he was overpowered, and acquitted Ligarius.'[10] Cicero's was a fabulous talent; but, unfortunately for him as a statesman, even this was not enough to counterbalance his political disabilities.

Unfortunately again – this time from the point of view of the moralist – there is no doubt that the very special talent evolved by Cicero clashed with his ethical ideals. Contemporary politics being what they were, he was frequently compelled or induced by circumstances to champion unworthy causes for short-term results; and his peculiar gifts often enabled him to guide them to success. Like Mr Jaggers in Dickens's *Great Expectations*, he believed – and he felt able to announce quite openly – that 'it is sometimes the business of the advocate to maintain what is plausible even if it be not

9. Quintilian, *Institutio Oratoria*, X, i, 105 ff.
10. Plutarch, *Life of Cicero*, 39 (translated by Rex Warner).

strictly true'. This is very relevant to the present volume, in which one of Cicero's clients, Milo, was almost certainly a murderer; and so perhaps was another, Caelius, maybe several times over – in the speech, such perilous matters are brushed quickly aside, and the orator dwells on safer trivialities at humorous length. Moreover, the same speech declares that Caelius' previous boss Catilina (abused in extravagant terms seven years earlier) had the makings of not such a bad fellow after all – whom Cicero had even once considered defending himself! And then again, in the speech on behalf of Marcellus, Caesar is fulsomely praised only two years before Cicero was applauding his murder, in equally vigorous terms. Startling inconsistencies abound. Surely the promising, reformed son-in-law Publius Dolabella of the First and Second Philippics cannot be the same unmentionable man as the sadist of the Eleventh? But Cicero is quite prepared to boast privately of hoodwinking judges ('Let me tell you that it was I who produced the necessary darkness in the court to prevent your guilt from being visible to everyone'), and in one speech opportunistic inconsistency is elevated into a principle. 'It is the greatest possible mistake to suppose that the speeches we barristers have made in court contain our considered and certified opinions: all those speeches reflect the demands of some particular case or emergency.'[11] Crassus wondered why Cicero, who disliked him and said so, had praised him earlier; the reply he received was that it is good practice for an orator to make a speech on a bad subject.

But this situation cannot, of course, be fairly judged except in the light of the circumstances of the time. Among his contemporaries Cicero was nearly the most high-minded of any (next to Cato and Brutus, who were both, however, capable of descending to considerable inhumanity). He also felt able to point out that his dishonest, or subjective, practice was in

11. Cicero, *Pro Cluentio*, L, 139.

keeping with public opinion as well as ordinary decency – and with the doctrines of the austere Stoic Panaetius. The fact of the matter was that a successful orator had to be able to handle three horses whose tempers, though all refractory, were refractory in different ways: the Senate, the Assembly (both these for political cases), and the law courts (for criminal actions). Of the speeches translated in this book, four were delivered before the Senate (the first and fourth orations against Catilina, the encomium of Marcellus, and the First Philippic), three before the Assembly (the speech on the command of Pompeius, and the second and third Catilinarians), and three before courts (the defences of Archias, Caelius and Milo).

The Senate, a council of about 600 members, was technically no more than advisory, but for centuries it had been the real head of state, advising the officials – and in particular the two annually elected consuls – on domestic and foreign policy, finance and religion, and offering guidance on legislative proposals. Until the second century B.C. its civil authority was accepted without question. Then this was weakened by the emergence, in the now wealthy empire, of a strong business interest outside the Senate, represented by the knights (*equites*) who, in their way, exploited the provinces even more than Senators did.[12] As his speech about Pompeius' command indicates, Cicero, a knight's son himself, championed the knights; and by the end of the Catilinarian incident he had come to consider himself as the architect of a harmonious *Concordia* between the two long-estranged orders of Senate and knights. This proved unrealizable, but it had been a good idea and Cicero was not ill placed to bring it into effect, since even before his loyalty to the knights came his devotion to the Senate. It was an important part of his conformist traditional-

12. Many of the knights were men from the Italian towns who were jealous of the Senate because they too wished to rise in the public service.

ism that he should support this body which was so closely identified of old with the fortunes of the Republic; though many of the more aristocratic Senators never really accepted him as one of themselves, and still less (as he fondly believed after his consulship) as their leader. Sulla (d. 78) had tried to restore the Senate's waning power, but soon afterwards the tribunes of the people, who could veto motions in the anti-Senatorial interest, re-emerged – mainly through the influence of Pompeius and Crassus – and Cicero's enemy Clodius made violently effective use of the tribuneship (58).

The principal necessary qualification for admission to the Senate was tenure of the junior post of quaestor. To this extent membership was indirectly founded on popular elections – since quaestors were elected – though this did not by any means signify that those elected paid attention to their electors. The Senators, who wore tunics with a broad purple stripe and red leather shoes, met in the Senate House or some other consecrated place. Meetings took place between dawn and sunset. Sons and grandsons of Senators were admitted, though not the general public; but the doors were left open. No official record was published until 59, when Caesar, as consul, arranged this in the hope of discrediting his conservative adversaries.

It was customary for the president of the Senate, who was usually one of the consuls, to lay the business before his fellow-members, and ask them what action they desired. First he put the question to the consuls elect (this enforced initiative was embarrassing for Decimus Silanus in the Catilinarian trouble, and he later pretended he had not really meant what he said), and then to the exalted group of former consuls or consulars. Their weight counted more than any votes towards the eventual decision. By Cicero's time, members had formed the custom of leaving their places and moving over to sit with the speakers they supported, whether these were consulars or not. The nineteenth-century Italian artist Cesare Maccari painted a

vivid picture of Catilina sitting isolated while Cicero thundered at him.

However, except on especially emotion-fraught occasions such as the Catilinarian plot, thunder was somewhat less in evidence before the comparatively hard-headed and educated Senators than in the Assembly of the Roman people. This was the law-making body of the state and elected the chief officials, voting by groups. It had been customary for the Senate's advice to be listened to – 'people' normally came after 'Senate' in the traditional formula S.P.Q.R. – but the radical or revolutionary statesmen and demagogues of the last century B.C. showed increasing signs of trying to arrange direct action through the Assembly, which earned them the name of *populares* (as against the *optimates* or best people, that is to say the supporters of the traditional order). In his early days, as the speech on Pompeius' command shows, Cicero was quite keen on this sort of shortcut in the interests of the great man whom he was supporting at the time, but later he came to regard the procedure as dangerous to the survival of the Republic. The attendance of any significant proportion of the Assembly's million potential members (or even theoretically two or three millions after the enfranchisement of Italy in the eighties) was clearly inconceivable. Still, a great throng often flocked to the Comitium, the open meeting-place in the Forum, and to the Campus Martius where the principal elections were held. The crowds included numerous residents of Rome (often of rural origin) or of areas not too far away, comprising especially gangs of clients employed by noble families, or toughs directed by leaders like Clodius or Milo. Powerful influence was also exerted by groups of men from the municipalities of Italy, dispatched to Rome by prominent politicians to record their votes; and by soldiers sent to the capital by generals in Cisalpine Gaul (North Italy) for the same purpose.

The Assembly (later to be reduced to total insignificance by Augustus) had never become a unified or truly democratic force. Its authority was theoretically sovereign, but it possessed no more real sovereignty than the English electorate in the eighteenth century. Yet the people were responsible for laws and elections, and it was vital for a public speaker to be able to sway these vast and formidable gatherings – and to sway also the informal popular meetings which the consuls could bring together to report, prepare, explain or solicit support. These audiences were highly excitable and irrational. The speeches Cicero addressed to them contain a good deal of religious emotion which did not come really from the heart; but if he thought it worth while to inject this element, then worth while it was, for no one can doubt his ability to handle the Assembly superbly. Some think Cicero may be the man to whom Virgil is referring when Neptune's power over the waves is compared to the control of a mighty concourse by an orator.

> As when in tumults rise the ignoble crowd,
> Mad are their motions, and their tongues are loud;
> And stones and brands in rattling volleys fly,
> And all the rustic arms that fury can supply:
> If then some grave and pious man appear,
> They hush their noise, and lend a listening ear:
> He soothes with sober words their angry mood,
> And quenches their innate desire of blood.[13]

Cicero was also king of the law courts, as Quintilian very justly described him. The first permanent criminal court (relating to extortion, with special reference to the corrupt misgovernment of provinces) had been set up during the second century B.C. Others, each concerned with a special field such as murder, violence, treason, etc., were established soon after 100 B.C.

13. Virgil, *Aeneid*, I, ll. 148 ff. (translated by John Dryden).

It is not certain which law court tried the action against Archias, whose defence by Cicero appears in this book – possibly the treason court, which possessed terms of reference vague enough to cover even a mere franchise case such as this. Caelius, whom Cicero also defended, was before the tribunal concerned with violence, a number of apparently inappropriate charges being lumped together because this law, too, had wide scope, and in any case a variety of courts could not be mobilized as it was holiday time. The prosecution of Milo was brought, in the first instance, before a special new court created for an emergency by Pompeius, much to Cicero's disapproval.

These courts gave the Romans an opportunity to exercise their unrivalled talent for law. However, the contents of some of the speeches, and particularly their invective and irrelevance, will surprise modern jurists; and it must be added that corruption was far from impossible. Every court consisted of thirty or more judges or jurymen, under the presidency of one of the praetors, the state officials who stood next to the consuls in rank. By long tradition the judges had been Senators, but Gaius Gracchus (d. 121) gave these positions – and the extensive source of influence and patronage that they represented – to the knights, thus admitting that criminal justice had a political character. Sulla reversed the process, and between 70 and 46 the task was shared by Senators, knights and a third category known as the tribunes of the treasury, who were similar to the knights but less wealthy – still, they needed to possess a certain minimum amount of property to attain their rank, so that no one could be a judge unless he was a person of substance. As will be seen from the First Philippic, Antonius was credited with a revolutionary intention of removing the property qualifications of judges and admitting ordinary soldiers; though this may only have been a rumour, or an extremist policy to which Antonius had not fully committed himself.

Judges were agreed by the parties concerned, or chosen from a qualified panel; normally they were proposed by the plaintiff, but could be rejected by the defendant. The verdict was by majority vote, with no right of appeal – the president had no vote but inflicted the statutory penalty. Any citizen could initiate a prosecution (tribunes of the people sometimes did so in political cases). The accused might have one or more advocates to speak on his behalf.

It was very unusual for Cicero to act as prosecutor in the courts; his indictment of Verres in 70, which made his name, is a conspicuous exception. He preferred defending, because, as he said, 'briefs for the defence are most likely to bring glory and popularity to the pleader'. When there was more than one speaker for the defence, he chose to speak last, because he had an unrivalled talent for rousing the pity and sympathy of the judges; he made hay with them. In his speech for Archias, he scarcely bothers to talk about the charge at all, yet clearly won his case. His defence of Caelius, though it concerns, among other things, accusations of multiple murder, is scintillating and light-hearted, and was again evidently successful. Only his oration on behalf of Milo did not do the trick, not only because his client was evidently guilty but because Cicero felt intimidated by an armed and exceedingly hostile audience, and did not deliver, or at least did not deliver in full, the brilliant, fantastic collection of implausible arguments that have come down to us.

This brings us, in conclusion, to an awkward but inescapable question. Do any of the speeches bear any real resemblance to what Cicero really said at the time, in Senate or Assembly or court?

We know that some of his most famous orations, such as the Second Philippic and the greater part of the attacks on Verres, were not delivered at all. But most of the others, including all those in this volume with the partial exception of the defence

of Milo, were published versions of what he had actually delivered. Usually publication of a speech, if he was satisfied with it, followed almost immediately. But the attacks on Catilina were not published until 60, three years after their delivery. Their anxious and at times defensive tone, unlikely in the euphoric days of the consulship, is indicative of the later date, when euphoria had been swamped by criticism; and our other sources implant a suspicion that the fourth in the series, as delivered, was not really quite so dramatic. Moreover, it is difficult to believe that the Senate, faced with a worrying problem, would have sat through the elaborate appeal by Our Country inserted in the first oration. Admittedly, the Catilinarians represent rather a special case because of the extensive time-lag, but every other published speech, too, was obviously revised, polished and corrected before it was allowed to see the light of day. Sometimes they were enlarged into what almost amounted to brochures. Sometimes, too, speeches were abbreviated. Moreover, they undoubtedly include matter transferred to them from cross-examinations or slanging matches which, on the day, had been quite separate from the speeches (if only we knew what the other side said! The few scathing sentences attributed to Catilina only whet the appetite for more).

Evidently then the works we have before us are not the speeches as they were actually delivered: and so yet another is added to the hideously difficult detective tasks of the ancient historian. Indeed, when Cicero delivered an oration, he had no complete version before him. His method, assisted by the rhetoricians' great emphasis on memory training (still greatly stressed in the east today), was to learn an elaborate introduction and peroration by heart, but to rely on rough notes or skeleton for what came in between. Indeed, more thorough preparation would not have been possible for harangues like some of the Catilinarians, which were stop-press affairs, delivered at a few hours' notice. So they had to be written

afterwards – as Cicero himself records. But it is going much too far to say, like a spokesman quoted by the Greek historian Dio Cassius,[14] that Cicero, like persons who fashion generals and cavalry leaders out of clay, had never delivered the beautiful speeches he published. He did deliver them; but thereafter, it is true, they underwent transformation into the literary essays, political manifestos, apologias, eulogies or slanders that were subsequently given to the world.

That is certainly a pity from the point of view of personal immediacy, dramatic excitement, and historical evidence. But the ancients would not have understood our feelings of disillusionment or disappointment about the matter. For, unlike us, they regarded oratory not merely as public speaking but as a magnificent branch of literature. And Cicero's speeches, in the form in which we have them, are the most scintillatingly and perfectly constructed examples of this literary form that have come down to us. Indeed, by their splendour they have swamped almost all other Latin speeches out of existence.[15] They have therefore exerted a massive prolonged influence (punctuated by the contrary reactions which are the penalty of excellence) upon the culture of the western world throughout the two millenniums that have followed.[16]

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14. Q. Fufius Calenus in Dio, XLVI, 7, 3.
15. The much later *Apologia* of Apuleius and *Apologeticus* of Tertullian are also very brilliant, but in quite a different way.
16. For particulars of this, see *Cicero: Selected Works*, pp. 24 ff.

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MICHAEL GRANT

CHAPTER ONE

ON THE COMMAND OF CNAEUS POMPEIUS

(*In Support of the Manilian Law*)

The name Cicero gave this speech is uncertain; perhaps it was called About the Manilian Law. *It was delivered before the Assembly of the Roman People in 66* B.C. *Its subject was the war against King Mithridates VI of Pontus in Asia Minor (Anatolia). During the previous century Rome had added enormously to its wealth by the annexation of the western part of that peninsula, the province of Asia, which was bequeathed to the empire by the last king of Pergamum (133). But in 120 the region of Pontus to its north-east, the property of a partially Hellenized Iranian dynasty, had passed into the hands of its last and most remarkable representative, Mithridates VI 'the Great'. He seized huge areas of Asia Minor, and caused many Roman citizens to be assassinated; by the time of Cicero's oration, he had remained a bitter and dangerous enemy of Rome for no less than twenty-two years.*

A succession of Roman generals had failed to put an end to him, and now Lucius Licinius Lucullus, after initial victories (72), was being recalled following a severe defeat suffered by one of his lieutenants at Zela. An impressive strategist and administrator, Lucullus was hampered by unpopularity among his own troops owing to his excessively disciplinarian attitude, which was out of keeping with the times. He also alienated the Roman knights by severely restricting their financial gains in Asia. Conservatives (optimates), *including an influential section of the aristocracy, lined up in his favour, and those who liked to by-pass the Senate and deal direct with the Assembly* (populares) *became his opponents. People of the latter tendency, suspected by their enemies of a desire for radical innovation, had an obvious candidate for the command in Cnaeus Pompeius,*

CHAPTER THREE

IN DEFENCE OF THE POET AULUS LICINIUS ARCHIAS

The Greco-Syrian poet, Archias, whom Cicero now defended in 62 B.C., *was a friend and protégé of the cultured Lucius Licinius Lucullus, and was therefore an automatic target for prosecution from the friends of Pompeius, whose relations with Lucullus had become extremely strained when the former superseded the latter in the circumstances described in the speech* About the Command of Cnaeus Pompeius. *Lucullus called Pompeius a carrion bird who had come to feast on another's kill; Pompeius named Lucullus a tragedy general whose successes were merely stage effects. Lucullus had come home in 64, and now Pompeius was on his way back. The indictment of Archias was a minor incident in the skirmishing between the noble oligarchy who backed Lucullus and the forces of innovation who were hopeful rather than frightened after the immense eastern victories of Pompeius.*

This was one of the recurrent occasions in Cicero's life when disappointment at Pompeius momentarily got the better of his usual policy of supporting him (p. 129). He also realized that the military prestige of these oriental triumphs (though it was he himself who had got Pompeius appointed to accomplish them) was a threat to the Republican, senatorial form of government to which Cicero remained unvaryingly devoted.

The case he had to defend was somewhat obscure, but legally quite strong. A law of the tribune Gaius Papius (64 B.C.*) had expelled all non-citizens from Rome. The law had been intended to clear the city not of poets but of its huge gangs of thugs. Yet if Archias could be proved an alien he would have to leave the city, and this would be a successful pinprick in the campaign against Lucullus and the conservatives. Archias had claimed the Roman franchise as a citizen of*

Heraclea in Lucania. The prosecution then asserted that there was no good evidence either of his Heraclean or of his Roman citizenship; but Cicero argues to the contrary. The court almost certainly decided in his favour.

But his speech, said Lord Brougham, 'of which not more than one-sixth is to the purpose, could not have been delivered in a British court of justice'. Its most remarkable and famous feature is a long, irrelevant and moving digression on the glories of Greek culture and literature, and of the civilized life which they alone made possible. This is perhaps the finest eulogy of the literary life in the whole of ancient literature. It presents a contrast with Cicero's distaste for most contemporary Greeks – which is significant to our estimate of the Romans' schizophrenic attitude towards their Hellenic heritage and subjects.

It must also be remembered, since Archias was a poet, that although Cicero's verse was laughed at by Juvenal, he began as a young man to acquire a reputation for being the best poet as well as the best orator at Rome. Surviving fragments hardly enable us to form an opinion, and Archias' poetry has not come down to us either, since some epigrams in the Greek anthology bearing his name are unlikely to be his work at all. In praising his poems, Cicero, in deference to Roman practicality, had pointed out how they contributed to the glory of Rome; and he hoped that this speech would inspire Archias to write a panegyric on his consulship. Alas, a letter from Cicero to Atticus in the following summer shows that this complimentary composition never materialized.

Whatever benefit, gentlemen, can be extracted from any or all of my qualifications, I feel in duty bound to place it at the disposal of Aulus Licinius.[1] I appreciate the limitations of my natural ability. But I cannot deny that my experience as a public speaker has been considerable; and I admit I have

1. Cicero deliberately describes his client here as Aulus Licinius (without the addition of Archias) since that is his name as a Roman citizen.

never at any time felt a disinclination to study the theoretical background of the art. Upon all my efforts, then, the best I can achieve, Archias has a pre-eminent, overriding claim. For as far as I can cast my mind back into times gone by, as far as I can recollect the earliest years of my boyhood, the picture of the past that takes shape reveals that it was he who first inspired my determination to embark on these studies, and who started me upon their methodical pursuit. And so if this voice of mine, trained by his encouragement and instruction, has on occasion been of service to others, my capacity to come to their assistance – and even to save some of them from destruction – is derived from him: and it is he, therefore, who must receive from me all the help and salvation it lies within my power to provide.

To hear such words from my lips may cause a certain surprise, seeing that his own talents have found expression in spheres far removed from my own study and practice of oratory. But in fact I myself have never concentrated exclusively on this one activity. And besides, all branches of culture are closely related and linked together with one another. A further point, however, which some may equally find surprising, is that in a formal inquiry and official court of justice, at a hearing conducted by a carefully chosen Roman praetor and judges of the highest principles in front of a crowded audience, I have planned that my speech shall assume a form out of keeping with forensic tradition and style. But this deviation from the usual custom happens to be particularly appropriate to my client, yet will not, I hope, cause any inconvenience to yourselves; and so I urge you to allow me this indulgence. The fact is that I am speaking on behalf of an excellent poet, who is also a man of great learning. And I am speaking before listeners of strong literary tastes, judges thoroughly well versed in the humanities, and a praetor of exceptional calibre. What I therefore ask is that you should permit me to enlarge with rather more freedom

than usual on cultural and literary matters. The studious seclusion of Archias' life has kept him unacquainted with the hazards of the courts, and it is because of the special nature of his talents that I want to frame my defence in these somewhat novel and unfamiliar terms. If I can but feel that you will have the kindness to concede me this request, I for my part undertake to convince you that Aulus Licinius should not be excluded from the list of Roman citizens; and indeed that he should certainly be made a Roman citizen here and now – if it were not the case that he is one already.

As soon as Archias had grown out of his boyhood and the studies which form a boy's usual liberal training, he began to devote himself to becoming a writer. He came from a good family at Antioch. At that time, it was a city of extensive population and wealth, overflowing with fine scholars and scholarly activities, and it was there that he first succeeded, very rapidly, in showing gifts of an exceptional nature. Later on, when he visited various parts of Asia and toured round the whole of Greece, his arrival in a place would arouse the keenest interest. His talents had by now won him a high reputation, and the excitement aroused by the news of an imminent visit by Archias reached remarkable heights. Nevertheless, even this excited expectation was eclipsed by the admiring enthusiasm with which he was actually received.

Southern Italy was in those days full of Greek culture and learning, and in Latium too such studies were pursued with greater keenness than could be found in the same towns today; while here at Rome also, where the internal situation was peaceful at the time, these pursuits were by no means neglected. Accordingly, Archias was granted citizenship and other honours by Tarentum and Rhegium and Neapolis, and all who were able to recognize a brilliant mind were glad to make his acquaintance and offer him hospitality.

We, too, became aware of his considerable fame, although

we had so far never seen him; but soon he made his way to Rome. That was during the consulships of Marius and Catulus,[2] so that the consuls he had the good fortune to find in office included one man who could provide a splendid theme for his pen, and a colleague who was able to supply him not only, again, with notable exploits but also with an appreciative ear. As soon as Archias arrived, while he was still very young,[3] the Luculli welcomed him to their house – and it is a tribute to his literary genius, and indeed to his whole personality, that the home which was first opened to him in his very youthful years is also the one he most constantly frequents now that he is an older man.

In those early days, Archias also enjoyed the most affectionate relations with the famous Metellus Numidicus and his son Pius. He used to read out his poems to Marcus Aemilius Scaurus. He associated with Quintus Catulus senior and junior. His friendship was cultivated by Lucius Crassus. He was also on very intimate terms not only with the Luculli but with Drusus and the Octavii and the whole family of Hortensius. He was held in the greatest honour; so much so, indeed, that the roll of his admirers was by no means limited to men who really wanted to learn and listen, but also came to include the sort of people who found it desirable to pretend they had a taste for such things.

Next, after a certain lapse of time, he went to Sicily with Marcus Lucullus, and then, after returning from that province in the company of that gentleman, he proceeded to Heraclea. This was a town which possessed the fullest treaty rights with Rome, and Archias expressed a desire to become a citizen of the place. His own personal qualities were quite sufficient recommendation in themselves, but he also had the support

2. Q. Lutatius Catulus sen. (consul 102) was associated with Marius in the destruction of the Cimbri at Vercellae (101).

3. Cicero speaks of the garb of manhood (*toga praetexta*, worn at 17) as if Archias was a Roman boy.

of Lucullus' authority and influence; and his wish was granted by the Heraclean people. In consequence of this, he also received the citizenship of Rome, according to the law of Silvanus and Carbo which granted the franchise to all who have been admitted as citizens of federated towns on the condition that, when the law was passed, the persons concerned were domiciled in Italy.[4] They were also required to report to a praetor within sixty days. Archias had long been resident at Rome, and reported to the praetor Quintus Metellus who was one of his close friends.

If the question of his Roman enfranchisement, and the legal position in this respect, are the only issues we have to bear in mind, I have nothing more to say; and I can close my case. For I am convinced, Gratius,[5] that you would not be able to disprove a single one of these facts. You will not, surely, attempt to deny that he was enrolled at Heraclea at the time of which I am speaking? If this should be your intention, Marcus Lucullus, whose authority and conscience and honour are beyond question, is here to say that he not only believes this happened but also knows it did, that he did not hear of the enrolment from someone else but saw it being done with his own eyes – and indeed, that he was not merely among those present but took the initiative in person. Envoys are also on the spot from Heraclea itself. They are a very distinguished group of men, who have come to Rome specially to attend this case. They are commissioned by their city, they bring with them its official testimonial, and they are prepared to confirm that Archias was, in fact, made a citizen of their town. On this point you have asked for the public archives of Heraclea to be produced; but we all know that they were destroyed when the local record office was burnt during the Italian war.[6] It is ridiculous to ignore proofs

4. This is the *Lex Plautia Papiria* (89).

5. Gratius, otherwise unknown, was the prosecutor.

6. Italian war: Social (Marsian) War (90–88).

which are available, yet to demand evidence which we cannot possibly obtain; to be deliberately silent about things that men are actually in a position to remember, but to clamour for documentary record. You have the word of a great and scrupulous gentleman. You have the sworn affidavit of an irreproachably honest town council. There can be no tampering with things like that. Yet you brush them aside and call for documents! And you do this although you admit in the same breath that the possibility that such records might be forged is seen by experience to be considerable.

Or do you propose to deny that Archias lived at Rome? Surely not! Years before he ever became a Roman citizen he had established Rome as his residence, and the place where all his worldly possessions were concentrated. Or did he omit to report? No, he reported as he should have. Indeed, out of all the registrations sought from the board of praetors at that time, his was actually the only application which was accompanied by truly valid supporting evidence.

There were allegations that the citizen-lists of Appius had not been very carefully kept. Indeed, the authenticity of all such compilations had been cast into doubt first by the unreliability of Gabinius,[7] before he was condemned by the court, and then by the discredit brought upon him by his conviction. Nevertheless the conscientious and law-abiding Metellus Pius exhibited such scruples with regard to these lists that he went to the praetor Lucius Lentulus and a board of judges, and indicated to them that he was extremely disturbed at having to erase even one single name. And yet when you consider the documents which relate to the present case, you will see that there is not the slightest question of any erasure in respect of the name of Aulus Licinius.

These facts regarding his position at Rome are very far from suggesting any doubts about his previous enfranchisement at

7. P. Gabinius Capito was condemned for extortion after his governorship of Achaia.

Heraclea. Besides, as to that, Heraclea was by no means the only town where he became a citizen. It has, as a matter of fact, been not uncommon for the Greek communities of Italy to bestow their citizenship for no particular reason at all, even on individuals whose qualifications were extremely slender or non-existent. So how can you venture to suggest that the people of Rhegium, Locri, Neapolis or Tarentum, when they were perfectly prepared to make a habit of bestowing such honours even upon mere actors, would have refused it to this man of really brilliant and outstanding gifts?

All the other persons whose Roman status has been questioned contrived to insinuate their names into the citizen-lists of their municipalities not merely after the dates of their alleged enrolment but even after the passing of the Papian law.[8] But my client, on the other hand, does not even think it necessary to cite the lists on which his name was inscribed, because there has never been a time during all this period at which he has not looked upon himself as belonging to Heraclea. You say you miss his name on the census-rolls. But is it really such a deadly secret that at the time of the last census he was with the army, on the staff of the eminent Lucius Lucullus, and on the immediately preceding occasion he was likewise with Lucullus, during the latter's quaestorship in Asia? The census before that, when Julius and Crassus were censors – the first after his enfranchisement – is irrelevant since on that occasion no registration of any part of the population was in fact conducted at all.

In any case, however, it has to be recognized that census-lists are no real proof of Roman citizenship, but merely indicate that the men whose names appear on them claimed it at that particular time. It may therefore be helpful for me to add that during the years in question my client, so far from not being one of our citizens even in his own eyes (as you

8. The *Lex Papia* made all non-citizens liable to eviction from Rome (64).

pretended), made his will on a number of occasions according to Roman law, received legacies left him by Roman citizens, and was recommended to the treasury by the proconsul Lucius Lucullus, as a Roman, so that a reward might be given him for his services.

As regards your contrary assertions, the burden of proving them rests with you and no one but you. For no judgements he has passed on himself, and no judgements passed on him by his friends, will be of the smallest assistance towards the refutation of his claim.

You will no doubt be asking me, Gratius, why I feel such an affection for this man. The answer is that he provides my mind with refreshment after this din of the courts; he soothes my ears to rest when they are wearied by angry disputes. How could I find material, do you suppose, for the speeches I make every day on such a variety of subjects, unless I steeped my mind in learning? How could I endure the constant strains if I could not distract myself from them by this means? Yes, I confess I am devoted to the study of literature. If people have buried themselves in books, if they have used nothing they have read for the benefit of their fellow-men, if they have never displayed the fruits of such reading before the public eye, well, let them by all means be ashamed of the occupation. But why, gentlemen, should I feel any shame? Seeing that not once throughout all these years have I allowed myself to be prevented from helping any man in the hour of his need because I wanted a rest, or because I was eager to pursue my own pleasures, or even because I needed a sleep!

I cannot therefore, I submit, be justly rebuked or censured if the time which others spend in advancing their own personal affairs, taking holidays and attending Games, indulging in pleasures of various kinds or even enjoying mental relaxation and bodily recreation, the time they spend on protracted parties and gambling and playing ball, proves in my case to

have been taken up with returning over and over again to these literary pursuits. And I have all the more right to engage in such studies because they improve my capacity as a speaker; and this, for what it is worth, has unfailingly remained at the disposal of my friends whenever prosecutions have placed them in danger. Even if some may regard my ability as nothing very great, at least I realize the source from which the best part of it has come. For unless I had convinced myself from my earliest years, on the basis of lessons derived from all I had read, that nothing in life is really worth having except moral decency and reputable behaviour, and that for their sake all physical tortures and all perils of death and banishment must be held of little account, I should never have been able to speak up for the safety of you all in so many arduous clashes, or to endure these attacks which dissolute rogues launch against me every day. The whole of literature, philosophy and history is full of examples which teach this lesson – but which would have been plunged in utter darkness if the written word had not been available to illuminate them. Just think of the number of vividly drawn pictures of valiant men of the past that Greek and Latin writers have preserved for our benefit: not for mere inspection only, but for imitation as well. Throughout my public activities I have never ceased to keep these great figures before my eyes, and have modelled myself heart and soul on the contemplation of their excellence.

It might be objected that those great men, whose noble deeds have been handed down in the literary record, were not themselves by any means thoroughly well versed in the learning which I praise so highly. Certainly, it would be difficult to make a categorical assertion that they were. Nevertheless, I am quite clear what my answer to such a point should be. I agree that there have been many people whose exceptional inborn qualities, expressed in almost godlike endowments of mind and character without the support of any cultural qualifications at all, have enabled them by their own unaided

endeavours to reach the heights of self-management and moral excellence. Indeed, I would go further, and express the view that the number of virtuous and admirable men produced by character without learning exceeds those who are the products of learning without character. Nevertheless I do also maintain that, when noble and elevated natural gifts are supplemented and shaped by the influence of theoretical knowledge, the result is then something truly remarkable and unique. Such a personality could be seen by our fathers in the superhuman figure of the younger Scipio Africanus. Such, too, were those paragons of moderation and self-control Gaius Laelius and Lucius Furius;[9] such was the courageous and venerable Marcus Cato, the most erudite man of his day. They would certainly never have spent their time on literary studies if these had not helped them to understand what a better life could be, and how to bring that ideal into effect for themselves.

And yet let us leave aside for a moment any practical advantage that literary studies may bring. For even if their aim were pure enjoyment and nothing else, you would still, I am sure, feel obliged to agree that no other activity of the mind could possibly have such a broadening and enlightening effect. For there is no other occupation upon earth which is so appropriate to every time and every age and every place. Reading stimulates the young and diverts the old, increases one's satisfaction when things are going well, and when they are going badly provides refuge and solace. It is a delight in the home; it can be fitted in with public life; throughout the night, on journeys, in the country, it is a companion which never lets me down.

And indeed even if we ourselves were not capable of any inclination or taste for these pursuits, we ought all the same to

9. C. Laelius (Minor) Sapiens and L. Furius Philus were prominent members of the circle of Scipio Aemilianus (Africanus junior).

feel admiration when we see such gifts exemplified in others No one can have been so boorish and insensitive that he remained unaffected when Roscius[10] recently died. Although he was an old man at the time of his death, we had a feeling that such a superb and attractive artist ought somehow to have been exempted from our common fate. And if such a man's mere physical comportment on the stage was enough to win the hearts of us all, surely we cannot be left indifferent by genius of a purely intellectual kind, with all its enigmatic motions and scintillations.

Many is the time, gentlemen, that I have listened to this Archias – for I am going to presume on your indulgence, since I see that the unconventional shape of my speech has succeeded in gaining your attention – many is the time I have listened to him improvising quantities of admirable verses about topics of the day without having written down one single letter before he spoke. Many times also I have heard him respond to demands for an encore by repeating the same subject-matter in an entirely new set of words and phrases. And as for his written works, the products of meticulous care and cogitation, I have seen them accorded a degree of appreciation in no way inferior to the reverence felt for writers of ancient times. Should I not love and admire such a man, and deem it my duty to defend him by every means in my power?

We have it on eminent and learned authority that, whereas other arts need to be based upon study and rules and principles, poets depend entirely on their own inborn gifts and are stimulated by some internal force, a sort of divine spark, within the depths of their own souls. Our great Ennius[11] was therefore right to call poets holy, because they seem to bring

10. Q. Roscius Gallus was the outstanding comic actor of the Roman stage and also played tragic parts.

11. Ennius of Rudiae, 'the father of Roman poetry' (d. 169).

to us some special gift and endowment which the gods have accorded them as a passport for this world. Even the most barbarous of races has never treated the name of poet with disrespect. How imperative therefore it is that you yourselves, with all your noble culture, should regard it as holy indeed! The very rocks and deserts echo the poet's song. Many is the time when ferocious beasts have been enchanted and arrested in their tracks as these strains come to their ears. Shall we, then, who have been nurtured on everything that is fine, remain unmoved at a poet's voice?

The people of Colophon declare that Homer came from their city, the Chians assert he belongs to them, the men of Salamis lay a rival claim, while the people of Smyrna are so sure he is theirs that they have even allotted him a shrine within their town; and a great many other communities, too, have joined in this competitive struggle to be regarded as Homer's birth-place. These people, in fact, are eager for the possession of a man who has long been dead and who, even when he lived, was a foreigner. It is because of his poetic genius that they feel this powerful urge. Are we, on the contrary, to reject a poet who is still alive, and who is indeed ours by law, and ours by his own inclination as well?

This would be particularly misguided in the case of Archias, since he has for many years past devoted all his expert skill and talent to celebrating the glorious renown of Rome. When he was a young man he wrote about the Cimbrian war, and he even succeeded in gaining the approval of Gaius Marius himself, although that great man did not have a reputation for appreciating this kind of activity. But no one is, in fact, so uninterested in the Muses that he does not want his own deeds to be glorified and perpetuated in verse. There is a story that the renowned Athenian Themistocles was asked which actor or singer he liked the best. His favourite, he replied, was whichever one praised his exploits the most highly! And that, for example, was the reason why Gaius

Marius was attached to Lucius Plotius,[12] whose gifts he saw to be well fitted for the commemoration of the deeds that he himself had accomplished.

Archias has also dealt with the entire war against Mithridates, a vast and complicated war consisting of many varied operations on land and sea. This work sheds lustre on the valiant and magnificent Lucius Lucullus, but in so doing it contributes to the splendour of Rome as well. For it was Romans whom Lucullus led to open up Pontus, protected though it was by the resources of its king and by its own geographical position. It was Romans who under the same general, with a force of only moderate size, put the numberless hordes of Armenians to flight. It was Romans, still under the direction of Lucullus, who gained the glory for rescuing and preserving the friendly city of Cyzicus from all the onslaughts of the king and the ravening jaws of warfare. To Rome, too, comes eternal honour for that amazing naval battle at Tenedos in which Lucullus slew the enemy's admirals and crushed their fleet.[13] Ours are the trophies, ours the monuments, ours the triumphs. Those who dedicate their powers to the literary celebration of such events are increasing the fame of the people of Rome itself.

Our noble Ennius was held in affection by the elder Africanus, and the tomb of the Scipios is said to have contained a marble statue of the poet. And yet his compliments to Africanus surely illuminate not only that hero himself but the entire commonwealth of Rome. Ennius also extolled to the skies the Cato whose great-grandson is with us today; and bright is the brilliance shed by those panegyrics upon the renown of our country in general. In the same way, again, when compliments are paid to the names of Maximus,

12. L. Plotius Gallus was said to be the first man to teach Latin rhetoric at Rome (*c.* 95–93).

13. L. Licinius Lucullus defeated Mithridates VI of Pontus off Tenedos in 73.

Marcellus and Fulvius,[14] it is all of us Romans, and not just themselves, to whom distinction is added by such eulogies. That is why the writer from Rudiae who uttered these praises was admitted by our ancestors to the citizenship of Rome.

The man whom we are now considering possesses the franchise of Heraclea. Many other Greek townships, too, have competed to make him a citizen of their own communities. He has also received a similar gift, by due legal process from Rome itself. How on earth can we deprive him of this manifest entitlement?

Archias is a Greek poet. But it would be entirely wrong to suppose that Greek poetry ranks lower than Latin in value. For Greek literature is read in almost every country in the world, whereas Latin is understood only within its own boundaries which, as you must admit, are restricted. Our deeds, it is true, extend to all the regions of the earth. But the effect of this should be to inspire us with the determination that every country where the strong arm of Rome has carried its weapons should also be given an opportunity to learn of our illustrious achievements. For literary commemoration is a most potent factor in enhancing a country's prestige. And to those who hazard their lives for the sake of glory, such literature is a vigorous incentive, stimulating them to risk fearful perils and perform noble endeavours.

We are told that Alexander the Great took around with him a great number of authors engaged in writing about his achievements. And yet, as he stood beside the tomb of Achilles at Sigeum, he uttered these words: 'Fortunate youth, who found Homer to proclaim your valour!' He was right; for, if the *Iliad* had never existed, the tomb where Achilles' body was buried would have buried his memory as well. And

14. Q. Fabius Maximus, M. Claudius Marcellus (captor of Syracuse, 211) and Q. Fulvius Flaccus (captor of Capua in the same year) were all eulogized in the *Annals* of Ennius.

then again Pompeius known as Magnus, outstanding alike for his bravery and good fortune, conferred Roman citizenship upon Theophanes of Mitylene,[15] the historian of his deeds, before his whole assembled army. Now, our gallant men, countryfolk and soldiers though they were, felt influenced by the splendid tale Theophanes had told. And so, feeling that part of the grandeur belonged also to themselves, they declared their approval with a mighty shout.

If the law did not happen to have made Archias a Roman citizen already, he would find it the easiest thing in the world, as I am certain you cannot deny, to win the franchise from one of our generals in this selfsame way. Surely Sulla, who dispensed citizenship so freely to Spaniards and Gauls, would never have refused such a request from Archias. Once, at a public meeting, some bad poet from out of the crowd handed Sulla an epigram the man had written about him, with every other line longer than it ought to be. Sulla, who was conducting an auction, immediately ordered a reward to be paid the scribbler from its proceeds – on the condition that he never wrote anything again! Here then was a personage who felt that even the worst of poets should be rewarded for his industry; so how could he have failed to help a writer with the talent and style and fluency of Archias? Or, again, if Quintus Metellus Pius had been approached, the personal influence of Archias, not to speak of the intervention of the Luculli, would unmistakably have been successful, especially as Metellus was his intimate friend and had, besides, conferred the franchise on numerous other people as well. Moreover, Metellus was eager to have his own actions recorded; he even gave a hearing to certain poets who came from Corduba, for all the ponderous, exotic flavour of their language.

For there is no concealing the fact, and it had better be

15. Theophanes wrote an account of the campaigns of Pompeius in the east.

accepted and openly admitted: we all like to be praised! The better the man the greater his desire for celebrity. The philosophers who bid us despise ambition do not forget to affix their names to their own books! On the very writings in which they deplore publicity and self-advertisement, they publicize and advertise themselves. And then again that heroic commander Decimus Brutus, when he erected temples and monuments, adorned their forecourts with verses written by his friend Accius.[16] Another outstanding example is Fulvius,[17] who took Ennius with him on his campaign against the Aetolians, and when it was over forthwith dedicated the spoils of war to the Muses. In a city, then, where even generals scarcely lay down their weapons before offering honours to poetry and the Muses' shrine, it would indeed be unbecoming for judges, who wear the garb of peace, to act in a fashion repugnant to the honour of those divinities and the well-being of the poetical profession.

To incline you to my way of thinking, gentlemen, I will place myself in your hands and confess to you my own passion to be famous. This is a passion which may seem exaggerated; but I am sure it is not dishonourable. The fact is that the measures which I took during my consulship, with your collaboration, to ensure the salvation of this city and the empire and the lives of all its citizens and everything that our country stands for, have been chosen by Archias as the subject of a poem. He has already started upon its composition, and when he read out to me what he had written, I judged the project a very worthwhile and attractive one, and singled him out as just the man for the task.

16. Dec. Junius Brutus Gallaicus celebrated a Triumph in 136 for the conquest of Lusitania and Gallaecia (Galicia). L. Accius of Pisaurum (d. *c.* 85) was regarded as the leading tragic poet.

17. M. Fulvius Nobilior defeated the Aetolians during his consulship of 189.

A person with right ideas hopes for no reward whatever for any toils and perils he may have to undergo – except only praise, and the good opinion of his fellows. Take those things away, gentlemen, and in the brief and transient span of this life I cannot see what stimulus remains to encourage our arduous labours. If the human spirit felt no anticipations of posterity, if the range of its imagination were bounded by the limits that circumscribe human existence, we should never be prepared to tire ourselves out with all these exertions, suffer torments of sleepless anxiety, face ceaseless confrontations in which our very lives are at stake. It does appear, however, that men of true nobility contain within themselves a force which day and night applies the prick of ambition to their hearts, and never allows us to stop struggling to ensure that the memory of our names shall not perish with our deaths, but shall survive them for all time to come.

For how could we, who undergo the toils and hazards of public life, be spiritless enough to feel satisfied with the idea that, after we have spent not one single moment of our lives in peace and tranquillity, all this effort will go for nothing at the very moment when we die? Many distinguished men have taken great pains to leave their statues and representations behind them. But those are likenesses only of the body, and not of the spirit at all, and so have not we all the more reason to feel enthusiastic about bequeathing a similar image of our intellectual and moral personalities as well, to be moulded and elaborated by the very finest talents available?

As for myself, even at the actual time when I was busiest with great matters, I felt I was also diffusing and disseminating a knowledge of those very same deeds throughout the entire earth to be remembered for ever. Perhaps, when I am dead, I shall no longer be able to perceive whether their memory does, in fact, remain. Or possibly, as certain philosophers have argued, some part of my being will still be conscious that this is happening. But however that may be, at least I derive

satisfaction here and now from the thought and the hope that what I have done will not be forgotten.

So I call upon you, judges, to pronounce in favour of my client. He is a man whose honourable character you see confirmed by the high rank of his friends and the unbroken durations of their friendships with him. You can appreciate his gifts from the extent to which they have been in demand from leading men who are extremely gifted themselves. Moreover, the justice of his cause is demonstrated by the sanction of the law, the authority of his municipality, the testimony offered by Lucullus, and archives going back to Metellus.

To you and your generals and the deeds of the Roman people Archias has always done honour. To those recent internal perils which threatened myself and yourselves he proposes to offer an undying testimonial of praise. He belongs, moreover, to a profession which has universally and at all times been declared and believed to possess a sacred character. If then, gentlemen, such great powers warrant the applause of mankind – and truly they deserve the commendation of the gods themselves! – I entreat you to take him under your protection. Let it not be said that a severe judgement of yours has done harm to such a man. Let it be seen instead that your humane decision has brought him relief.

I have made the statement of my case as brief and simple as usual; and I have the feeling that it has gained your approbation. I hope my digression from the custom of the courts and the bar, in order to tell you something about my client's talent and about literary studies in general, has been to your taste. To the chairman of this tribunal[18] – I venture to express the conviction – it has proved acceptable enough.

18. According to tradition the chairman of the panel was Cicero's brother Quintus (praetor).

CHAPTER FOUR

IN DEFENCE OF MARCUS CAELIUS RUFUS

Fears that Pompeius was not concerned to maintain the old oligarchic, senatorial system of government proved justified, since in 60 he formed the dictatorial First Triumvirate with Caesar and Crassus. Cicero was invited to join it, and to his credit eventually refused to do so. When, therefore, the tribune Publius Clodius Pulcher, who was now Cicero's bitterest enemy (having been alienated by the orator's sharp demolition of his alibi when he was accused of sacrilegious violation of the secret rites of the Bona Dea),[1] proposed a law sending him into exile for his execution of the Catilinarian leaders, the Triumvirs did nothing to save him from this fate. Nor, to his bitter distress, did the senatorial leaders, whom he had wrongly believed to be his supporters for ever after the Catilina affair. Cicero's subsequent sixteen months of exile were the most miserable period of his life.

Recalled when Pompeius began to find Clodius unbearable, Cicero resumed his legal practice, and discovered an opportunity to attack his enemy's great family when Clodius' second sister Clodia, a famous immoral beauty for whom the poet Catullus had a hopeless passion, attacked her former lover Marcus Caelius Rufus. This clever young politician was charged by a prosecutor with whose family he had a feud – and this rather than Clodia may have been the beginning of the whole case – with a shocking array of offences, including the murder of one or more Alexandrian envoys and the attempted poisoning of his estranged mistress herself. Although some of the charges may well have had more substance than Cicero admits, his brilliant and amusing advocacy evidently got Caelius off (56 B.C.*).*

But this speech is interesting above all for the startling insight it

1. See pp. 224, 245, 250, 252, 260, 267.