

The Orations of Marcus Tullius Cicero, Volume 4 eBook

The Orations of Marcus Tullius Cicero, Volume 4 by Cicero

The following sections of this BookRags Literature Study Guide is offprint from Gale's For Students Series: Presenting Analysis, Context, and Criticism on Commonly Studied Works: Introduction, Author Biography, Plot Summary, Characters, Themes, Style, Historical Context, Critical Overview, Criticism and Critical Essays, Media Adaptations, Topics for Further Study, Compare & Contrast, What Do I Read Next?, For Further Study, and Sources.

(c)1998-2002; (c)2002 by Gale. Gale is an imprint of The Gale Group, Inc., a division of Thomson Learning, Inc. Gale and Design and Thomson Learning are trademarks used herein under license.

The following sections, if they exist, are offprint from Beacham's Encyclopedia of Popular Fiction: "Social Concerns", "Thematic Overview", "Techniques", "Literary Precedents", "Key Questions", "Related Titles", "Adaptations", "Related Web Sites". (c)1994-2005, by Walton Beacham.

The following sections, if they exist, are offprint from Beacham's Guide to Literature for Young Adults: "About the Author", "Overview", "Setting", "Literary Qualities", "Social Sensitivity", "Topics for Discussion", "Ideas for Reports and Papers". (c)1994-2005, by Walton Beacham.

All other sections in this Literature Study Guide are owned and copyrighted by BookRags, Inc.

Contents

The Orations of Marcus Tullius Cicero, Volume 4 eBook.....	1
Contents.....	2
Table of Contents.....	19
Page 1.....	20
Page 2.....	22
Page 3.....	24
Page 4.....	25
Page 5.....	26
Page 6.....	27
Page 7.....	28
Page 8.....	29
Page 9.....	30
Page 10.....	31
Page 11.....	32
Page 12.....	33
Page 13.....	34
Page 14.....	36
Page 15.....	37
Page 16.....	38
Page 17.....	39
Page 18.....	40
Page 19.....	41
Page 20.....	42
Page 21.....	43
Page 22.....	44

Page 23.....	45
Page 24.....	46
Page 25.....	47
Page 26.....	48
Page 27.....	49
Page 28.....	50
Page 29.....	52
Page 30.....	53
Page 31.....	54
Page 32.....	55
Page 33.....	56
Page 34.....	57
Page 35.....	58
Page 36.....	59
Page 37.....	60
Page 38.....	61
Page 39.....	62
Page 40.....	63
Page 41.....	64
Page 42.....	65
Page 43.....	66
Page 44.....	67
Page 45.....	68
Page 46.....	69
Page 47.....	70
Page 48.....	71

Page 49.....	72
Page 50.....	73
Page 51.....	75
Page 52.....	76
Page 53.....	77
Page 54.....	78
Page 55.....	79
Page 56.....	80
Page 57.....	81
Page 58.....	82
Page 59.....	83
Page 60.....	84
Page 61.....	85
Page 62.....	86
Page 63.....	87
Page 64.....	88
Page 65.....	89
Page 66.....	90
Page 67.....	92
Page 68.....	93
Page 69.....	94
Page 70.....	95
Page 71.....	97
Page 72.....	98
Page 73.....	99
Page 74.....	100

Page 75.....	101
Page 76.....	102
Page 77.....	103
Page 78.....	104
Page 79.....	105
Page 80.....	106
Page 81.....	107
Page 82.....	108
Page 83.....	109
Page 84.....	110
Page 85.....	111
Page 86.....	112
Page 87.....	113
Page 88.....	114
Page 89.....	116
Page 90.....	117
Page 91.....	118
Page 92.....	119
Page 93.....	120
Page 94.....	121
Page 95.....	123
Page 96.....	124
Page 97.....	125
Page 98.....	126
Page 99.....	127
Page 100.....	128

Page 101.....	129
Page 102.....	130
Page 103.....	132
Page 104.....	133
Page 105.....	134
Page 106.....	135
Page 107.....	136
Page 108.....	137
Page 109.....	138
Page 110.....	139
Page 111.....	140
Page 112.....	141
Page 113.....	142
Page 114.....	143
Page 115.....	144
Page 116.....	145
Page 117.....	146
Page 118.....	147
Page 119.....	149
Page 120.....	150
Page 121.....	151
Page 122.....	152
Page 123.....	153
Page 124.....	154
Page 125.....	155
Page 126.....	156

Page 127.....	158
Page 128.....	159
Page 129.....	160
Page 130.....	161
Page 131.....	162
Page 132.....	163
Page 133.....	164
Page 134.....	165
Page 135.....	166
Page 136.....	167
Page 137.....	168
Page 138.....	169
Page 139.....	170
Page 140.....	171
Page 141.....	172
Page 142.....	174
Page 143.....	175
Page 144.....	176
Page 145.....	177
Page 146.....	178
Page 147.....	179
Page 148.....	180
Page 149.....	181
Page 150.....	182
Page 151.....	183
Page 152.....	184

Page 153.....	185
Page 154.....	186
Page 155.....	187
Page 156.....	188
Page 157.....	189
Page 158.....	190
Page 159.....	191
Page 160.....	192
Page 161.....	194
Page 162.....	195
Page 163.....	197
Page 164.....	199
Page 165.....	201
Page 166.....	202
Page 167.....	203
Page 168.....	204
Page 169.....	206
Page 170.....	208
Page 171.....	209
Page 172.....	210
Page 173.....	211
Page 174.....	212
Page 175.....	213
Page 176.....	214
Page 177.....	215
Page 178.....	216

Page 179.....	217
Page 180.....	218
Page 181.....	219
Page 182.....	221
Page 183.....	222
Page 184.....	223
Page 185.....	224
Page 186.....	225
Page 187.....	226
Page 188.....	227
Page 189.....	228
Page 190.....	229
Page 191.....	230
Page 192.....	231
Page 193.....	232
Page 194.....	233
Page 195.....	234
Page 196.....	235
Page 197.....	236
Page 198.....	237
Page 199.....	239
Page 200.....	240
Page 201.....	241
Page 202.....	242
Page 203.....	243
Page 204.....	245

Page 205.....	246
Page 206.....	247
Page 207.....	248
Page 208.....	249
Page 209.....	250
Page 210.....	251
Page 211.....	252
Page 212.....	254
Page 213.....	255
Page 214.....	256
Page 215.....	257
Page 216.....	258
Page 217.....	259
Page 218.....	260
Page 219.....	261
Page 220.....	262
Page 221.....	263
Page 222.....	264
Page 223.....	265
Page 224.....	266
Page 225.....	267
Page 226.....	269
Page 227.....	270
Page 228.....	271
Page 229.....	272
Page 230.....	273

Page 231.....	274
Page 232.....	275
Page 233.....	277
Page 234.....	279
Page 235.....	280
Page 236.....	281
Page 237.....	282
Page 238.....	284
Page 239.....	285
Page 240.....	286
Page 241.....	287
Page 242.....	289
Page 243.....	290
Page 244.....	291
Page 245.....	293
Page 246.....	294
Page 247.....	295
Page 248.....	296
Page 249.....	297
Page 250.....	298
Page 251.....	299
Page 252.....	300
Page 253.....	301
Page 254.....	302
Page 255.....	303
Page 256.....	304

Page 257.....	305
Page 258.....	306
Page 259.....	307
Page 260.....	308
Page 261.....	309
Page 262.....	310
Page 263.....	311
Page 264.....	312
Page 265.....	313
Page 266.....	314
Page 267.....	315
Page 268.....	317
Page 269.....	318
Page 270.....	319
Page 271.....	320
Page 272.....	321
Page 273.....	322
Page 274.....	323
Page 275.....	324
Page 276.....	325
Page 277.....	326
Page 278.....	327
Page 279.....	328
Page 280.....	329
Page 281.....	330
Page 282.....	331

Page 283.....	332
Page 284.....	333
Page 285.....	334
Page 286.....	335
Page 287.....	336
Page 288.....	337
Page 289.....	338
Page 290.....	339
Page 291.....	340
Page 292.....	341
Page 293.....	342
Page 294.....	343
Page 295.....	344
Page 296.....	345
Page 297.....	346
Page 298.....	347
Page 299.....	348
Page 300.....	349
Page 301.....	350
Page 302.....	351
Page 303.....	353
Page 304.....	354
Page 305.....	355
Page 306.....	356
Page 307.....	357
Page 308.....	358

Page 309.....	359
Page 310.....	360
Page 311.....	361
Page 312.....	362
Page 313.....	363
Page 314.....	364
Page 315.....	365
Page 316.....	366
Page 317.....	367
Page 318.....	368
Page 319.....	369
Page 320.....	370
Page 321.....	371
Page 322.....	372
Page 323.....	373
Page 324.....	374
Page 325.....	375
Page 326.....	377
Page 327.....	379
Page 328.....	381
Page 329.....	382
Page 330.....	384
Page 331.....	386
Page 332.....	387
Page 333.....	388
Page 334.....	389

Page 335.....	390
Page 336.....	391
Page 337.....	392
Page 338.....	393
Page 339.....	394
Page 340.....	395
Page 341.....	396
Page 342.....	397
Page 343.....	398
Page 344.....	400
Page 345.....	401
Page 346.....	402
Page 347.....	404
Page 348.....	405
Page 349.....	407
Page 350.....	408
Page 351.....	410
Page 352.....	411
Page 353.....	412
Page 354.....	414
Page 355.....	415
Page 356.....	416
Page 357.....	417
Page 358.....	418
Page 359.....	419
Page 360.....	420

Page 361.....	421
Page 362.....	422
Page 363.....	423
Page 364.....	424
Page 365.....	425
Page 366.....	426
Page 367.....	427
Page 368.....	428
Page 369.....	429
Page 370.....	430
Page 371.....	432
Page 372.....	433
Page 373.....	435
Page 374.....	437
Page 375.....	439
Page 376.....	441
Page 377.....	443
Page 378.....	444
Page 379.....	446
Page 380.....	447
Page 381.....	448
Page 382.....	449
Page 383.....	450
Page 384.....	452
Page 385.....	453
Page 386.....	454

Page 387.....	455
Page 388.....	456
Page 389.....	457
Page 390.....	458
Page 391.....	459
Page 392.....	460
Page 393.....	461
Page 394.....	462
Page 395.....	463
Page 396.....	464
Page 397.....	465
Page 398.....	466
Page 399.....	467
Page 400.....	468
Page 401.....	469
Page 402.....	470
Page 403.....	471
Page 404.....	472
Page 405.....	473
Page 406.....	474
Page 407.....	475
Page 408.....	476
Page 409.....	477
Page 410.....	478
Page 411.....	479
Page 412.....	480

Page 413.....	482
Page 414.....	484
Page 415.....	486
Page 416.....	488

Table of Contents

Section	Table of Contents	Page
Start of eBook		1
THE FIRST PHILIPPIC.		1
THE SECOND SPEECH OF M.T. CICERO AGAINST MARCUS ANTONIUS.		13
		51
THE FOURTH ORATION OF M.T. CICERO AGAINST MARCUS ANTONIUS.		66
THE FIFTH ORATION OF M.T. CICERO AGAINST MARCUS ANTONIUS.		70
		88
		94
		102
		112
		118
		126
		141
		150
		169
		181
BOOK I.		181
		233
THE ORATOR OF M.T. CICERO. ADDRESSED TO MARCUS BRUTUS.		291
Nor should I find fault with		327
THE TREATISE OF M. T. CICERO ON TOPICS,		350
A DIALOGUE CONCERNING ORATORICAL PARTITIONS.		372
THE TREATISE OF M. T. CICERO ON THE BEST STYLE OF ORATORS.		406
END OF THE TREATISE.		412
FOOTNOTES:		412

Page 1

THE FIRST PHILIPPIC.

THE ARGUMENT

When Julius, or, as he is usually called by Cicero Caius Caesar was slain on the 15th of March, A.U.C. 710, B.C. 44 Marcus Antonius was his colleague in the consulship, and he, being afraid that the conspirators might murder him too, (and it is said that they had debated among themselves whether they would or no) concealed himself on that day and fortified his house, till perceiving that nothing was intended against him, he ventured to appear in public the day following. Lepidus was in the suburbs of Rome with a regular army, ready to depart for the government of Spain, which had been assigned to him with a part of Gaul. In the night, after Caesar's death he occupied the forum with his troops and thought of making himself master of the city, but Antonius dissuaded him from that idea and won him over to his views by giving his daughter in marriage to Lepidus's son, and by assisting him to seize on the office of Pontifex Maximus, which was vacant by Caesar's death.

To the conspirators he professed friendship, sent his son among them as a hostage of his sincerity, and so deluded them, that Brutus supped with Lepidus, and Cassius with Antonius. By these means he got them to consent to his passing a decree for the confirmation of all Caesar's acts, without describing or naming them more precisely. At last, on the occasion of Caesar's public funeral, he contrived so to inflame the populace against the conspirators, that Brutus and Cassius had some difficulty in defending their houses and their lives and he gradually alarmed them so much, and worked so cunningly on their fears that they all quitted Rome. Cicero also left Rome, disapproving greatly of the vacillation and want of purpose in the conspirators. On the first of June Antonius assembled the senate to deliberate on the affairs of the republic, and in the interval visited all parts of Italy. In the meantime young Octavius appeared on the stage; he had been left by Caesar, who was his uncle, the heir to his name and estate. He returned from Apollonia, in Macedonia, to Italy as soon as he heard of his uncle's death, and arrived at Naples on the eighteenth of April, where he was introduced by Hirtius and Pansa to Cicero, whom he promised to be guided in all respects by his directions. He was now between eighteen and nineteen years of age.

He began by the representation of public spectacles and games in honour of Caesar's victories. In the meantime Antonius, in his progress through Italy, was making great use of the decree confirming all Caesar's acts, which he interpolated and forged in the most shameless manner. Among other things he restored Deiotarus to all his dominions, having been bribed to do so by a hundred millions of sesterces by the king's agents, but Deiotarus himself, as soon as he heard of Caesar's death, seized all his dominions by force. He also seized the public treasure which Caesar had deposited in the temple of Ops, amounting to above four millions and a half of our money, and with this he won

over Dolabella,[1] who had seized the consulship on the death of Caesar, and the greater part of the army.

Page 2

At the end of May Cicero began to return towards Rome, in order to arrive there in time for the meeting of the senate on the first of June, but many of his friends dissuaded him from entering the city, and at last he determined not to appear in the senate on that day, but to make a tour in Greece, to assist him in which, Dolabella named him one of his lieutenants. Antonius also gave Brutus and Cassius commissions to buy corn in Asia and Sicily for the use of the republic, in order to keep them out of the city.

Meantime Sextus Pompeius, who was at the head of a considerable army in Spain, addressed letters to the consuls proposing terms of accommodation, which after some debate, and some important modifications, were agreed to, and he quitted Spain, and came as far as Marseilles on his road towards Rome.

Cicero having started for Greece was forced to put back by contrary winds, and returned to Velia on the seventeenth of August, where he had a long conference with Brutus, who soon after left Italy for his province of Macedonia, which Caesar had assigned him before his death, though Antonius now wished to compel him to exchange it for Crete. After this conference Cicero returned to Rome, where he was received with unexampled joy, immense multitudes thronging out to meet him, and to escort him into the city. He arrived in Rome on the last day of August. The next day the senate met, to which he was particularly summoned by Antonius, but he excused himself as not having recovered from the fatigue of his journey.

Antonius was greatly offended, and in his speech in the senate threatened openly to order his house to be pulled down, the real reason of Cicero's absenting himself from the senate being, that the business of the day was to decree some new and extraordinary honours to Caesar, and to order supplications to him as a divinity, which Cicero was determined not to concur in, though he knew it would be useless to oppose them.

The next day also the senate met, and Antonius absented himself, but Cicero came down and delivered the following speech, which is the first of that celebrated series of fourteen speeches made in opposition to Antonius and his measures, and called Philippics from the orations of Demosthenes against Philip, to which the Romans were in the habit of comparing them.[2]

I. Before, O conscript fathers, I say those things concerning the republic which I think myself bound to say at the present time, I will explain to you briefly the cause of my departure from, and of my return to the city. When I hoped that the republic was at last recalled to a proper respect for your wisdom and for your authority, I thought that it became me to remain in a sort of sentinelship, which was imposed upon me by my position as a senator and a man of consular rank. Nor did I depart anywhere, nor did I ever take my eyes off from the republic, from the day on which we were summoned to meet in the temple of Tellus,[3] in which temple, I, as far as was in my power, laid the foundations of peace, and renewed the ancient precedent set by the Athenians, I even

used the Greek word,[4] which that city employed in those times in allaying discords, and gave my vote that all recollection of the existing dissensions ought to be effaced by everlasting oblivion.

Page 3

The oration then made by Marcus Antonius was an admirable one, his disposition, too, appeared excellent, and lastly, by his means and by his sons', peace was ratified with the most illustrious of the citizens, and everything else was consistent with this beginning. He invited the chief men of the state to those deliberations which he held at his own house concerning the state of the republic, he referred all the most important matters to this order. Nothing was at that time found among the papers of Caius Caesar except what was already well known to everybody, and he gave answers to every question that was asked of him with the greatest consistency. Were any exiles restored? He said that one was, and only one. Were any immunities granted? He answered, None. He wished us even to adopt the proposition of Servius Sulpicius, that most illustrious man, that no tablet purporting to contain any decree or grant of Caesar's should be published after the Ides of March were expired. I pass over many other things, all excellent—for I am hastening to come to a very extraordinary act of virtue of Marcus Antonius. He utterly abolished from the constitution of the republic the Dictatorship, which had by this time attained to the authority of regal power. And that measure was not even offered to us for discussion. He brought with him a decree of the senate, ready drawn up, ordering what he chose to have done: and when it had been read, we all submitted to his authority in the matter with the greatest eagerness; and, by another resolution of the senate, we returned him thanks in the most honourable and complimentary language.

II. A new light, as it were, seemed to be brought over us, now that not only the kingly power which we had endured, but all fear of such power for the future, was taken away from us; and a great pledge appeared to have been given by him to the republic that he did wish the city to be free, when he utterly abolished out of the republic the name of dictator, which had often been a legitimate title, on account of our late recollection of a perpetual dictatorship. A few days afterwards the senate was delivered from the danger of bloodshed, and a hook[5] was fixed into that runaway slave who had usurped the name of Caius Marius. And all these things he did in concert with his colleague. Some other things that were done were the acts of Dolabella alone; but, if his colleague had not been absent, would, I believe, have been done by both of them in concert.

For when enormous evil was insinuating itself into the republic, and was gaining more strength day by day; and when the same men were erecting a tomb[6] in the forum, who had performed that irregular funeral; and when abandoned men, with slaves like themselves, were every day threatening with more and more vehemence all the houses and temples of the city; so severe was the rigour of Dolabella, not only towards the audacious and wicked slaves, but also towards the profligate and unprincipled freemen, and so prompt was his overthrow of that accursed pillar, that it seems marvellous to me that the subsequent time has been so different from that one day.

Page 4

For behold, on the first of June, on which day they had given notice that we were all to attend the senate, everything was changed. Nothing was done by the senate, but many and important measures were transacted by the agency of the people, though that people was both absent and disapproving. The consuls elect said, that they did not dare to come into the senate. The liberators of their country were absent from that city from the neck of which they had removed the yoke of slavery; though the very consuls themselves professed to praise them in their public harangues and in all their conversation. Those who were called Veterans, men of whose safety this order had been most particularly careful, were instigated not to the preservation of those things which they had, but to cherish hopes of new booty. And as I preferred hearing of those things to seeing them, and as I had an honorary commission as lieutenant, I went away, intending to be present on the first of January, which appeared likely to be the first day of assembling the senate.

III. I have now explained to you, O conscript fathers, my design in leaving the city. Now I will briefly set before you, also, my intention in returning, which may perhaps appear more unaccountable. As I had avoided Brundisium, and the ordinary route into Greece, not without good reason, on the first of August I arrived at Syracuse, because the passage from that city into Greece was said to be a good one. And that city, with which I had so intimate a connexion, could not, though it was very eager to do so, detain me more than one night. I was afraid that my sudden arrival among my friends might cause some suspicion if I remained there at all. But after the winds had driven me, on my departure from Sicily, to Leucopetra, which is a promontory of the Rhegian district, I went up the gulf from that point, with the view of crossing over. And I had not advanced far before I was driven back by a foul wind to the very place which I had just quitted. And as the night was stormy, and as I had lodged that night in the villa of Publius Valerius, my companion and intimate friend, and as I remained all the next day at his house waiting for a fair wind, many of the citizens of the municipality of Rhegium came to me. And of them there were some who had lately arrived from Rome; from them I first heard of the harangue of Marcus Antonius, with which I was so much pleased that, after I had read it, I began for the first time to think of returning. And not long afterwards the edict of Brutus and Cassius is brought to me; which (perhaps because I love those men, even more for the sake of the republic than of my own friendship for them) appeared to me, indeed, to be full of equity. They added besides, (for it is a very common thing for those who are desirous of bringing good news to invent something to make the news which they bring seem more joyful,) that parties were coming to an agreement; that the senate was to meet on the first of August; that Antonius having discarded all evil counsellors, and having given up the provinces of Gaul, was about to return to submission to the authority of the senate.

Page 5

IV. But on this I was inflamed with such eagerness to return, that no oars or winds could be fast enough for me; not that I thought that I should not arrive in time, but lest I should be later than I wished in congratulating the republic; and I quickly arrived at Velia, where I saw Brutus; how grieved I was, I cannot express. For it seemed to be a discreditable thing for me myself, that I should venture to return into that city from which Brutus was departing, and that I should be willing to live safely in a place where he could not. But he himself was not agitated in the same manner that I was; for, being elevated with the consciousness of his great and glorious exploit, he had no complaints to make of what had befallen him, though he lamented your fate exceedingly. And it was from him that I first heard what had been the language of Lucius Piso, in the senate of August; who, although he was but little assisted (for that I heard from Brutus himself) by those who ought to have seconded him, still according to the testimony of Brutus, (and what evidence can be more trustworthy?) and to the avowal of every one whom I saw afterwards, appeared to me to have gained great credit. I hastened hither, therefore, in order that as those who were present had not seconded him, I might do so; not with the hope of doing any good, for I neither hoped for that, nor did I well see how it was possible; but in order that if anything happened to me, (and many things appeared to be threatening me out of the regular course of nature, and even of destiny,) I might still leave my speech on this day as a witness to the republic of my everlasting attachment to its interests.

Since, then, O conscript fathers, I trust that the reason of my adopting each determination appears praiseworthy to you, before I begin to speak of the republic, I will make a brief complaint of the injury which Marcus Antonius did me yesterday, to whom I am friendly, and I have at all times admitted having received some services from him which make it my duty to be so.

V. What reason had he then for endeavouring, with such bitter hostility, to force me into the senate yesterday? Was I the only person who was absent? Have you not repeatedly had thinner houses than yesterday? Or was a matter of such importance under discussion, that it was desirable for even sick men to be brought down? Hannibal, I suppose, was at the gates, or there was to be a debate about peace with Pyrrhus, on which occasion it is related that even the great Appius, old and blind as he was, was brought down to the senate-house. There was a motion being made about some supplications, a kind of measure when senators are not usually wanting, for they are under the compulsion, not of pledges, but of the influence of those men whose honour is being complimented, and the case is the same when the motion has reference to a triumph. The consuls are so free from anxiety at these times, that it is almost entirely free for a senator to absent

Page 6

himself if he pleases. And as the general custom of our body was well known to me, and as I was hardly recovered from the fatigue of my journey, and was vexed with myself, I sent a man to him, out of regard for my friendship to him, to tell him that I should not be there. But he, in the hearing of you all, declared that he would come with masons to my house; this was said with too much passion and very intemperately. For, for what crime is there such a heavy punishment appointed as that, that any one should venture to say in this assembly that he, with the assistance of a lot of common operatives, would pull down a house which had been built at the public expense in accordance with a vote of the senate? And who ever employed such compulsion as the threat of such an injury as to a senator? or what severer punishment has ever been he himself was unable to perform? As, in fact, he has failed to perform many promises made to many people. And a great many more of those promises have been found since his death, than the number of all the services which he conferred on and did to people during all the years that he was alive would amount to.

But all those things I do not change, I do not meddle with. Nay, I defend all his good acts with the greatest earnestness. Would that the money remained in the temple of Opis! Bloodstained, indeed, it may be, but still needful at these times, since it is not restored to those to whom it really belongs.[7] Let that, however, be squandered too, if it is so written in his acts. Is there anything whatever that can be called so peculiarly the act of that man who, while clad in the robe of peace, was yet invested with both civil and military command in the republic, as a law of his? Ask for the acts of Gracchus, the Sempronian laws will be brought forward; ask for those of Sylla, you will have the Cornelian laws. What more? In what acts did the third consulship of Cnaeus Pompeius consist? Why, in his laws. And if you could ask Caesar himself what he had done in the city and in the garb of peace, he would reply that he had passed many excellent laws; but his memoranda he would either alter or not produce at all; or, if he did produce them, he would not class them among his acts. But, however, I allow even these things to pass for acts; at some things I am content to wink; but I think it intolerable that the acts of Caesar in the most important instances, that is to say, in his laws, are to be annulled for their sake.

VIII. What law was ever better, more advantageous, more frequently demanded in the best ages of the republic, than the one which forbade the praetorian provinces to be retained more than a year, and the consular provinces more than two? If this law be abrogated, do you think that the acts of Caesar are maintained? What? are not all the laws of Caesar respecting judicial proceedings abrogated by the law which has been proposed concerning the third decury? And are you the

Page 7

defenders of the acts of Caesar who overturn his laws? Unless, indeed, anything which, for the purpose of recollecting it, he entered in a note-book, is to be counted among his acts, and defended, however unjust or useless it may be; and that which he proposed to the people in the comitia centuriata and carried, is not to be accounted one of the acts of Caesar. But what is that third decury? The decury of centurions, says he. What? was not the judicature open to that order by the Julian law, and even before that by the Pompeian and Aurelian laws? The income of the men, says he, was exactly defined. Certainly, not only in the case of a centurion, but in the case, too, of a Roman knight. Therefore, men of the highest honour and of the greatest bravery, who have acted as centurions, are and have been judges. I am not asking about those men, says he. Whoever has acted as centurion, let him be a judge. But if you were to propose a law, that whoever had served in the cavalry, which is a higher post, should be a judge, you would not be able to induce any one to approve of that; for a man's fortune and worth ought to be regarded in a judge. I am not asking about those points, says he; I am going to add as judges, common soldiers of the legion of Alaudae;[8] for our friends say, that that is the only measure by which they can be saved. Oh what an insulting compliment it is to those men whom you summon to act as judges though they never expected it! For the effect of the law is, to make those men judges in the third decury who do not dare to judge with freedom. And in that how great, O ye immortal gods! is the error of those men who have desired that law. For the meaner the condition of each judge is, the greater will be the severity of judgment with which he will seek to efface the idea of his meanness; and he will strive rather to appear worthy of being classed in the honourable decuries, than to have deservedly ranked in a disreputable one.

IX. Another law was proposed, that men who had been condemned of violence and treason may appeal to the public if they please. Is this now a law, or rather an abrogation of all laws? For who is there at this day to whom it is an object that that law should stand? No one is accused under those laws; there is no one whom we think likely to be so accused. For measures which have been carried by force of arms will certainly never be impeached in a court of justice. But the measure is a popular one. I wish, indeed, that you were willing to promote any popular measure; for, at present, all the citizens agree with one mind and one voice in their view of its bearing on the safety of the republic.

Page 8

What is the meaning, then, of the eagerness to pass the law which brings with it the greatest possible infamy, and no popularity at all? For what can be more discreditable than for a man who has committed treason against the Roman people by acts of violence, after he has been condemned by a legal decision, to be able to return to that very course of violence, on account of which he has been condemned? But why do I argue any more about this law? as if the object aimed at were to enable any one to appeal? The object is, the inevitable consequence must be, that no one can ever be prosecuted under those laws. For what prosecutor will be found insane enough to be willing, after the defendant has been condemned, to expose himself to the fury of a hired mob? or what judge will be bold enough to venture to condemn a criminal, knowing that he will immediately be dragged before a gang of hireling operatives? It is not, therefore, a right of appeal that is given by that law, but two most salutary laws and modes of judicial investigation that are abolished. And what is this but exhorting young men to be turbulent, seditious, mischievous citizens?

To what extent of mischief will it not be possible to instigate the frenzy of the tribunes now that these two rights of impeachment for violence and for treason are annulled? What more? Is not this a substitution of a new law for the laws of Caesar, which enact that every man who has been convicted of violence, and also every man who has been convicted of treason, shall be interdicted from fire and water? And, when those men have a right of appeal given them, are not the acts of Caesar rescinded? And those acts, O conscript fathers, I, who never approved of them, have still thought it advisable to maintain for the sake of concord, so that I not only did not think that the laws which Caesar had passed in his lifetime ought to be repealed, but I did not approve of meddling with those even which since the death of Caesar you have seen produced and published.

X. Men have been recalled from banishment by a dead man; the freedom of the city has been conferred, not only on individuals, but on entire nations and provinces by a dead man; our revenues have been diminished by the granting of countless exemptions by a dead man. Therefore, do we defend these measures which have been brought from his house on the authority of a single, but, I admit, a very excellent individual, and as for the laws which he, in your presence, read, and declared, and passed,—in the passing of which he gloried, and on which he believed that the safety of the republic depended, especially those concerning provinces and concerning judicial proceedings,—can we, I say, we who defend the acts of Caesar, think that those laws deserve to be upset?

Page 9

And yet, concerning those laws which were proposed, we have, at all events, the power of complaining, but concerning those which are actually passed we have not even had that privilege. For they, without any proposal of them to the people, were passed before they were framed. Men ask, what is the reason why I, or why any one of you, O conscript fathers, should be afraid of bad laws while we have virtuous tribunes of the people? We have men ready to interpose their veto, ready to defend the republic with the sanctions of religion. We ought to be strangers to fear. What do you mean by interposing the veto? says he, what are all these sanctions of religion which you are talking about? Those, forsooth, on which the safety of the republic depends. We are neglecting those things, and thinking them too old-fashioned and foolish. The forum will be surrounded, every entrance of it will be blocked up, armed men will be placed in garrison, as it were, at many points. What then?—whatever is accomplished by those means will be law. And you will order, I suppose, all those regularly passed decrees to be engraved on brazen tablets “The consuls consulted the people in regular form,” (Is this the way of consulting the people that we have received from our ancestors?) “and the people voted it with due regularity” What people? that which was excluded from the forum? Under what law did they do so? under that which has been wholly abrogated by violence and arms? But I am saying all this with reference to the future, because it is the part of a friend to point out evils which may be avoided and if they never ensue, that will be the best refutation of my speech. I am speaking of laws which have been proposed, concerning which you have still full power to decide either way. I am pointing out the defects, away with them! I am denouncing violence and arms, away with them too!

XI. You and your colleague, O Dolabella, ought not, indeed, to be angry with me for speaking in defence of the republic. Although I do not think that you yourself will be; I know your willingness to listen to reason. They say that your colleague, in this fortune of his, which he himself thinks so good, but which would seem to me more favourable if (not to use any harsh language) he were to imitate the example set him by the consulship of his grandfathers and of his uncle,—they say that he has been exceedingly offended. And I see what a formidable thing it is to have the same man angry with me and also armed; especially at a time when men can use their swords with such impunity. But I will propose a condition which I myself think reasonable, and which I do not imagine Marcus Antonius will reject. If I have said anything insulting against his way of life or against his morals, I will not object to his being my bitterest enemy. But if I have maintained the same habits that I have already adopted in the republic,—that is, if I have spoken my opinions concerning the affairs of the republic with freedom,—in the first place, I beg that he will not be angry with me for that; but, in the next place, if I cannot obtain my first request, I beg at least that he will show his anger only as he legitimately may show it to a fellow-citizen.

Page 10

Let him employ arms, if it is necessary, as he says it is, for his own defence: only let not those arms injure those men who have declared their honest sentiments in the affairs of the republic. Now, what can be more reasonable than this demand? But if, as has been said to me by some of his intimate friends, every speech which is at all contrary to his inclination is violently offensive to him, even if there be no insult in it whatever; then we will bear with the natural disposition of our friend. But those men, at the same time, say to me, "You will not have the same licence granted to you who are the adversary of Caesar as might be claimed by Piso his father-in-law." And then they warn me of something which I must guard against; and certainly, the excuse which sickness supplies me with, for not coming to the senate, will not be a more valid one than that which is furnished by death.

XII. But, in the name of the immortal gods! for while I look upon you, O Dolabella, who are most dear to me, it is impossible for me to keep silence respecting the error into which you are both falling; for I believe that you, being both men of high birth, entertaining lofty views, have been eager to acquire, not money, as some too credulous people suspect, a thing which has at all times been scorned by every honourable and illustrious man, nor power procured by violence and authority such as never ought to be endured by the Roman people, but the affection of your fellow-citizens, and glory. But glory is praise for deeds which have been done, and the fame earned by great services to the republic; which is approved of by the testimony borne in its favour, not only by every virtuous man, but also by the multitude. I would tell you, O Dolabella, what the fruit of good actions is, if I did not see that you have already learnt it by experience beyond all other men.

What day can you recollect in your whole life, as ever having beamed on you with a more joyful light than the one on which, having purified the forum, having routed the throng of wicked men, having inflicted due punishment on the ringleaders in wickedness, and having delivered the city from conflagration and from fear of massacre, you returned to your house? What order of society, what class of people, what rank of nobles even was there who did not then show their zeal in praising and congratulating you? Even I, too, because men thought that you had been acting by my advice in those transactions, received the thanks and congratulations of good men in your name. Remember, I pray you, O Dolabella, the unanimity displayed on that day in the theatre, when every one, forgetful of the causes on account of which they had been previously offended with you, showed that in consequence of your recent service they had banished all recollection of their former indignation. Could you, O Dolabella, (it is with great concern that I speak,)—could you, I say, forfeit this dignity with equanimity?

Page 11

XIII. And you, O Marcus Antonius, (I address myself to you, though in your absence,) do you not prefer that day on which the senate was assembled in the temple of Tellus, to all those months during which some who differ greatly in opinion from me think that you have been happy? What a noble speech was that of yours about unanimity! From what apprehensions were the veterans, and from what anxiety was the whole state relieved by you on that occasion! when, having laid aside your enmity against him, you on that day first consented that your present colleague should be your colleague, forgetting that the auspices had been announced by yourself as augur of the Roman people; and when your little son was sent by you to the Capitol to be a hostage for peace. On what day was the senate ever more joyful than on that day? or when was the Roman people more delighted? which had never met in greater numbers in any assembly whatever. Then, at last, we did appear to have been really delivered by brave men, because, as they had willed it to be, peace was following liberty. On the next day, on the day after that, on the third day, and on all the following days, you went on without intermission giving every day, as it were, some fresh present to the republic, but the greatest of all presents was that, when you abolished the name of the dictatorship. This was in effect branding the name of the dead Caesar with everlasting ignominy, and it was your doing,—yours, I say. For as, on account of the wickedness of one Marcus Manlius, by a resolution of the Manlian family it is unlawful that any patrician should be called Manlius, so you, on account of the hatred excited by one dictator, have utterly abolished the name of dictator.

When you had done these mighty exploits for the safety of the republic, did you repent of your fortune, or of the dignity and renown and glory which you had acquired? Whence then is this sudden change? I cannot be induced to suspect that you have been caught by the desire of acquiring money; every one may say what he pleases, but we are not bound to believe such a thing; for I never saw anything sordid or anything mean in you. Although a man's intimate friends do sometimes corrupt his natural disposition, still I know your firmness; and I only wish that, as you avoid that fault, you had been able also to escape all suspicion of it.

XIV. What I am more afraid of is lest, being ignorant of the true path to glory, you should think it glorious for you to have more power by yourself than all the rest of the people put together, and lest you should prefer being feared by your fellow-citizens to being loved by them. And if you do think so, you are ignorant of the road to glory. For a citizen to be dear to his fellow-citizens, to deserve well of the republic, to be praised, to be respected, to be loved, is glorious; but to be feared, and to be an object of hatred, is odious, detestable; and moreover, pregnant with weakness and decay. And we see that, even in the play, the very man who said,

Page 12

"What care I though all men should hate my name,
So long as fear accompanies their hate?"

found that it was a mischievous principle to act upon.

I wish, O Antonius, that you could recollect your grand father of whom, however, you have repeatedly heard me speak. Do you think that he would have been willing to deserve even immortality, at the price of being feared in consequence of his licentious use of arms? What he considered life, what he considered prosperity, was the being equal to the rest of the citizens in freedom, and chief of them all in worth. Therefore, to say no more of the prosperity of your grandfather, I should prefer that most bitter day of his death to the domination of Lucius Cinna, by whom he was most barbarously slain.

But why should I seek to make an impression on you by my speech? For, if the end of Caius Caesar cannot influence you to prefer being loved to being feared, no speech of any one will do any good or have any influence with you; and those who think him happy are themselves miserable. No one is happy who lives on such terms that he may be put to death not merely with impunity, but even to the great glory of his slayer. Wherefore, change your mind, I entreat you, and look back upon your ancestors, and govern the republic in such a way that your fellow-citizens may rejoice that you were born; without which no one can be happy nor illustrious.

XV. And, indeed, you have both of you had many judgments delivered respecting you by the Roman people, by which I am greatly concerned that you are not sufficiently influenced. For what was the meaning of the shouts of the innumerable crowd of citizens collected at the gladiatorial games? or of the verses made by the people? or of the extraordinary applause at the sight of the statue of Pompeius? and at that sight of the two tribunes of the people who are opposed to you? Are these things a feeble indication of the incredible unanimity of the entire Roman people? What more? Did the applause at the games of Apollo, or, I should rather say, testimony and judgment there given by the Roman people, appear to you of small importance? Oh! happy are those men who, though they themselves were unable to be present on account of the violence of arms, still were present in spirit, and had a place in the breasts and hearts of the Roman people. Unless, perhaps, you think that it was Accius who was applauded on that occasion, and who bore off the palm sixty years after his first appearance, and not Brutus, who was absent from the games which he himself was exhibiting, while at that most splendid spectacle the Roman people showed their zeal in his favour though he was absent, and soothed their own regret for their deliverer by uninterrupted applause and clamour.

Page 13

I myself, indeed, am a man who have at all times despised that applause which is bestowed by the vulgar crowd, but at the same time, when it is bestowed by those of the highest, and of the middle, and of the lowest rank, and, in short, by all ranks together, and when those men who were previously accustomed to aim at nothing but the favour of the people keep aloof, I then think that, not mere applause, but a deliberate verdict. If this appears to you unimportant, which is in reality most significant, do you also despise the fact of which you have had experience,—namely, that the life of Aulus Hirtius is so dear to the Roman people? For it was sufficient for him to be esteemed by the Roman people as he is; to be popular among his friends, in which respect he surpasses everybody; to be beloved by his own kinsmen, who do love him beyond measure; but in whose case before do we ever recollect such anxiety and such fear being manifested? Certainly in no one's.

What, then, are we to do? In the name of the immortal gods, can you interpret these facts, and see what is their purport? What do you think that those men think of your lives, to whom the lives of those men who they hope will consult the welfare of the republic are so dear? I have reaped, O conscript fathers, the reward of my return, since I have said enough to bear testimony of my consistency whatever event may befall me, and since I have been kindly and attentively listened to by you. And if I have such opportunities frequently without exposing both myself and you to danger, I shall avail myself of them. If not, as far as I can I shall reserve myself not for myself, but rather for the republic. I have lived long enough for the course of human life, or for my own glory. If any additional life is granted to me, it shall be bestowed not so much on myself as on you and on the republic.

THE SECOND SPEECH OF M.T. CICERO AGAINST MARCUS ANTONIUS.

Called also the second Philippic.

* * * * *

The argument.

This second speech was not actually spoken at all. Antonius was greatly enraged at the first speech, and summoned another meeting of the senate for the nineteenth day of the month, giving Cicero especial notice to be present, and he employed the interval in preparing an invective against Cicero, and a reply to the first Philippic. The senate met in the temple of Concord, but Cicero himself was persuaded not to attend by his friends, who were afraid of Antonius proceeding to actual violence against him, (and indeed he brought a strong guard of armed men with him to the senate) He spoke with the greatest fury against Cicero, charging him with having been the principal author and

contriver of Caesar's murder, hoping by this to inflame the soldiers, whom he had posted within hearing of his harangue.

Page 14

Soon after this, Cicero removed to a villa near Naples for greater safety, and here he composed this second Philippic, which he did not publish immediately, but contented himself at first with sending a copy to Brutus and Cassius, who were much pleased with it.

I. To what destiny of mine, O conscript fathers, shall I say that it is owing, that none for the last twenty years has been an enemy to the republic without at the same time declaring war against me? Nor is there any necessity for naming any particular person; you yourselves recollect instances in proof of my statement. They have all hitherto suffered severer punishments than I could have wished for them; but I marvel that you, O Antonius, do not fear the end of those men whose conduct you are imitating. And in others I was less surprised at this. None of those men of former times was a voluntary enemy to me; all of them were attacked by me for the sake of the republic. But you, who have never been injured by me, not even by a word, in order to appear more audacious than Catiline, more frantic than Clodius, have of your own accord attacked me with abuse, and have considered that your alienation from me would be a recommendation of you to impious citizens.

What am I to think? that I have been despised? I see nothing either in my life, or in my influence in the city, or in my exploits, or even in the moderate abilities with which I am endowed, which Antonius can despise. Did he think that it was easiest to disparage me in the senate? a body which has borne its testimony in favour of many most illustrious citizens that they governed the republic well, but in favour of me alone, of all men, that I preserved it. Or did he wish to contend with me in a rivalry of eloquence? This, indeed, is an act of generosity; for what could be a more fertile or richer subject for me, than to have to speak in defence of myself, and against Antonius? This, in fact, is the truth. He thought it impossible to prove to the satisfaction of those men who resembled himself, that he was an enemy to his country, if he was not also an enemy to me. And before I make him any reply on the other topics of his speech, I will say a few words; respecting the friendship formerly subsisting between us, which he has accused me of violating,—for that I consider a most serious charge.

II. He has complained that I pleaded once against his interest. Was I not to plead against one with whom I was quite I unconnected, in behalf of an intimate acquaintance, of a dear friend? Was I not to plead against interest acquired not by hopes of virtue, but by the disgrace of youth? Was I not to plead against an injustice which that man procured to be done by the obsequiousness of a most iniquitous interposer of his veto, not by any law regulating the privileges of the praetor? But I imagine that this was mentioned by you, in order that you might recommend yourself to the citizens, if they all recollected that you were the son-in-law of a freedman, and that your children were the grandsons of Quintus Fadius a freedman.

Page 15

But you had entirely devoted yourself to my principles; (for this is what you said;) you had been in the habit of coming to my house. In truth, if you had done so, you would more have consulted your own character and your reputation for chastity. But you did not do so, nor, if you had wished it, would Caius Curio have ever suffered you to do so. You have said, that you retired in my favour from the contest for the augurship. Oh the incredible audacity! oh the monstrous impudence of such an assertion! For, at the time when Cnaeus Pompeius and Quintus Hortensius named me as augur, after I had been wished for as such by the whole college, (for it was not lawful for me to be put in nomination by more than two members of the college,) you were notoriously insolvent, nor did you think it possible for your safety to be secured by any other means than by the destruction of the republic. But was it possible for you to stand for the augurship at a time when Curio was not in Italy? or even at the time when you were elected, could you have got the votes of one single tribe without the aid of Curio? whose intimate friends even were convicted of violence for having been too zealous in your favour.

III. But I availed myself of your friendly assistance. Of what assistance? Although the instance which you cite I have myself at all times openly admitted. I preferred confessing that I was under obligations to you, to letting myself appear to any foolish person not sufficiently grateful. However, what was the kindness that you did me? not killing me at Brundisium? Would you then have slain the man whom the conqueror himself, who conferred on you, as you used to boast, the chief rank among all his robbers, had desired to be safe, and had enjoined to go to Italy? Grant that you could have slain him, is not this, O conscript fathers, such a kindness as is done by banditti, who are contented with being able to boast that they have granted their lives to all those men whose lives they have not taken? and if that were really a kindness, then these who slew that man by whom they themselves had been saved, and whom you yourself are in the habit of styling most illustrious men, would never have acquired such immortal glory. But what sort of kindness is it, to have abstained from committing nefarious wickedness? It is a case in which it ought not to appear so delightful to me not to have been killed by you, as miserable, that it should have been in your power to do such a thing with impunity. However, grant that it was a kindness, since no greater kindness could be received from a robber, still in what point can you call me ungrateful? Ought I not to complain of the ruin of the republic, lest I should appear ungrateful towards you? But in that complaint, mournful indeed and miserable, but still unavoidable for a man of that rank in which the senate and people of Rome have placed me, what did I say that was insulting? that was otherwise than moderate? that was otherwise than friendly? and what

Page 16

instance was it not of moderation to complain of the conduct of Marcus Antonius, and yet to abstain from any abusive expressions? especially when you had scattered abroad all relics of the republic; when everything was on sale at your house by the most infamous traffic; when you confessed that those laws which had never been promulgated, had been passed with reference to you, and by you; when you, being augur, had abolished the auspices; being consul, had taken away the power of interposing the veto; when you were escorted in the most shameful manner by armed guards; when, worn out with drunkenness and debauchery, you were every day performing all sorts of obscenities in that chaste house of yours. But I, as if I had to contend against Marcus Crassus, with whom I have had many severe struggles, and not with a most worthless gladiator, while complaining in dignified language of the state of the republic, did not say one word which could be called personal. Therefore, to-day I will make him understand with what great kindness he was then treated by me.

IV. But he also read letters which he said that I had sent to him, like a man devoid of humanity and ignorant of the common usages of life. For who ever, who was even but slightly acquainted with the habits of polite men, produced in an assembly and openly read letters which had been sent to him by a friend, just because some quarrel had arisen between them? Is not this destroying all companionship in life, destroying the means by which absent friends converse together? How many jests are frequently put in letters, which, if they were produced in public, would appear stupid! How many serious opinions, which, for all that, ought not to be published! Let this be a proof of your utter ignorance of courtesy. Now mark, also, his incredible folly. What have you to oppose to me, O you eloquent man, as you seem at least to Mustela Tamisius, and to Tiro Numisius? And while these men are standing at this very time in the sight of the senate with drawn swords, I too will think you an eloquent man if you will show how you would defend them if they were charged with being assassins. However what answer would you make if I were to deny that I ever sent those letters to you? By what evidence could you convict me? by my handwriting? Of handwriting indeed you have a lucrative knowledge.[9] How can you prove it in that manner? for the letters are written by an amanuensis. By this time I envy your teacher, who for all that payment, which I shall mention presently, has taught you to know nothing.

For what can be less like, I do not say an orator, but a man, than to reproach an adversary with a thing which if he denies by one single word, he who has reproached him cannot advance one step further? But I do not deny it; and in this very point I convict you not only of inhumanity but also of madness. For what expression is there in those letters which is not full of humanity and service and benevolence?

Page 17

and the whole of your charge amounts to this, that I do not express a bad opinion of you in those letters; that in them I wrote as to a citizen, and as to a virtuous man, not as to a wicked man and a robber. But your letters I will not produce, although I fairly might, now that I am thus challenged by you; letters in which you beg of me that you may be enabled by my consent to procure the recall of some one from exile; and you will not attempt it if I have any objection, and you prevail on me by your entreaties. For why should I put myself in the way of your audacity? when neither the authority of this body, nor the opinion of the Roman people, nor any laws are able to restrain you. However, what was the object of your addressing these entreaties to me, if the man for whom you were entreating was already restored by a law of Caesar's? I suppose the truth was, that he wished it to be done by me as a favour; in which matter there could not be any favour done even by himself, if a law was already passed for the purpose.

V. But as, O conscript fathers, I have many things which I must say both in my own defence and against Marcus Antonius, one thing I ask you, that you will listen to me with kindness while I am speaking for myself; the other I will ensure myself, namely, that you shall listen to me with attention while speaking against him. At the same time also, I beg this of you; that if you have been acquainted with my moderation and modesty throughout my whole life, and especially as a speaker, you will not, when to-day I answer this man in the spirit in which he has attacked me, think that I have forgotten my usual character. I will not treat him as a consul, for he did not treat me as a man of consular rank; and although he in no respect deserves to be considered a consul, whether we regard his way of life, or his principle of governing the republic, or the manner in which he was elected, I am beyond all dispute a man of consular rank.

That, therefore, you might understand what sort of a consul he professed to be himself, he reproached me with my consulship;—a consulship which, O conscript fathers, was in name, indeed, mine, but in reality yours. For what did I determine, what did I contrive, what did I do, that was not determined, contrived, or done, by the counsel and authority and in accordance with the sentiments of this order? And have you, O wise man, O man not merely eloquent, dared to find fault with these actions before the very men by whose counsel and wisdom they were performed? But who was ever found before, except Publius Clodius, to find fault with my consulship? And his fate indeed awaits you, as it also awaited Caius Curio; since that is now in your house which was fatal to each of them.[10]

Page 18

Marcus Antonius disapproves of my consulship; but it was approved of by Publius Servilius—to name that man first of the men of consular rank who had died most recently. It was approved of by Quintus Catulus, whose authority will always carry weight in this republic; it was approved of by the two Luculli, by Marcus Crassus, by Quintus Hortensius, by Caius Curio, by Caius Piso, by Marcus Glabrio, by Marcus Lepidus, by Lucius Volcatius, by Caius Figulus, by Decimus Silanus and Lucius Murena, who at that time were the consuls elect; the same consulship also which was approved of by those men of consular rank, was approved of by Marcus Cato; who escaped many evils by departing from this life, and especially the evil of seeing you consul. But, above all, my consulship was approved of by Cnaeus Pompeius, who, when he first saw me, as he was leaving Syria, embracing me and congratulating me, said, that it was owing to my services that he was about to see his country again. But why should I mention individuals? It was approved of by the senate, in a very full house, so completely, that there was no one who did not thank me as if I had been his parent, who did not attribute to me the salvation of his life, of his fortunes, of his children, and of the republic.

Vi. But, since the republic has been now deprived of those men whom I have named, many and illustrious as they were, let us come to the living, since two of the men of consular rank are still left to us: Lucius Cotta, a man of the greatest genius and the most consummate prudence, proposed a supplication in my honour for those very actions with which you find fault, in the most complimentary language, and those very men of consular rank whom I have named, and the whole senate, adopted his proposal; an honour which has never been paid to any one else in the garb of peace from the foundation of the city to my time. With what eloquence, with what firm wisdom, with what a weight of authority did Lucius Caesar your uncle, pronounce his opinion against the husband of his own sister, your stepfather. But you, when you ought to have taken him as your adviser and tutor in all your designs, and in the whole conduct of your life, preferred being like your stepfather to resembling your uncle. I, who had no connexion with him, acted by his counsels while I was consul. Did you, who were his sister's son, ever once consult him on the affairs of the republic?

But who are they whom Antonius does consult? O ye immortal gods, they are men whose birthdays we have still to learn. To-day Antonius is not coming down. Why? He is celebrating the birthday feast at his villa. In whose honour? I will name no one. Suppose it is in honour of some Phormio, or Gnatho, or even Ballio.[11] Oh the abominable profligacy of the man! Oh how intolerable is his impudence, his debauchery, and his lust! Can you, when you have one of the chiefs of the senate, a citizen of singular virtue, so nearly related to you, abstain from ever consulting him on the affairs of the republic, and consult men who have no property whatever of their own, and are draining yours?

Page 19

VII. Yes, your consulship, forsooth, is a salutary one for the state, mine a mischievous one. Have you so entirely lost all shame as well as all chastity, that you could venture to say this in that temple in which I was consulting that senate which formerly in the full enjoyment of its honours presided over the world? And did you place around it abandoned men armed with swords? But you have dared besides (what is there which you would not dare?) to say that the Capitoline Hill, when I was consul, was full of armed slaves. I was offering violence to the senate, I suppose, in order to compel the adoption of those infamous decrees of the senate. O wretched man, whether those things are not known to you, (for you know nothing that is good,) or whether they are, when you dare to speak so shamelessly before such men! For what Roman knight was there, what youth of noble birth except you, what man of any rank or class who recollected that he was a citizen, who was not on the Capitoline Hill while the senate was assembled in this temple? who was there, who did not give in his name? Although there could not be provided checks enough, nor were the books able to contain their names.

In truth, when wicked men, being compelled by the revelations of the accomplices, by their own handwriting, and by what I may almost call the voices of their letters, were confessing that they had planned the parricidal destruction of their country, and that they had agreed to burn the city, to massacre the citizens, to devastate Italy, to destroy the republic; who could have existed without being roused to defend the common safety? especially when the senate and people of Rome had a leader then; and if they had one now like he was then, the same fate would befall you which did overtake them.

He asserts that the body of his stepfather was not allowed burial by me. But this is an assertion that was never made by Publius Clodius, a man whom, as I was deservedly an enemy of his, I grieve now to see surpassed by you in every sort of vice. But how could it occur to you to recal to our recollection that you had been educated in the house of Publius Lentulus? Were you afraid that we might think that you could have turned out as infamous as you are by the mere force of nature, if your natural qualities had not been strengthened by education?

VIII. But you are so senseless that throughout the whole of your speech you were at variance with yourself; so that you said things which had not only no coherence with each other but which were most inconsistent with and contradictory to one another; so that there was not so much opposition between you and me as there was between you and yourself. You confessed that your stepfather had been duplicated in that enormous wickedness, yet you complained that he had had punishment inflicted on him. And by doing so you praised what was peculiarly my achievement, and blamed that which was wholly the act of the senate. For the

Page 20

detection and arrest of the guilty parties was my work, their punishment was the work of the senate. But that eloquent man does not perceive that the man against whom he is speaking is being praised by him, and that those before whom he is speaking are being attacked by him. But now what an act, I will not say of audacity, (for he is anxious to be audacious,) but (and that is what he is not desirous of) what an act of folly, in which he surpasses all men, is it to make mention of the Capitoline Hill, at a time when armed men are actually between our benches—when men, armed with swords, are now stationed in this same temple of Concord, O ye immortal gods, in which, while I was consul, opinions most salutary to the state were delivered, owing to which it is that we are all alive at this day.

Accuse the senate; accuse the equestrian body, which at that time was united with the senate; accuse every order of society, and all the citizens, as long as you confess that this assembly at this very moment is besieged by Ityorean^[12] soldiers. It is not so much a proof of audacity to advance these statements so impudently, as of utter want of sense to be unable to see their contradictory nature. For what is more insane than, after you yourself have taken up arms to do mischief to the republic, to reproach another with having taken them up to secure its safety? On one occasion you attempted even to be witty. O ye good gods, how little did that attempt suit you! And yet you are a little to be blamed for your failure in that instance, too. For you might have got some wit from your wife, who was an actress. “Arms to the gown must yield.” Well, have they not yielded? But afterwards the gown yielded to your arms. Let us inquire then whether it was better for the arms of wicked men to yield to the freedom of the Roman people, or that our liberty should yield to your arms. Nor will I make any further reply to you about the verses. I will only say briefly that you do not understand them, nor any other literature whatever. That I have never at any time been wanting to the claims that either the republic or my friends had upon me; but nevertheless that in all the different sorts of composition on which I have employed myself, during my leisure hours, I have always endeavoured to make my labours and my writings such as to be some advantage to our youth, and some credit to the Roman name. But, however, all this has nothing to do with the present occasion. Let us consider more important matters.

IX. You have said that Publius Clodius was slain by my contrivance. What would men have thought if he had been slain at the time when you pursued him in the forum with a drawn sword, in the sight of all the Roman people; and when you would have settled his business if he had not thrown himself up the stairs of a bookseller's shop, and, shutting them against you, checked your attack by that means? And I confess that at that time I favoured you, but even

Page 21

you yourself do not say that I had advised your attempt. But as for Milo, it was not possible even for me to favour his action. For he had finished the business before any one could suspect that he was going to do it. Oh, but I advised it. I suppose Milo was a man of such a disposition that he was not able to do a service to the republic if he had not some one to advise him to do it. But I rejoiced at it. Well, suppose I did; was I to be the only sorrowful person in the city, when every one else was in such delight? Although that inquiry into the death of Publius Clodius was not instituted with any great wisdom. For what was the reason for having a new law to inquire into the conduct of the man who had slain him, when there was a form of inquiry already established by the laws? However, an inquiry was instituted. And have you now been found, so many years afterwards, to say a thing which, at the time that the affair was under discussion, no one ventured to say against me? But as to the assertion that you have dared to make, and that at great length too, that it was by my means that Pompeius was alienated from his friendship with Caesar, and that on that account it was my fault that the civil war was originated; in that you have not erred so much in the main facts, as (and that is of the greatest importance) in the times.

X. When Marcus Bibulus, a most illustrious citizen, was consul, I omitted nothing which I could possibly do or attempt to draw off Pompeius from his union with Caesar. In which, however, Caesar was more fortunate than I, for he himself drew off Pompeius from his intimacy with me. But afterwards, when Pompeius joined Caesar with all his heart, what could have been my object in attempting to separate them then? It would have been the part of a fool to hope to do so, and of an impudent man to advise it. However, two occasions did arise, on which I gave Pompeius advice against Caesar. You are at liberty to find fault with my conduct on those occasions if you can. One was when I advised him not to continue Caesar's government for five years more. The other, when I advised him not to permit him to be considered as a candidate for the consulship when he was absent. And if I had been able to prevail on him in either of these particulars, we should never have fallen into our present miseries.

Moreover, I also, when Pompeius had now devoted to the service of Caesar all his own power, and all the power of the Roman people, and had begun when it was too late to perceive all those things which I had foreseen long before, and when I saw that a nefarious war was about to be waged against our country, I never ceased to be the adviser of peace, and concord, and some arrangement. And that language of mine was well known to many people,—“I wish, O Cnaeus Pompeius, that you had either never joined in a confederacy with Caius Caesar, or else that you had never broken it off. The one conduct would have become your dignity, and the other would have been suited to your prudence.” This, O Marcus Antonius, was at all times my advice both respecting Pompeius and concerning the republic. And if it had prevailed, the republic would still be standing, and you would have perished through your own crimes, and indigence, and infamy.

Page 22

XI. But these are all old stories now. This charge, however, is quite a modern one, that Caesar was slain by my contrivance. I am afraid, O conscript fathers, lest I should appear to you to have brought up a sham accuser against myself (which is a most disgraceful thing to do); a man not only to distinguish me by the praises which are my due, but to load me also with those which do not belong to me. For who ever heard my name mentioned as an accomplice in that most glorious action? and whose name has been concealed who was in the number of that gallant band? Concealed, do I say? Whose name was there which was not at once made public? I should sooner say that some men had boasted in order to appear to have been concerned in that conspiracy, though they had in reality known nothing of it, than that any one who had been an accomplice in it could have wished to be concealed. Moreover, how likely it is, that among such a number of men, some obscure, some young men who had not the wit to conceal any one, my name could possibly have escaped notice! Indeed, if leaders were wanted for the purpose of delivering the country, what need was there of my instigating the Bruti, one of whom saw every day in his house the image of Lucius Brutus, and the other saw also the image of Ahala? Were these the men to seek counsel from the ancestors of others rather than from their own? and out of doors rather than at home? What? Caius Cassius, a man of that family which could not endure, I will not say the domination, but even the power of any individual,—he, I suppose, was in need of me to instigate him? a man who, even without the assistance of these other most illustrious men, would have accomplished this same deed in Cilicia, at the mouth of the river Cydnus, if Caesar had brought his ships to that bank of the river which he had intended, and not to the opposite one. Was Cnaeus Domitius spurred on to seek to recover his dignity, not by the death of his father, a most illustrious man, nor by the death of his uncle, nor by the deprivation of his own dignity, but by my advice and authority? Did I persuade Caius Trebonius? a man whom I should not have ventured even to advise. On which account the republic owes him even a larger debt of gratitude, because he preferred the liberty of the Roman people to the friendship of one man, and because he preferred overthrowing arbitrary power to sharing it. Was I the instigator whom Lucius Tillius Cimber followed? a man whom I admired for having performed that action, rather than ever expected that he would perform it; and I admired him on this account, that he was unmindful of the personal kindnesses which he had received, but mindful of his country. What shall I say of the two Servilii? Shall I call them Cascas, or Ahalas? and do you think that those men were instigated by my authority rather than by their affection for the republic? It would take a long time to go through all the rest; and it is a glorious thing for the republic that they were so numerous, and a most honourable thing also for themselves.

Page 23

XII. But recollect, I pray you, how that clever man convicted me of being an accomplice in the business. When Caesar was slain, says he, Marcus Brutus immediately lifted up on high his bloody dagger, and called on Cicero by name; and congratulated him on liberty being recovered. Why on me above all men? Because I knew of it beforehand? Consider rather whether this was not his reason for calling on me, that, when he had performed an action very like those which I myself had done, he called me above all men to witness that he had been an imitator of my exploits. But you, O stupidest of all men, do not you perceive, that if it is a crime to have wished that Caesar should be slain—which you accuse me of having wished—it is a crime also to have rejoiced at his death? For what is the difference between a man who has advised an action, and one who has approved of it? or what does it signify whether I wished it to be done, or rejoice that it has been done? Is there any one then, except you yourself and those men who wished him to become a king, who was unwilling that that deed should be done, or who disapproved of it after it was done? All men, therefore, are guilty as far as this goes. In truth, all good men, as far as it depended on them, bore a part in the slaying of Caesar. Some did not know how to contrive it, some had not courage for it, some had no opportunity,—every one had the inclination.

However, remark the stupidity of this fellow,—I should rather say, of this brute beast. For thus he spoke:—“Marcus Brutus, whom I name to do him honour, holding aloft his bloody dagger, called upon Cicero, from which it must be understood that he was privy to the action.” Am I then called wicked by you because you suspect that I suspected something; and is he who openly displayed his reeking dagger, named by you that you may do him honour? Be it so. Let this stupidity exist in your language: how much greater is it in your actions and opinions! Arrange matters in this way at last, O consul; pronounce the cause of the Bruti, of Caius Cassius, of Cnaeus Domitius, of Caius Trebonius and the rest to be whatever you please to call it: sleep off that intoxication of yours, sleep it off and take breath. Must one apply a torch to you to waken you while you are sleeping over such an important affair? Will you never understand that you have to decide whether those men who performed that action are homicides or assertors of freedom?

XIII. For just consider a little; and for a moment think of the business like a sober man. I who, as I myself confess, am an intimate friend of those men, and, as you accuse me, an accomplice of theirs, deny that there is any medium between these alternatives. I confess that they, if they be not deliverers of the Roman people and saviours of the republic, are worse than assassins, worse than homicides, worse even than parricides: since it is a more atrocious thing to murder the father of one's country,

Page 24

than one's own father. You wise and considerate man, what do you say to this? If they are parricides, why are they always named by you, both in this assembly and before the Roman people, with a view to do them honour? Why has Marcus Brutus[13] been, on your motion, excused from obedience to the laws, and allowed to be absent. Why were the games of Apollo celebrated with incredible honour to Marcus Brutus? why were provinces given to Brutus and Cassius? why were quaestors assigned to them? why was the number of their lieutenants augmented? And all these measures were owing to you. They are not homicides then. It follows that in your opinion they are deliverers of their country, since there can be no other alternative. What is the matter? Am I embarrassing you? For perhaps you do not quite understand propositions which are stated disjunctively. Still this is the sum total of my conclusion; that since they are acquitted by you of wickedness, they are at the same time pronounced most worthy of the very most honourable rewards.

Therefore, I will now proceed again with my oration. I will write to them, if any one by chance should ask whether what you have imputed to me be true, not to deny it to any one. In truth, I am afraid that it must be considered either a not very creditable thing to them, that they should have concealed the fact of my being an accomplice; or else a most discreditable one to me that I was invited to be one, and that I shirked it. For what greater exploit (I call you to witness, O august Jupiter!) was ever achieved not only in this city, but in all the earth? What more glorious action was ever done? What deed was ever more deservedly recommended to the everlasting recollection of men? Do you, then, shut me up with the other leaders in the partnership in this design, as in the Trojan horse? I have no objection; I even thank you for doing so, with whatever intent you do it. For the deed is so great an one, that I cannot compare the unpopularity which you wish to excite against me on account of it, with its real glory.

For who can be happier than those men whom you boast of having now expelled and driven from the city? What place is there either so deserted or so uncivilized, as not to seem to greet and to covet the presence of those men wherever they have arrived? What men are so clownish as not, when they have once beheld them, to think that they have reaped the greatest enjoyment that life can give? And what posterity will be ever so forgetful, what literature will ever be found so ungrateful, as not to cherish their glory with undying recollection? Enrol me then, I beg, in the number of those men.

Page 25

XIV. But one thing I am afraid you may not approve of. For if I had really been one of their number, I should have not only got rid of the king, but of the kingly power also out of the republic; and if I had been the author of the piece, as it is said, believe me, I should not have been contented with one act, but should have finished the whole play. Although, if it be a crime to have wished that Caesar might be put to death, beware, I pray you, O Antonius, of what must be your own case, as it is notorious that you, when at Narbo, formed a plan of the same sort with Caius Trebonius; and it was on account of your participation in that design that, when Caesar was being killed, we saw you called aside by Trebonius. But I (see how far I am from any horrible inclination towards,) praise you for having once in your life had a righteous intention; I return you thanks for not having revealed the matter; and I excuse you for not having accomplished your purpose. That exploit required a man.

And if any one should institute a prosecution against you, and employ that test of old Cassius, "who reaped any advantage from it?" take care, I advise you, lest you suit that description. Although, in truth, that action was, as you used to say, an advantage to every one who was not willing to be a slave, still it was so to you above all men, who are not merely not a slave, but are actually a king; who delivered yourself from an enormous burden of debt at the temple of Ops; who, by your dealings with the account books, there squandered a countless sum of money; who have had such vast treasures brought to you from Caesar's house; at whose own house there is set up a most lucrative manufactory of false memoranda and autographs, and a most iniquitous market of lands, and towns, and exemptions, and revenues. In truth, what measure except the death of Caesar could possibly have been any relief to your indigent and insolvent condition? You appear to be somewhat agitated. Have you any secret fear that you yourself may appear to have had some connexion with that crime? I will release you from all apprehension; no one will ever believe it; it is not like you to deserve well of the republic; the most illustrious men in the republic are the authors of that exploit; I only say that you are glad it was done; I do not accuse you of having done it. I have replied to your heaviest accusations, I must now also reply to the rest of them.

XV. You have thrown in my teeth the camp of Pompeius and all my conduct at that time. At which time, indeed, if, as I have said before, my counsels and my authority had prevailed, you would this day be in indigence, we should be free, and the republic would not have lost so many generals and so many armies. For I confess that, when I saw that these things certainly would happen, which now have happened, I was as greatly grieved as all the other virtuous citizens would have been if they had foreseen the same things. I did

Page 26

grieve, I did grieve, O conscript fathers, that the republic which had once been saved by your counsels and mine, was fated to perish in a short time. Nor was I so inexperienced in and ignorant of this nature of things, as to be disheartened on account of a fondness for life, which while it endured would wear me out with anguish, and when brought to an end would release me from all trouble. But I was desirous that those most illustrious men, the lights of the republic, should live: so many men of consular rank, so many men of praetorian rank, so many most honourable senators; and besides them all the flower of our nobility and of our youth; and the armies of excellent citizens. And if they were still alive, under ever such hard conditions of peace, (for any sort of peace with our fellow-citizens appeared to me more desirable than civil war,) we should be still this day enjoying the republic.

And if my opinion had prevailed, and if those men, the preservation of whose lives was my main object, elated with the hope of victory, had not been my chief opposers, to say nothing of other results, at all events you would never have continued in this order, or rather in this city. But say you, my speech alienated from me the regard of Pompeius? Was there any one to whom he was more attached? any one with whom he conversed or shared his counsels more frequently? It was, indeed, a great thing that we, differing as we did respecting the general interests of the republic, should continue in uninterrupted friendship. But I saw clearly what his opinions and views were, and he saw mine equally. I was for providing for the safety of the citizens in the first place, in order that we might be able to consult their dignity afterwards. He thought more of consulting their existing dignity. But because each of us had a definite object to pursue, our disagreement was the more endurable. But what that extraordinary and almost godlike man thought of me is known to those men who pursued him to Paphos from the battle of Pharsalia. No mention of me was ever made by him that was not the most honourable that could be, that was not full of the most friendly regret for me; while he confessed that I had had the most foresight, but that he had had more sanguine hopes. And do you dare taunt me with the name of that man whose friend you admit that I was, and whose assassin you confess yourself?

XVI. However, let us say no more of that war, in which you were too fortunate. I will not reply even with those jests to which you have said that I gave utterance in the camp. That camp was in truth full of anxiety, but although men are in great difficulties, still, provided they are men, they sometimes relax their minds. But the fact that the same man finds fault with my melancholy, and also with my jokes, is a great proof that I was very moderate in each particular.

Page 27

You have said that no inheritances come to me. Would that this accusation of yours were a true one; I should have more of my friends and connexions alive. But how could such a charge ever come into your head? For I have received more than twenty millions of sesterces in inheritances. Although in this particular I admit that you have been more fortunate than I. No one has ever made me his heir except he was a friend of mine, in order that my grief of mind for his loss might be accompanied also with some gain, if it was to be considered as such. But a man whom you never even saw, Lucius Rubrius, of Casinum, made you his heir. And see now how much he loved you, who, though he did not know whether you were white or black, passed over the son of his brother, Quintus Fufius, a most honourable Roman knight, and most attached to him, whom he had on all occasions openly declared his heir, (he never even names him in his will,) and he makes you his heir whom he had never seen, or at all events had never spoken to.

I wish you would tell me, if it is not too much trouble, what sort of countenance Lucius Turselius was of; what sort of height; from what municipal town he came; and of what tribe he was a member. "I know nothing," you will say, "about him, except what farms he had." Therefore, he, disinheriting his brother, made you his heir. And besides these instances, this man has seized on much other property belonging to men wholly unconnected with him, to the exclusion of the legitimate heirs, as if he himself were the heir. Although the thing that struck me with most astonishment of all was, that you should venture to make mention of inheritances, when you yourself had not received the inheritance of your own father.

XVII. And was it in order to collect all these arguments, O you most senseless of men, that you spent so many days in practising declamation in another man's villa? Although, indeed, (as your most intimate friends usually say,) you are in the habit of declaiming, not for the purpose of whetting your genius, but of working off the effects of wine. And, indeed, you employ a master to teach you jokes, a man appointed by your own vote and that of your boon companions; a rhetorician, whom you have allowed to say what ever he pleased against you, a thoroughly facetious gentleman; but there are plenty of materials for speaking against you and against your friends. But just see now what a difference there is between you and your grandfather. He used with great deliberation to bring forth arguments advantageous to the cause he was advocating; you pour forth in a hurry the sentiments which you have been taught by another. And what wages have you paid this rhetorician? Listen, listen, O conscript fathers, and learn the blows which are inflicted on the republic. You have assigned, O Antonius, two thousand acres^[14] which is often translated acre also, of land, in the Leontine district, to Sextus Clodius, the rhetorician,

Page 28

and those, too, exempt from every kind of tax, for the sake of putting the Roman people to such a vast expense that you might learn to be a fool. Was this gift, too, O you most audacious of men, found among Caesar's papers? But I will take another opportunity to speak about the Leontine and the Campanian district; where he has stolen lands from the republic to pollute them with most infamous owners. For now, since I have sufficiently replied to all his charges, I must say a little about our corrector and censor himself. And yet I will not say all I could, in order that if I have often to battle with him I may always come to the contest with fresh arms; and the multitude of his vices and atrocities will easily enable me to do so.

XVIII. Shall we then examine your conduct from the time when you were a boy? I think so. Let us begin at the beginning. Do you recollect that, while you were still clad in the praetexta, you became a bankrupt? That was the fault of your father, you will say. I admit that. In truth, such a defence is full of filial affection. But it is peculiarly suited to your own audacity, that you sat among the fourteen rows of the knights, though by the Roscian law there was a place appointed for bankrupts, even if any one had become so.

XIX. But let us say no more of your profligacy and debauchery. There are things which it is not possible for me to mention with honour; but you are all the more free for that, inasmuch as you have not scrupled to be an actor in scenes which a modest enemy cannot bring himself to mention.

Mark now, O conscript fathers, the rest of his life, which I will touch upon rapidly. For my inclination hastens to arrive at those things which he did in the time of the civil war, amid the greatest miseries of the republic, and at those things which he does every day. And I beg of you, though they are far better known to you than they are to me, still to listen attentively, as you are doing, to my relation of them. For in such cases as this, it is not the mere knowledge of such actions that ought to excite the mind, but the recollection of them also. Although we must at once go into the middle of them, lest otherwise we should be too long in coming to the end.

He was very intimate with Clodius at the time of his tribuneship; he, who now enumerates the kindnesses which he did me. He was the firebrand to handle all conflagrations; and even in his house he attempted something. He himself well knows what I allude to. From thence he made a journey to Alexandria, in defiance of the authority of the senate, and against the interests of the republic, and in spite of religious obstacles; but he had Gabinius for his leader, with whom whatever he did was sure to be right. What were the circumstances of his return from thence? what sort of return was it? He went from Egypt to the furthest extremity of Gaul before he returned home. And what was his home? For at that time every man had possession of his own house; and you had no house anywhere, O Antonius. House, do you say? what place was

there in the whole world where you could set your foot on anything that belonged to you, except Mienum, which you farmed with your partners, as if it had been Sisapo?[15]

Page 29

XX. You came from Gaul to stand for the quaestorship. Dare to say that you went to your own father before you came to me. I had already received Caesar's letters, begging me to allow myself to accept of your excuses; and therefore, I did not allow you even to mention thanks. After that, I was treated with respect by you, and you received attentions from me in your canvass for the quaestorship. And it was at that time, indeed, that you endeavoured to slay Publius Clodius in the forum, with the approbation of the Roman people; and though you made the attempt of your own accord, and not at my instigation, still you clearly alleged that you did not think, unless you slew him, that you could possibly make amends to me for all the injuries which you had done me. And this makes me wonder why you should say that Milo did that deed at my instigation; when I never once exhorted you to do it, who of your own accord attempted to do me the same service. Although, if you had persisted in it, I should have preferred allowing the action to be set down entirely to your own love of glory rather than to my influence.

You were elected quaestor. On this, immediately, without any resolution of the senate authorizing such a step, without drawing lots, without procuring any law to be passed, you hastened to Caesar. For you thought the camp the only refuge on earth for indigence, and debt, and profligacy,—for all men, in short, who were in a state of utter ruin. Then, when you had recruited your resources again by his largesses and your own robberies, (if, indeed, a person can be said to recruit, who only acquires something which he may immediately squander,) you hastened, being again a beggar, to the tribuneship, in order that in that magistracy you might, if possible, behave like your friend.

XXI. Listen now, I beseech you, O conscript fathers, not to those things which he did indecently and profligately to his own injury and to his own disgrace as a private individual; but to the actions which he did impiously and wickedly against us and our fortunes,—that is to say, against the whole republic. For it is from his wickedness that you will find that the beginning of all these evils has arisen.

For when, in the consulship of Lucius Lentulus and Marcus Marcellus, you, on the first of January, were anxious to prop up the republic, which was tottering and almost falling, and were willing to consult the interests of Caius Caesar himself, if he would have acted like a man in his senses, then this fellow opposed to your counsels his tribuneship, which he had sold and handed over to the purchaser, and exposed his own neck to that axe under which many have suffered for smaller crimes. It was against you, O Marcus Antonius, that the senate, while still in the possession of its rights, before so many of its luminaries were extinguished, passed that decree which, in accordance with the usage of our ancestors, is at times passed

Page 30

against an enemy who is a citizen. And have you dared, before these conscript fathers, to say anything against me, when I have been pronounced by this order to be the saviour of my country, and when you have been declared by it to be an enemy of the republic? The mention of that wickedness of yours has been interrupted, but the recollection of it has not been effaced. As long as the race of men, as long as the name of the Roman people shall exist, (and that, unless it is prevented from being so by your means, will be everlasting,) so long will that most mischievous interposition of your veto be spoken of. What was there that was being done by the senate either ambitiously or rashly, when you, one single young man, forbade the whole order to pass decrees concerning the safety of the republic? and when you did so, not once only, but repeatedly? nor would you allow any one to plead with you in behalf of the authority of the senate; and yet, what did any one entreat of you, except that you would not desire the republic to be entirely overthrown and destroyed; when neither the chief men of the state by their entreaties, nor the elders by their warnings, nor the senate in a full house by pleading with you, could move you from the determination which you had already sold and as it were delivered to the purchaser? Then it was, after having tried many other expedients previously, that a blow was of necessity struck at you which had been struck at only few men before you, and which none of them had ever survived. Then it was that this order armed the consuls, and the rest of the magistrates who were invested with either military or civil command, against you, and you never would have escaped them, if you had not taken refuge in the camp of Caesar.

XXII. It was you, you, I say, O Marcus Antonius, who gave Caius Caesar, desirous as he already was to throw everything into confusion, the principal pretext for waging war against his country. For what other pretence did he allege? what cause did he give for his own most frantic resolution and action, except that the power of interposition by the veto had been disregarded, the privileges of the tribunes taken away, and Antonius's rights abridged by the senate? I say nothing of how false, how trivial these pretences were; especially when there could not possibly be any reasonable cause whatever to justify any one in taking up arms against his country. But I have nothing to do with Caesar. You must unquestionably allow, that the cause of that ruinous war existed in your person.

O miserable man if you are aware, more miserable still if you are not aware, that this is recorded in writings, is handed down to men's recollection, that our very latest posterity in the most distant ages will never forget this fact, that the consuls were expelled from Italy, and with them Cnaeus Pompeius, who was the glory and light of the empire of the Roman people; that all the men of consular rank, whose health would

Page 31

allow them to share in that disaster and that flight, and the praetors, and men of praetorian rank, and the tribunes of the people, and a great part of the senate, and all the flower of the youth of the city, and, in a word, the republic itself was driven out and expelled from its abode. As, then, there is in seeds the cause which produces trees and plants, so of this most lamentable war you were the seed. Do you, O conscript fathers, grieve that these armies of the Roman people have been slain? It is Antonius who slew them. Do you regret your most illustrious citizens? It is Antonius, again, who has deprived you of them. The authority of this order is overthrown; it is Antonius who has overthrown it. Everything, in short, which we have seen since that time, (and what misfortune is there that we have not seen?) we shall, if we argue rightly, attribute wholly to Antonius. As Helen was to the Trojans, so has that man been to this republic,—the cause of war, the cause of mischief, the cause of ruin. The rest of his tribuneship was like the beginning. He did everything which the senate had laboured to prevent, as being impossible to be done consistently with the safety of the republic. And see, now, how gratuitously wicked he was even in accomplishing his wickedness.

XXIII. He restored many men who had fallen under misfortune. Among them no mention was made of his uncle. If he was severe, why was he not so to every one? If he was merciful, why was he not merciful to his own relations? But I say nothing of the rest. He restored Licinius Lenticula, a man who had been condemned for gambling, and who was a fellow-gamester of his own. As if he could not play with a condemned man; but in reality, in order to pay by a straining of the law in his favour, what he had lost by the dice. What reason did you allege to the Roman people why it was desirable that he should be restored? I suppose you said that he was absent when the prosecution was instituted against him; that the cause was decided without his having been heard in his defence; that there was not by a law any judicial proceeding established with reference to gambling; that he had been put down by violence or by arms; or lastly, as was said in the case of your uncle, that the tribunal had been bribed with money. Nothing of this sort was said. Then he was a good man, and one worthy of the republic. That, indeed, would have been nothing to the purpose, but still, since being condemned does not go for much, I would forgive you if that were the truth. Does not he restore to the full possession of his former privileges the most worthless man possible,—one who would not hesitate to play at dice even in the forum, and who had been convicted under the law which exists respecting gambling,—does not he declare in the most open manner his own propensities?

Page 32

Then in this same tribuneship, when Caesar while on his way into Spain had given him Italy to trample on, what journeys did he make in every direction! how did he visit the municipal towns! I know that I am only speaking of matters which have been discussed in every one's conversation, and that the things which I am saying and am going to say are better known to every one who was in Italy at that time, than to me, who was not. Still I mention the particulars of his conduct, although my speech cannot possibly come up to your own personal knowledge. When was such wickedness ever heard of as existing upon earth? or such shamelessness? or such open infamy?

XXIV. The tribune of the people was borne along in a chariot, lictors crowned with laurel preceded him; among whom, on an open litter, was carried an actress; whom honourable men, citizens of the different municipalities, coming out from their towns under compulsion to meet him, saluted not by the name by which she was well known on the stage, but by that of Volumnia.[16] A car followed full of pimps; then a lot of debauched companions; and then his mother, utterly neglected, followed the mistress of her profligate son, as if she had been her daughter-in-law. O the disastrous fecundity of that miserable woman! With the marks of such wickedness as this did that fellow stamp every municipality, and prefecture, and colony, and, in short, the whole of Italy.

To find fault with the rest of his actions, O conscript fathers, is difficult, and somewhat unsafe. He was occupied in war; he glutted himself with the slaughter of citizens who bore no resemblance to himself. He was fortunate—if at least there can be any good fortune in wickedness. But since we wish to show a regard for the veterans, although the cause of the soldiers is very different from yours; they followed their chief; you went to seek for a leader; still, (that I may not give you any pretence for stirring up odium against me among them,) I will say nothing of the nature of the war.

When victorious, you returned with the legions from Thessaly to Brundisium. There you did not put me to death. It was a great kindness! For I confess that you could have done it. Although there was no one of those men who were with you at that time, who did not think that I ought to be spared. For so great is men's affection for their country, that I was sacred even in the eyes of your legions, because they recollected that the country had been saved by me. However, grant that you did give me what you did not take away from me; and that I have my life as a present from you, since it was not taken from me by you; was it possible for me, after all your insults, to regard that kindness of yours as I regarded it at first, especially after you saw that you must hear this reply from me?

Page 33

XXV. You came to Brundisium, to the bosom and embraces of your actress. What is the matter? Am I speaking falsely? How miserable is it not to be able to deny a fact which it is disgraceful to confess! If you had no shame before the municipal towns, had you none even before your veteran army? For what soldier was there who did not see her at Brundisium? who was there who did not know that she had come so many days' journey to congratulate you? who was there who did not grieve that he was so late in finding out how worthless a man he had been following?

Again you made a tour through Italy, with that same actress for your companion. Cruel and miserable was the way in which you led your soldiers into the towns; shameful was the pillage in every city, of gold and silver, and above all, of wine. And besides all this, while Caesar knew nothing about it, as he was at Alexandria, Antonius, by the kindness of Caesar's friends, was appointed his master of the horse. Then he thought that he could live with Hippias^[17] by virtue of his office, and that he might give horses which were the property of the state to Sergius the buffoon. At that time he had selected for himself to live in, not the house which he now dishonours, but that of Marcus Piso. Why need I mention his decrees, his robberies, the possessions of inheritances which were given him, and those too which were seized by him? Want compelled him; he did not know where to turn. That great inheritance from Lucius Rubrius, and that other from Lucius Tursellius, had not yet come to him. He had not yet succeeded as an unexpected heir to the place of Cnaeus Pompeius, and of many others who were absent. He was forced to live like a robber, having nothing beyond what he could plunder from others.

However, we will say nothing of these things, which are acts of a more hardy sort of villany. Let us speak rather of his meaner descriptions of worthlessness. You, with those jaws of yours, and those sides of yours, and that strength of body suited to a gladiator, drank such quantities of wine at the marriage of Hippias, that you were forced to vomit the next day in the sight of the Roman people. O action disgraceful not merely to see, but even to hear of! If this had happened to you at supper amid those vast drinking cups of yours, who would not have thought it scandalous? But in an assembly of the Roman people, a man holding a public office, a master of the horse, to whom it would have been disgraceful even to belch, vomiting filled his own bosom and the whole tribunal with fragments of what he had been eating reeking with wine. But he himself confesses this among his other disgraceful acts. Let us proceed to his more splendid offences.

Page 34

XXVI. Caesar came back from Alexandria, fortunate, as he seemed at least to himself; but in my opinion no one can be fortunate who is unfortunate for the republic. The spear was set up in front of the temple of Jupiter Stator, and the property of Cnaeus Pompeius Magnus—(miserable that I am, for even now that my tears have ceased to flow, my grief remains deeply implanted in my heart,)—the property, I say, of Cnaeus Pompeius the Great was submitted to the pitiless, voice of the auctioneer. On that one occasion the state forgot its slavery, and groaned aloud, and though men's minds were enslaved, as everything was kept under by fear, still the groans of the Roman people were free. While all men were waiting to see who would be so impious, who would be so mad, who would be so declared an enemy to gods and to men as to dare to mix himself up with that wicked auction, no one was found except Antonius, even though there were plenty of men collected round that spear^[18] who would have dared anything else. One man alone was found to dare to do that which the audacity of every one else had shrunk from and shuddered at. Were you, then, seized with such stupidity,—or, I should rather say, with such insanity,—as not to see that if you, being of the rank in which you were born, acted as a broker at all, and above all as a broker in the case of Pompeius's property, you would be execrated and hated by the Roman people, and that all gods and all men must at once become and for ever continue hostile to you? But with what violence did that glutton immediately proceed to take possession of the property of that man, to whose valour it had been owing that the Roman people had been more terrible to foreign nations, while his justice had made it dearer to them.

XXVII. When, therefore, this fellow had begun to wallow in the treasures of that great man, he began to exult like a buffoon in a play, who has lately been a beggar, and has become suddenly rich. But, as some poet or other says,—

“Ill gotten gain comes quickly to an end.”

It is an incredible thing, and almost a miracle, how he in a few, not months, but days, squandered all that vast wealth. There was an immense quantity of wine, an excessive abundance of very valuable plate, much precious apparel, great quantities of splendid furniture, and other magnificent things in many places, such as one was likely to see belonging to a man who was not indeed luxurious, but who was very wealthy. Of all this in a few days there was nothing left. What Charybdis was ever so voracious? Charybdis, do I say? Charybdis, if she existed at all, was only one animal. The ocean, I swear most solemnly, appears scarcely capable of having swallowed up such numbers of things so widely scattered, and distributed in such different places, with such rapidity. Nothing was shut up, nothing sealed up, no list was made of anything. Whole storehouses were abandoned to the most worthless of men. Actors seized on

Page 35

this, actresses on that, the house was crowded with gamblers, and full of drunken men, people were drinking all day, and that too in many places, there were added to all this expense (for this fellow was not invariably fortunate) heavy gambling losses. You might see in the cellars of the slaves, couches covered with the most richly embroidered counterpanes of Cnaeus Pompeius. Wonder not, then, that all these things were so soon consumed. Such profligacy as that could have devoured not only the patrimony of one individual, however ample it might have been, (as indeed his was) but whole cities and kingdoms.

And then his houses and gardens! Oh the cruel audacity! Did you dare to enter into that house? Did you dare to cross that most sacred threshold? and to show your most profligate countenance to the household gods who protect that abode? A house which for a long time no one could behold, no one could pass by without tears! Are you not ashamed to dwell so long in that house? one in which, stupid and ignorant as you are, still you can see nothing which is not painful to you.

XXVIII. When you behold those beaks of ships in the vestibule, and those warlike trophies, do you fancy that you are entering into a house which belongs to you? It is impossible. Although you are devoid of all sense and all feeling,—as in truth you are,—still you are acquainted with yourself, and with your trophies, and with your friends. Nor do I believe that you either waking or sleeping, can ever act with quiet sense. It is impossible but that, were you ever so drunk and frantic,—as in truth you are,—when the recollection of the appearance of that illustrious man comes across you, you should be roused from sleep by your fears, and often stirred up to madness if awake. I pity even the walls and the roof. For what had that house ever beheld except what was modest, except what proceeded from the purest principles and from the most virtuous practice? For that man was, O conscript fathers, as you yourselves know, not only illustrious abroad, but also admirable at home; and not more praiseworthy for his exploits in foreign countries, than for his domestic arrangements. Now in his house every bedchamber is a brothel, and every dining-room a cookshop. Although he denies this:—Do not, do not make inquiries. He is become economical. He desired that mistress of his to take possession of whatever belonged to her, according to the laws of the Twelve Tables. He has taken his keys from her, and turned her out of doors. What a well-trying citizen! of what proved virtue is he! the most honourable passage in whose life is the one when he divorced himself from this actress.

Page 36

But how constantly does he harp on the expression “the consul Antonius!” This amounts to say “that most debauched consul,” “that most worthless of men, the consul.” For what else is Antonius? For if any dignity were implied in the name, then, I imagine, your grandfather would sometimes have called himself “the consul Antonius.” But he never did. My colleague too, your own uncle, would have called himself so. Unless you are the only Antonius. But I pass over those offences which have no peculiar connexion with the part you took in harassing the republic; I return to that in which you bore so principal a share,—that is, to the civil war; and it is mainly owing to you that that was originated, and brought to a head, and carried on.

XXIX. Though you yourself took no personal share in it, partly through timidity, partly through profligacy, you had tasted, or rather had sucked in, the blood of fellow-citizens: you had been in the battle of Pharsalia as a leader; you had slain Lucius Domitius, a most illustrious and high-born man; you had pursued and put to death in the most barbarous manner many men who had escaped from the battle, and whom Caesar would perhaps have saved, as he did some others.

And after having performed these exploits, what was the reason why you did not follow Caesar into Africa; especially when so large a portion of the war was still remaining? And accordingly, what place did you obtain about Caesar’s person after his return from Africa? What was your rank? He whose quaestor you had been when general, whose master of the horse when he was dictator, to whom you had been the chief cause of war, the chief instigator of cruelty, the sharer of his plunder, his son, as you yourself said, by inheritance, proceeded against you for the money which you owed for the house and gardens, and for the other property which you had bought at that sale. At first you answered fiercely enough, and that I may not appear prejudiced against you in every particular, you used a tolerably just and reasonable argument. “What, does Caius Caesar demand money of me? why should he do so, any more than I should claim it of him? Was he victorious without my assistance? No, and he never could have been. It was I who supplied him with a pretext for civil war, it was I who proposed mischievous laws, it was I who took up arms against the consuls and generals of the Roman people, against the senate and people of Rome, against the gods of the country, against its altars and healths, against the country itself. Has he conquered for himself alone? Why should not those men whose common work the achievement is, have the booty also in common?” You were only claiming your right, but what had that to do with it? He was the more powerful of the two.

Page 37

Therefore, stopping all your expostulations, he sent his soldiers to you, and to your sureties, when all on a sudden out came that splendid catalogue of yours. How men did laugh! That there should be so vast a catalogue, that their should be such a numerous and various list of possessions, of all of which, with the exception of a portion of Misenum, there was nothing which the man who was putting them up to sale could call his own. And what a miserable sight was the auction. A little apparel of Pompeius's, and that stained, a few silver vessels belonging to the same man, all battered, some slaves in wretched condition, so that we grieved that there was anything remaining to be seen of these miserable relics. This auction, however, the heirs of Lucius Rubrius prevented from proceeding, being armed with a decree of Caesar to that effect. The spendthrift was embarrassed. He did not know which way to turn. It was at this very time that an assassin sent by him was said to have been detected with a dagger in the house of Caesar. And of this Caesar himself complained in the senate, inveighing openly against you. Caesar departs to Spain, having granted you a few days delay for making the payment, on account of your poverty. Even then you do not follow him. Had so good a gladiator as you retired from business so early? Can any one then fear a man who was as timid as this man in upholding his party, that is, in upholding his own fortunes?

XXX. After some time he at last went into Spain; but, as he says, he could not arrive there in safety. How then did Dolabella manage to arrive there? Either, O Antonius, that cause ought never to have been undertaken, or when you had undertaken it, it should have been maintained to the end. Thrice did Caesar fight against his fellow-citizens; in Thessaly, in Africa, and in Spain. Dolabella was present at all these battles. In the battle in Spain he even received a wound. If you ask my opinion, I wish he had not been there. But still, if his design at first was blameable, his consistency and firmness were praiseworthy. But what shall we say of you? In the first place, the children of Cnaeus Pompeius sought to be restored to their country. Well, this concerned the common interests of the whole party. Besides that, they sought to recover their household gods, the gods of their country, their altars, their hearths, the tutelar gods of their family; all of which you had seized upon. And when they sought to recover those things by force of arms which belonged to them by the laws, who was it most natural—(although in unjust and unnatural proceedings what can there be that is natural?)—still, who was it most natural to expect would fight against the children of Cnaeus Pompeius? Who? Why, you who had bought their property. Were you at Narbo to be sick over the tables of your entertainers, while Dolabella was fighting your battles in Spain?

Page 38

And what a return was that of yours from Narbo? He even asked why I had returned so suddenly from my expedition. I have just briefly explained to you, O conscript fathers, the reason of my return. I was desirous, if I could, to be of service to the republic even before the first of January. For, as to your question, how I had returned; in the first place, I returned by daylight, not in the dark; in the second place, I returned in shoes, and in my Roman gown, not in any Gallic slippers, or barbarian mantle. And even now you keep looking at me; and, as it seems, with great anger. Surely you would be reconciled to me if you knew how ashamed I am of your worthlessness, which you yourself are not ashamed of. Of all the profligate conduct of all the world, I never saw, I never heard of any more shameful than yours. You who fancied yourself a master of the horse, when you were standing for, or I should rather say begging for the consulship for the ensuing year, ran in Gallic slippers and a barbarian mantle about the municipal towns and colonies of Gaul from which we used to demand the consulship when the consulship was stood for and not begged for.

XXXI. But mark now the trifling character of the fellow. When about the tenth hour of the day he had arrived at Red Rocks, he skulked into a little petty wine-shop, and, hiding there, kept on drinking till evening. And from thence getting into a gig and being driven rapidly to the city, he came to his own house with his head veiled. "Who are you?" says the porter. "An express from Marcus." He is at once taken to the woman for whose sake he had come; and he delivered the letter to her. And when she had read it with tears, (for it was written in a very amorous style, but the main subject of the letter was that he would have nothing to do with that actress for the future; that he had discarded all his love for her, and transferred it to his correspondent,) when she, I say, wept plentifully, this soft-hearted man could bear it no longer; he uncovered his head and threw himself on her neck. Oh the worthless man! (for what else can I call him? there is no more suitable expression for me to use,) was it for this that you disturbed the city by nocturnal alarms, and Italy with fears of many days' duration, in order that you might show yourself unexpectedly, and that a woman might see you before she hoped to do so? And he had at home a pretence of love; but out of doors a cause more discreditable still, namely, lest Lucius Plancus should sell up his sureties. But after you had been produced in the assembly by one of the tribunes of the people, and had replied that you had come on your own private business, you made even the people full of jokes against you. But, however, we have said too much about trifles. Let us come to more important subjects.

Page 39

XXXII. You went a great distance to meet Caesar on his return from Spain. You went rapidly, you returned rapidly in order that we might see that, if you were not brave, you were at least active. You again became intimate with him; I am sure I do not know how. Caesar had this peculiar characteristic; whoever he knew to be utterly ruined by debt, and needy, even if he knew him also to be an audacious and worthless man, he willingly admitted him to his intimacy. You then, being admirably recommended to him by these circumstances, were ordered to be appointed consul, and that too as his own colleague. I do not make any complaint against Dolabella, who was at that time acting under compulsion, and was cajoled and deceived. But who is there who does not know with what great perfidy both of you treated Dolabella in that business? Caesar induced him to stand for the consulship. After having promised it to him, and pledged himself to aid him, he prevented his getting it, and transferred it to himself. And you endorsed his treachery with your own eagerness.

The first of January arrives. We are convened in the senate. Dolabella inveighed against him with much more fluency and premeditation than I am doing now. And what things were they which he said in his anger, O ye good gods! First of all, after Caesar had declared that before he departed he would order Dolabella to be made consul, (and they deny that he was a king who was always doing and saying something of this sort,) —but after Caesar had said this, then this virtuous augur said that he was invested with a pontificate of that sort that he was able, by means of the auspices, either to hinder or to vitiate the comitia, just as he pleased; and he declared that he would do so. And here, in the first place, remark the incredible stupidity of the man. For what do you mean? Could you not just as well have done what you said you had now the power to do by the privileges with which that pontificate had invested you, even if you were not an augur, if you were consul? Perhaps you could even do it more easily. For we augurs have only the power of announcing that the auspices are being observed, but the consuls and other magistrates have the right also of observing them whenever they choose. Be it so. You said this out of ignorance. For one must not demand prudence from a man who is never sober. But still remark his impudence. Many months before, he said in the senate that he would either prevent the comitia from assembling for the election of Dolabella by means of the auspices, or that he would do what he actually did do. Can any one divine beforehand what defect there will be in the auspices, except the man who has already determined to observe the heavens? which in the first place it is forbidden by law to do at the time of the comitia. And if any one has been observing the heavens, he is bound to give notice of it, not after the comitia are assembled, but before they are

Page 40

held. But this man's ignorance is joined to impudence, nor does he know what an augur ought to know, nor do what a modest man ought to do. And just recollect the whole of his conduct during his consulship from that day up to the ides of March. What lictor was ever so humble, so abject? He himself had no power at all; he begged everything of others; and thrusting his head into the hind part of his litter, he begged favours of his colleagues, to sell them himself afterwards.

XXXIII. Behold, the day of the comitia for the election of Dolabella arrives. The prerogative century draws its lot. He is quiet. The vote is declared; he is still silent. The first class is called.[19] Its vote is declared. Then, as is the usual course, the votes are announced. Then the second class. And all this is done faster than I have told it. When the business is over, that excellent augur (you would say he must be Caius Laelius,) says,—“We adjourn it to another day.” Oh the monstrous impudence of such a proceeding! What had you seen? what had you perceived? what had you heard? For you did not say that you had been observing the heavens, and indeed you do not say so this day. That defect then has arisen, which you on the first of January had already foreseen would arise, and which you had predicted so long before. Therefore, in truth, you have made a false declaration respecting the auspices, to your own great misfortune, I hope, rather than to that of the republic. You laid the Roman people under the obligations of religion; you as augur interrupted an augur; you as consul interrupted a consul by a false declaration concerning the auspices.

I will say no more, lest I should seem to be pulling to pieces the acts of Dolabella; which must inevitably sometime or other be brought before our college. But take notice of the arrogance and insolence of the fellow. As long as you please, Dolabella is a consul irregularly elected; again, while you please, he is a consul elected with all proper regard to the auspices. If it means nothing when an augur gives this notice in those words in which you gave notice, then confess that you, when you said,—“We adjourn this to another day,” were not sober. But if those words have any meaning, then I, an augur, demand of my colleague to know what that meaning is.

But lest by any chance, while enumerating his numerous exploits, our speech should pass over the finest action of Marcus Antonius, let us come to the Lupercalia.

XXXIV. He does not dissemble, O conscript fathers; it is plain that he is agitated; he perspires; he turns pale. Let him do what he pleases, provided he is not sick, and does not behave as he did in the Minucian colonnade. What defence can be made for such beastly behaviour? I wish to hear, that I may see the fruit of those high wages of that rhetorician, of that land given in Leontini. Your colleague was sitting in the rostra, clothed in purple robe,

Page 41

on a golden chair, wearing a crown. You mount the steps; you approach his chair; (if you were a priest of Pan, you ought to have recollected that you were consul too;) you display a diadem. There is a groan over the whole forum. Where did the diadem come from? For you had not picked it up when lying on the ground, but you had brought it from home with you, a premeditated and deliberately planned wickedness. You placed the diadem on his head amid the groans of the people; he rejected it amid great applause. You then alone, O wicked man, were found, both to advise the assumption of kingly power, and to wish to have him for your master who was your colleague; and also to try what the Roman people might be able to bear and to endure. Moreover, you even sought to move his pity; you threw yourself at his feet as a suppliant; begging for what? to be a slave? You might beg it for yourself, when you had lived in such a way from the time that you were a boy that you could bear everything, and would find no difficulty in being a slave; but certainly you had no commission from the Roman people to try for such a thing for them.

Oh how splendid was that eloquence of yours, when you harangued the people stark naked! What could be more foul than this? more shameful than this? more deserving of every sort of punishment? Are you waiting for me to prick you more? This that I am saying must tear you and bring blood enough if you have any feeling at all. I am afraid that I may be detracting from the glory of some most eminent men. Still my indignation shall find a voice. What can be more scandalous than for that man to live who placed a diadem on a man's head, when every one confesses that that man was deservedly slain who rejected it? And, moreover, he caused it to be recorded in the annals, under the head of Lupercalia, "That Marcus Antonius, the consul, by command of the people, had offered the kingdom to Caius Caesar, perpetual dictator; and that Caesar had refused to accept it." I now am not much surprised at your seeking to disturb the general tranquillity; at your hating not only the city but the light of day; and at your living with a pack of abandoned robbers, disregarding the day, and yet regarding nothing beyond the day.[20] For where can you be safe in peace? What place can there be for you where laws and courts of justice have sway, both of which you, as far as in you lay, destroyed by the substitution of kingly power? Was it for this that Lucius Tarquinius was driven out; that Spurius Cassius, and Spurius Maelius, and Marcus Manlius were slain; that many years afterwards a king might be established at Rome by Marcus Antonius, though the bare idea was impiety? However, let us return to the auspices.

Page 42

XXXV. With respect to all the things which Caesar was intending to do in the senate on the ides of March, I ask whether you have done anything? I heard, indeed, that you had come down prepared, because you thought that I intended to speak about your having made a false statement respecting the auspices, though it was still necessary for us to respect them. The fortune of the Roman people saved us from that day. Did the death of Caesar also put an end to your opinion respecting the auspices? But I have come to mention that occasion which must be allowed to precede those matters which I had begun to discuss. What a flight was that of yours! What alarm was yours on that memorable day! How, from the consciousness of your wickedness, did you despair of your life! How, while flying, were you enabled secretly to get home by the kindness of those men who wished to save you, thinking you would show more sense than you do! O how vain have at all times been my too true predictions of the future! I told those deliverers of ours in the Capitol, when they wished me to go to you to exhort you to defend the republic, that as long as you were in fear you would promise everything, but that as soon as you had emancipated yourself from alarm you would be yourself again. Therefore, while the rest of the men of consular rank were going backwards and forwards to you, I adhered to my opinion, nor did I see you at all that day, or the next; nor did I think it possible for an alliance between virtuous citizens and a most unprincipled enemy to be made, so as to last, by any treaty or engagement whatever. The third day I came into the temple of Tellus, even then very much against my will, as armed men were blockading all the approaches. What a day was that for you, O Marcus Antonius! Although you showed yourself all on a sudden an enemy to me; still I pity you for having envied yourself.

XXXVI. What a man, O ye immortal gods! and how great a man might you have been, if you had been able to preserve the inclination you displayed that day;—we should still have peace which was made then by the pledge of a hostage, a boy of noble birth, the grandson of Marcus Bambalio. Although it was fear that was then making you a good citizen, which is never a lasting teacher of duty; your own audacity, which never departs from you as long as you are free from fear, has made you a worthless one. Although even at that time, when they thought you an excellent man, though I indeed differed from that opinion, you behaved with the greatest wickedness while presiding at the funeral of the tyrant, if that ought to be called a funeral. All that fine panegyric was yours, that commiseration was yours, that exhortation was yours. It was you—you, I say—who hurled those firebrands, both those with which your friend himself was nearly burnt, and those by which the house of Lucius Bellienus was set on fire and destroyed. It was you who let loose those attacks of abandoned men, slaves for the most part, which

Page 43

we repelled by violence and our own personal exertions; it was you who set them on to attack our houses. And yet you, as if you had wiped off all the soot and smoke in the ensuing days, carried those excellent resolutions in the Capitol, that no document conferring any exemption, or granting any favour, should be published after the ides of March. You recollect yourself, what you said about the exiles; you know what you said about the exemption; but the best thing of all was, that you for ever abolished the name of the dictatorship in the republic. Which act appeared to show that you had conceived such a hatred of kingly power that you took away all fear of it for the future, on account of him who had been the last dictator.

To other men the republic now seemed established, but it did not appear so at all to me, as I was afraid of every sort of shipwreck, as long as you were at the helm. Have I been deceived? or, was it possible for that man long to continue unlike himself? While you were all looking on, documents were fixed up over the whole Capitol, and exemptions were being sold, not merely to individuals, but to entire states. The freedom of the city was also being given now not to single persons only, but to whole provinces. Therefore, if these acts are to stand,—and stand they cannot if the republic stands too,—then, O conscript fathers, you have lost whole provinces; and not the revenues only, but the actual empire of the Roman people has been diminished by a market this man held in his own house.

XXXVII. Where are the seven hundred millions of sesterces which were entered in the account-books which are in the temple of Ops? a sum lamentable indeed, as to the means by which it was procured, but still one which, if it were not restored to those to whom it belonged, might save us from taxes. And how was it, that when you owed forty millions of sesterces on the fifteenth of March, you had ceased to owe them by the first of April? Those things are quite countless which were purchased of different people, not without your knowledge; but there was one excellent decree posted up in the Capitol affecting king Deiotarus, a most devoted friend to the Roman people. And when that decree was posted up, there was no one who, amid all his indignation, could restrain his laughter. For who ever was a more bitter enemy to another than Caesar was to Deiotarus? He was as hostile to him as he was to this order, to the equestrian order, to the people of Massilia, and to all men whom he knew to look on the republic of the Roman people with attachment. But this man, who neither present nor absent could ever obtain from him any favour or justice while he was alive, became quite an influential man with him when he was dead. When present with him in his house he had called for him though he was his host, he had made him give in his accounts of his revenue, he had exacted money from him; he had established one of his Greek retainers in his tetrarchy,

Page 44

and he had taken Armenia from him, which had been given to him by the senate. While he was alive he deprived him of all these things; now that he is dead, he gives them back again. And in what words? At one time he says, “that it appears to him to be just, ...” at another, “that it appears not to be unjust....” What a strange combination of words! But while alive, (I know this, for I always supported Deiotarus, who was at a distance,) he never said that anything which we were asking for, for him, appeared just to him. A bond for ten millions of sesterces was entered into in the women’s apartment, (where many things have been sold, and are still being sold,) by his ambassadors, well-meaning men, but timid and inexperienced in business, without my advice or that of the rest of the hereditary friends of the monarch. And I advise you to consider carefully what you intend to do with reference to this bond. For the king himself, of his own accord, without waiting for any of Caesar’s memoranda, the moment that he heard of his death, recovered his own rights by his own courage and energy. He, like a wise man, knew that this was always the law, that those men from whom the things which tyrants had taken away had been taken, might recover them when the tyrants were slain. No lawyer, therefore, not even he who is your lawyer and yours alone, and by whose advice you do all these things, will say that anything is due to you by virtue of that bond for those things which had been recovered before that bond was executed. For he did not purchase them of you; but, before you undertook to sell him his own property, he had taken possession of it. He was a man—we, indeed, deserve to be despised, who hate the author of the actions, but uphold the actions themselves.

XXXVIII. Why need I mention the countless mass of papers, the innumerable autographs which have been brought forward? writings of which there are imitators who sell their forgeries as openly as if they were gladiators’ playbills. Therefore, there are now such heaps of money piled up in that man’s house, that it is weighed out instead of being counted.[21] But how blind is avarice! Lately, too, a document has been posted up by which the most wealthy cities of the Cretans are released from tribute; and by which it is ordained that after the expiration of the consulship of Marcus Brutus, Crete shall cease to be a province. Are you in your senses? Ought you not to be put in confinement? Was it possible for there really to be a decree of Caesar’s exempting Crete after the departure of Marcus Brutus, when Brutus had no connexion whatever with Crete while Caesar was alive? But by the sale of this decree (that you may not, O conscript fathers, think it wholly ineffectual) you have lost the province of Crete. There was nothing in the whole world which any one wanted to buy that this fellow was not ready to sell.

Page 45

Caesar too, I suppose, made the law about the exiles which you have posted up. I do not wish to press upon any one in misfortune; I only complain, in the first place, that the return of those men has had discredit thrown upon it, whose cause Caesar judged to be different from that of the rest; and in the second place, I do not know why you do not mete out the same measure to all. For there can not be more than three or four left. Why do not they who are in similar misfortune enjoy a similar degree of your mercy? Why do you treat them as you treated your uncle? about whom you refused to pass a law when you were passing one about all the rest; and whom at the same time you encouraged to stand for the censorship, and instigated him to a canvass, which excited the ridicule and the complaint of every one.

But why did you not hold that comitia? Was it because a tribune of the people announced that there had been an ill-omened flash of lightning seen? When you have any interest of your own to serve, then auspices are all nothing; but when it is only your friends who are concerned, then you become scrupulous. What more? Did you not also desert him in the matter of the septemvirate?[22] "Yes, for he interfered with me." What were you afraid of? I suppose you were afraid that you would be able to refuse him nothing if he were restored to the full possession of his rights. You loaded him with every species of insult, a man whom you ought to have considered in the place of a father to you, if you had had any piety or natural affection at all. You put away his daughter, your own cousin, having already looked out and provided yourself beforehand with another. That was not enough. You accused a most chaste woman of misconduct. What can go beyond this? Yet you were not content with this. In a very full senate held on the first of January, while your uncle was present, you dared to say that this was your reason for hatred of Dolabella, that you had ascertained that he had committed adultery with your cousin and your wife. Who can decide whether it was more shameless of you to make such profligate and such impious statements against that unhappy woman in the senate, or more wicked to make them against Dolabella, or more scandalous to make them in the presence of her father, or more cruel to make them at all?

XXXIX. However, let us return to the subject of Caesar's written papers. How were they verified by you? For the acts of Caesar were for peace's sake confirmed by the senate; that is to say, the acts which Caesar had really done, not those which Antonius said that Caesar had done. Where do all these come from? By whom are they produced and vouched for? If they are false, why are they ratified? If they are true, why are they sold? But the vote which was come to enjoined you, after the first of June, to make an examination of Caesar's acts with the assistance of a council. What council did you consult? Whom did you ever invite to help you? What was the first of June that you waited for? Was it that day on which you, having travelled all through the colonies where the veterans were settled, returned escorted by a band of armed men?

Page 46

Oh what a splendid progress of yours was that in the months of April and May, when you attempted even to lead a colony to Capua! How you made your escape from thence, or rather how you barely made your escape, we all know. And now you are still threatening that city. I wish you would try, and we should not then be forced to say “barely.” However, what a splendid progress of yours that was! Why need I mention your preparations for banquets, why your frantic hard-drinking? Those things are only an injury to yourself; these are injuries to us. We thought that a great blow was inflicted on the republic when the Campanian district was released from the payment of taxes, in order to be given to the soldiery; but you have divided it among your partners in drunkenness and gambling. I tell you, O conscript fathers, that a lot of buffoons and actresses have been settled in the district of Campania. Why should I now complain of what has been done in the district of Leontini? Although formerly these lands of Campania and Leontini were considered part of the patrimony of the Roman people, and were productive of great revenue, and very fertile. You gave your physician three thousand acres; what would you have done if he had cured you? and two thousand to your master of oratory; what would you have done if he had been able to make you eloquent? However, let us return to your progress, and to Italy.

XL. You led a colony to Casilinum, a place to which Caesar had previously led one. You did indeed consult me by letter about the colony of Capua, (but I should have given you the same answer about Casilinum,) whether you could legally lead a new colony to a place where there was a colony already. I said that a new colony could not be legally conducted to an existing colony, which had been established with a due observance of the auspices, as long as it remained in a flourishing state; but I wrote you word that new colonists might be enrolled among the old ones. But you, elated and insolent, disregarding all the respect due to the auspices, led a colony to Casilinum, whither one had been previously led a few years before; in order to erect your standard there, and to mark out the line of the new colony with a plough. And by that plough you almost grazed the gate of Capua, so as to diminish the territory of that flourishing colony. After this violation of all religious observances, you hasten off to the estate of Marcus Varro, a most conscientious and upright man, at Casinum. By what right? with what face do you do this? By just the same, you will say, as that by which you entered on the estates of the heirs of Lucius Rubrius, or of the heirs of Lucius Turselius, or on other innumerable possessions. If you got the right from any auction, let the auction have all the force to which it is entitled; let writings be of force, provided they are the writings of Caesar, and not your own; writings by which you are bound, not those by which you have released yourself from obligation.

Page 47

But who says that the estate of Varro at Casinum was ever sold at all? who ever saw any notice of that auction? Who ever heard the voice of the auctioneer? You say that you sent a man to Alexandria to buy it of Caesar. It was too long to wait for Caesar himself to come! But whoever heard (and there was no man about whose safety more people were anxious) that any part whatever of Varro's property had been confiscated? What? what shall we say if Caesar even wrote you that you were to give it up? What can be said strong enough for such enormous impudence? Remove for a while those swords which we see around us. You shall now see that the cause of Caesar's auctions is one thing, and that of your confidence and rashness is another. For not only shall the owner drive you from that estate, but any one of his friends, or neighbours, or hereditary connexions, and any agent, will have the right to do so.

XLI. But how many days did he spend revelling in the most scandalous manner in that villa! From the third hour there was one scene of drinking, gambling, and vomiting. Alas for the unhappy house itself! how different a master from its former one has it fallen to the share of! Although, how is he the master at all? but still by how different a person has it been occupied! For Marcus Varro used it as a place of retirement for his studies, not as a theatre for his lusts. What noble discussions used to take place in that villa! what ideas were originated there! what writings were composed there! The laws of the Roman people, the memorials of our ancestors, the consideration of all wisdom, and all learning, were the topics that used to be dwelt on then;—but now, while you were the intruder there, (for I will not call you the master,) every place was resounding with the voices of drunken men; the pavements were floating with wine; the walls were dripping; nobly-born boys were mixing with the basest hirelings; prostitutes with mothers of families. Men came from Casinum, from Aquinum, from Interamna to salute him. No one was admitted. That, indeed, was proper. For the ordinary marks of respect were unsuited to the most profligate of men. When going from thence to Rome he approached Aquinum, a pretty numerous company (for it is a populous municipality) came out to meet him. But he was carried through the town in a covered litter, as if he had been dead. The people of Aquinum acted foolishly, no doubt; but still they were in his road. What did the people of Anagnia do? who, although they were out of his line of road, came down to meet him, in order to pay him their respects, as if he were consul. It is an incredible thing to say, but still it was only too notorious at the time, that he returned nobody's salutation; especially as he had two men of Anagnia with him, Mustela and Laco; one of whom had the care of his swords, and the other of his drinking cups.

Page 48

Why should I mention the threats and insults with which he inveighed against the people of Teanum Sidicinum, with which he harassed the men of Puteoli, because they had adopted Caius Cassius and the Bruti as their patrons? a choice dictated, in truth, by great wisdom, and great zeal, benevolence, and affection for them; not by violence and force of arms, by which men have been compelled to choose you, and Basilus, and others like you both,—men whom no one would choose to have for his own clients, much less to be their client himself.

XLII. In the mean time, while you yourself were absent, what a day was that for your colleague when he overturned that tomb in the forum, which you were accustomed to regard with veneration! And when that action was announced to you, you—as is agreed upon by all who were with you at the time—fainted away. What happened afterwards I know not. I imagine that terror and arms got the mastery. At all events, you dragged your colleague down from his heaven; and you rendered him, not even now like yourself, but at all events very unlike his own former self.

After that what a return was that of yours to Rome! How great was the agitation of the whole city! We recollected Cinna being too powerful; after him we had seen Sylla with absolute authority, and we had lately beheld Caesar acting as king. There were perhaps swords, but they were sheathed, and they were not very numerous. But how great and how barbaric a procession is yours! Men follow you in battle array with drawn swords; we see whole litters full of shields borne along. And yet by custom, O conscript fathers, we have become inured and callous to these things. When on the first of June we wished to come to the senate, as it had been ordained, we were suddenly frightened and forced to flee. But he, as having no need of a senate, did not miss any of us, and rather rejoiced at our departure, and immediately proceeded to those marvellous exploits of his. He who had defended the memoranda of Caesar for the sake of his own profit, overturned the laws of Caesar—and good laws too—for the sake of being able to agitate the republic. He increased the number of years that magistrates were to enjoy their provinces; moreover, though he was bound to be the defender of the acts of Caesar, he rescinded them both with reference to public and private transactions.

In public transactions nothing is more authoritative than law; in private affairs the most valid of all deeds is a will. Of the laws, some he abolished without giving the least notice; others he gave notice of bills to abolish. Wills he annulled; though they have been at all times held sacred even in the case of the very meanest of the citizens. As for the statues and pictures which Caesar bequeathed to the people, together with his gardens, those he carried away, some to the house which belonged to Pompeius, and some to Scipio's villa.

Page 49

XLIII. And are you then diligent in doing honour to Caesar's memory? Do you love him even now that he is dead? What greater honour had he obtained than that of having a holy cushion, an image, a temple, and a priest? As then Jupiter, and Mars, and Quirinus have priests, so Marcus Antonius is the priest of the god Julius. Why then do you delay? why are not you inaugurated? Choose a day; select some one to inaugurate you; we are colleagues; no one will refuse O you detestable man, whether you are the priest of a tyrant, or of a dead man! I ask you then, whether you are ignorant what day this is? Are you ignorant that yesterday was the fourth day of the Roman games in the Circus? and that you yourself submitted a motion to the people, that a fifth day should be added besides, in honour of Caesar? Why are we not all clad in the praetexta? Why are we permitting the honour which by your law was appointed for Caesar to be deserted? Had you no objection to so holy a day being polluted by the addition of supplications, while you did not choose it to be so by the addition of ceremonies connected with a sacred cushion? Either take away religion in every case, or preserve it in every case.

You will ask whether I approve of his having a sacred cushion, a temple and a priest? I approve of none of those things. But you, who are defending the acts of Caesar, what reason can you give for defending some, and disregarding others? unless, indeed, you choose to admit that you measure everything by your own gain, and not by his dignity. What will you now reply to these arguments?—(for I am waiting to witness your eloquence; I knew your grandfather, who was a most eloquent man, but I know you to be a more undisguised speaker than he was; he never harangued the people naked; but we have seen your breast, man, without disguise as you are.) Will you make any reply to these statements? will you dare to open your mouth at all? Can you find one single article in this long speech of mine, to which you trust that you can make any answer? However, we will say no more of what is past.

XLIV. But this single day, this very day that now is, this very moment while I am speaking, defend your conduct during this very moment, if you can. Why has the senate been surrounded with a belt of armed men? Why are your satellites listening to me sword in hand? Why are not the folding-doors of the temple of Concord open? Why do you bring men of all nations the most barbarous, Ityrians, armed with arrows, into the forum? He says, that he does so as a guard. Is it not then better to perish a thousand times than to be unable to live in one's own city without a guard of armed men? But believe me, there is no protection in that;—a man must be defended by the affection and good-will of his fellow citizens, not by arms. The Roman people will take them from you, will wrest them from your hands, I wish that they may do so while we are still safe. But however you treat us, as long

Page 50

as you adopt those counsels, it is impossible for you, believe me, to last long. In truth, that wife of yours, who is so far removed from covetousness, and whom I mention without intending any slight to her, has been too long owing[23] her third payment to the state. The Roman people has men to whom it can entrust the helm of the state, and wherever they are, there is all the defence of the republic, or rather, there is the republic itself, which as yet has only avenged, but has not reestablished itself. Truly and surely has the republic most high born youths ready to defend it,—though they may for a time keep in the background from a desire for tranquillity, still they can be recalled by the republic at any time.

The name of peace is sweet, the thing itself is most salutary. But between peace and slavery there is a wide difference. Peace is liberty in tranquillity, slavery is the worst of all evils,—to be repelled, if need be, not only by war, but even by death. But if those deliverers of ours have taken themselves away out of our sight, still they have left behind the example of their conduct. They have done what no one else had done. Brutus pursued Tarquinius with war, who was a king when it was lawful for a king to exist in Rome. Spurius Cassius, Spurius Maelius, and Marcus Manlius were all slain because they were suspected of aiming at regal power. These are the first men who have ever ventured to attack, sword in hand, a man who was not aiming at regal power, but actually reigning. And their action is not only of itself a glorious and godlike exploit, but it is also one put forth for our imitation, especially since by it they have acquired such glory as appears hardly to be bounded by heaven itself. For although in the very consciousness of a glorious action there is a certain reward, still I do not consider immortality of glory a thing to be despised by one who is himself mortal.

XLV. Recollect then, O Marcus Antonius, that day on which you abolished the dictatorship. Set before you the joy of the senate and people of Rome, compare it with this infamous market held by you and by your friends, and then you will understand how great is the difference between praise and profit. But in truth, just as some people, through some disease which has blunted the senses, have no conception of the niceness of food, so men who are lustful, avaricious, and criminal, have no taste for true glory. But if praise cannot allure you to act rightly, still cannot even fear turn you away from the most shameful actions? You are not afraid of the courts of justice. If it is because you are innocent I praise you, if because you trust in your power of overbearing them by violence, are you ignorant of what that man has to fear, who on such an account as that does not fear the courts of justice?

But if you are not afraid of brave men and illustrious citizens, because they are prevented from attacking you by your armed retinue, still, believe me, your own fellows will not long endure you. And what a life is it, day and night to be fearing danger from one's own people! Unless, indeed, you have men who are bound to you by greater

kindnesses than some of those men by whom he was slain were bound to Caesar, or unless there are points in which you can be compared with him.

Page 51

In that man were combined genius, method, memory, literature, prudence, deliberation, and industry. He had performed exploits in war which, though calamitous for the republic, were nevertheless mighty deeds. Having for many years aimed at being a king, he had with great labour, and much personal danger, accomplished what he intended. He had conciliated the ignorant multitude by presents, by monuments, by largesses of food, and by banquets, he had bound his own party to him by rewards, his adversaries by the appearances of clemency. Why need I say much on such a subject? He had already brought a free city, partly by fear, partly by patience, into a habit of slavery.

XLVI. With him I can, indeed, compare you as to your desire to reign, but in all other respects you are in no degree to be compared to him. But from the many evils which by him have been burnt into the republic, there is still this good, that the Roman people has now learnt how much to believe every one, to whom to trust itself, and against whom to guard. Do you never think on these things? And do you not understand that it is enough for brave men to have learnt how noble a thing it is as to the act, how grateful it is as to the benefit done, how glorious as to the fame acquired, to slay a tyrant? When men could not bear him, do you think they will bear you? Believe me, the time will come when men will race with one another to do this deed, and when no one will wait for the tardy arrival of an opportunity.

Consider, I beg you, Marcus Antonius, do some time or other consider the republic: think of the family of which you are born, not of the men with whom you are living. Be reconciled to the republic. However, do you decide on your conduct. As to mine, I myself will declare what that shall be. I defended the republic as a young man, I will not abandon it now that I am old. I scorned the sword of Catiline, I will not quail before yours. No, I will rather cheerfully expose my own person, if the liberty of the city can be restored by my death.

May the indignation of the Roman people at last bring forth what it has been so long labouring with. In truth, if twenty years ago in this very temple I asserted that death could not come prematurely upon a man of consular rank, with how much more truth must I now say the same of an old man? To me, indeed, O conscript fathers, death is now even desirable, after all the honours which I have gained, and the deeds which I have done. I only pray for these two things: one, that dying I may leave the Roman people free. No greater boon than this can be granted me by the immortal gods. The other, that every one may meet with a fate suitable to his deserts and conduct towards the republic.

THE THIRD PHILIPPIC, OR THIRD SPEECH OF M. T. CICERO AGAINST MARCUS ANTONIUS.

THE ARGUMENT.

Page 52

After the composition of the last speech, Octavius, considering that he had reason to be offended with Antonius, formed a plot for his assassination by means of some slaves, which however was discovered. In the mean time Antonius began to declare more and more openly against the conspirators. He erected a statue in the forum to Caesar, with the inscription, "To the most worthy Defender of his Country." Octavius at the same time was trying to win over the soldiers of his uncle Julius, and out-bidding Antonius in all his promises to them, so that he soon collected a formidable army of veterans. But as he had no public office to give him any colour for this conduct, he paid great court to the republican party, in hopes to get his proceedings authorized by the senate; and he kept continually pressing Cicero to return to Rome and support him. Cicero, however, for some time kept aloof, suspecting partly his abilities, on account of his exceeding youth, and partly his sincerity in reconciling himself to his uncle's murderers; however, at last he returned, after expressly stipulating that Octavius should employ all his forces in defence of Brutus and his accomplices.

Antonius left Rome about the end of September, in order to engage in his service four legions of Caesar's, which were on their return from Macedonia. But when they arrived at Brundisium three of them refused to follow him, on which he murdered all their centurions, to the number of three hundred, who were all put to death in his lodgings, in the sight of himself and Fulvia his wife, and then returned to Rome with the one legion which he had prevailed on; while the other three legions declared as yet for neither party. On his arrival in Rome he published many very violent edicts, and summoned the senate to meet on the twenty-fourth of October; then he adjourned it to the twenty-eighth; and a day or two before it met, he heard that two out of the three legions had declared for Octavius, and encamped at Alba. And this news alarmed him so much, that he abandoned his intention of proposing to the senate a decree to declare Octavius a public enemy, and after distributing some provinces among his friends, he put on his military robes, and left the city to take possession of Cisalpine Gaul, which had been assigned to him by a pretended law of the people, against the will of the senate.

On the news of his departure Cicero returned to Rome, where he arrived on the ninth of December. He immediately conferred with Pansa, one of the consuls elect, (Hirtius his colleague was ill,) as to the measures to be taken. He was again addressed with earnest solicitations by the friends of Octavius, who, to confirm his belief in his good intentions, allowed Casca, who had been one of the slayers of Caesar, and had himself given him the first blow, to enter on his office as tribune of the people on the tenth of December.

Page 53

The new tribunes convoked the senate for the nineteenth, on which occasion Cicero had intended to be absent, but receiving the day before the edict of Decimus Brutus, by which he forbade Antonius to enter his province (immediately after the death of Caesar he had taken possession of Cisalpine Gaul, which had been conferred on him by Caesar), and declared that he would defend it against him by force and preserve it in its duty to the senate, he thought it necessary to procure for Brutus a resolution of the senate in his favour. He went down therefore very early, and, in a very full house, delivered the following speech.

I. We have been assembled at length, O conscript fathers, altogether later than the necessities of the republic required; but still we are assembled, a measure which I, indeed, have been every day demanding, inasmuch as I saw that a nefarious war against our altars and our hearths, against our lives and our fortunes was, I will not say being prepared, but being actually waged by a profligate and desperate man. People are waiting for the first of January. But Antonius is not waiting for that day, who is now attempting with an army to invade the province of Decimus Brutus, a most illustrious and excellent man. And when he has procured reinforcements and equipments there, he threatens that he will come to this city. What is the use then of waiting, or of even a delay for the very shortest time? For although the first of January is at hand, still a short time is a long one for people who are not prepared. For a day, or I should rather say an hour, often brings great disasters, if no precautions are taken. And it is not usual to wait for a fixed day for holding a council, as it is for celebrating a festival. But if the first of January had fallen on the day when Antonius first fled from the city, or if people had not waited for it, we should by this time have no war at all. For we should easily have crushed the audacity of that frantic man by the authority of the senate and the unanimity of the Roman people. And now, indeed, I feel confident that the consuls elect will do so, as soon as they enter on their magistracy. For they are men of the highest courage, of the most consummate wisdom, and they will act in perfect harmony with each other. But my exhortations to rapid and instant action are prompted by a desire not merely for victory, but for speedy victory.

For how long are we to trust to the prudence of an individual to repel so important, so cruel, and so nefarious a war? Why is not the public authority thrown into the scale as quickly as possible?

II. Caius Caesar, a young man, or, I should rather say, almost a boy, endued with an incredible and godlike degree of wisdom and valour, at the time when the frenzy of Antonius was at its height, and when his cruel and mischievous return from Brundisium was an object of apprehension to all, while we neither desired him to do so, nor thought of such a measure, nor ventured even to wish it, (because it did not seem practicable,) collected a most trustworthy army from the invincible body of veteran soldiers, and has spent his own patrimony in doing so. Although I have not used the expression which I ought,—for he has not spent it,—he has invested it in the safety of the republic.

Page 54

And although it is not possible to requite him with all the thanks to which he is entitled, still we ought to feel all the gratitude towards him which our minds are capable of conceiving. For who is so ignorant of public affairs, so entirely indifferent to all thoughts of the republic, as not to see that, if Marcus Antonius could have come with those forces which he made sure that he should have, from Brundisium to Rome, as he threatened, there would have been no description of cruelty which he would not have practised? A man who in the house of his entertainer at Brundisium ordered so many most gallant men and virtuous citizens to be murdered, and whose wife's face was notoriously besprinkled with the blood of men dying at his and her feet. Who is there of us, or what good man is there at all, whom a man stained with this barbarity would ever have spared; especially as he was coming hither much more angry with all virtuous men than he had been with those whom he had massacred there? And from this calamity Caesar has delivered the republic by his own individual prudence, (and, indeed, there were no other means by which it could have been done.) And if he had not been born in this republic we should, owing to the wickedness of Antonius, now have no republic at all.

For this is what I believe, this is my deliberate opinion, that if that one young man had not checked the violence and inhuman projects of that frantic man, the republic would have been utterly destroyed. And to him we must, O conscript fathers, (for this is the first time, met in such a condition, that, owing to his good service, we are at liberty to say freely what we think and feel,) we must, I say, this day give authority, so that he may be able to defend the republic, not because that defence has been voluntarily undertaken by him but also because it has been entrusted to him by us.

III. Nor (since now after a long interval we are allowed to speak concerning the republic) is it possible for us to be silent about the Martial legion. For what single man has ever been braver, what single man has ever been more devoted to the republic than the whole of the Martial legion? which, as soon as it had decided that Marcus Antonius was an enemy of the Roman people, refused to be a companion of his insanity; deserted him though consul; which, in truth, it would not have done if it had considered him as consul, who, as it saw, was aiming at nothing and preparing nothing but the slaughter of the citizens, and the destruction of the state. And that legion has encamped at Alba. What city could it have selected either more suitable for enabling it to act, or more faithful, or full of more gallant men, or of citizens more devoted to the republic?

The fourth legion, imitating the virtue of this legion, under the leadership of Lucius Egnatuleius, the quaestor, a most virtuous and intrepid citizen, has also acknowledged the authority and joined the army of Caius Caesar.

Page 55

We, therefore, O conscript fathers, must take care that those things which this most illustrious young man, this most excellent of all men has of his own accord done, and still is doing, be sanctioned by our authority; and the admirable unanimity of the veterans, those most brave men, and of the Martial and of the fourth legion, in their zeal for the reestablishment of the republic, be encouraged by our praise and commendation. And let us pledge ourselves this day that their advantage, and honours, and rewards shall be cared for by us as soon as the consuls elect have entered on their magistracy.

IV. And the things which I have said about Caesar and about his army, are, indeed, already well known to you. For by the admirable valour of Caesar, and by the firmness of the veteran soldiers, and by the admirable discernment of those legions which have followed our authority, and the liberty of the Roman people, and the valour of Caesar, Antonius has been repelled from his attempts upon our lives. But these things, as I have said, happened before; but this recent edict of Decimus Brutus, which has just been issued, can certainly not be passed over in silence. For he promises to preserve the province of Gaul in obedience to the senate and people of Rome. O citizen, born for the republic; mindful of the name he bears; imitator of his ancestors! Nor, indeed, was the acquisition of liberty so much an object of desire to our ancestors when Tarquinius was expelled, as, now that Antonius is driven away, the preservation of it is to us. Those men had learnt to obey kings ever since the foundation of the city, but we from the time when the kings were driven out have forgotten how to be slaves. And that Tarquinius, whom our ancestors expelled, was not either considered or called cruel or impious, but only The Proud. That vice which we have often borne in private individuals, our ancestors could not endure even in a king.

Lucius Brutus could not endure a proud king. Shall Decimus Brutus submit to the kingly power of a man who is wicked and impious? What atrocity did Tarquinius ever commit equal to the innumerable acts of the sort which Antonius has done and is still doing? Again, the kings were used to consult the senate; nor, as is the case when Antonius holds a senate, were armed barbarians ever introduced into the council of the king. The kings paid due regard to the auspices, which this man, though consul and augur, has neglected, not only by passing laws in opposition to the auspices, but also by making his colleague (whom he himself had appointed irregularly, and had falsified the auspices in order to do so) join in passing them. Again, what king was ever so preposterously impudent as to have all the profits, and kindnesses, and privileges of his kingdom on sale? But what immunity is there, what rights of citizenship, what rewards that this man has not sold to individuals, and to cities, and to entire provinces? We have

Page 56

never heard of anything base or sordid being imputed to Tarquinius. But at the house of this man gold was constantly being weighed out in the spinning room, and money was being paid, and in one single house every soul who had any interest in the business was selling the whole empire of the Roman people. We have never heard of any executions of Roman citizens by the orders of Tarquinius, but this man both at Suessa murdered the man whom he had thrown into prison, and at Brundisium massacred about three hundred most gallant men and most virtuous citizens. Lastly, Tarquinius was conducting a war in defence of the Roman people at the very time when he was expelled. Antonius was leading an army against the Roman people at the time when, being abandoned by the legions, he cowered at the name of Caesar and at his army, and neglecting the regular sacrifices, he offered up before daylight vows which he could never mean to perform, and at this very moment he is endeavouring to invade a province of the Roman people. The Roman people, therefore, has already received and is still looking for greater services at the hand of Decimus Brutus than our ancestors received from Lucius Brutus, the founder of this race and name which we ought to be so anxious to preserve.

V. But, while all slavery is miserable, to be slave to a man who is profligate, unchaste, effeminate, never, not even while in fear, sober, is surely intolerable. He, then, who keeps this man out of Gaul, especially by his own private authority, judges, and judges most truly, that he is not consul at all. We must take care, therefore, O conscript fathers, to sanction the private decision of Decimus Brutus by public authority. Nor, indeed, ought you to have thought Marcus Antonius consul at any time since the Lupercalia. For on the day when he, in the sight of the Roman people, harangued the mob, naked, perfumed, and drunk, and laboured moreover to put a crown on the head of his colleague, on that day he abdicated not only the consulship, but also his own freedom. At all events he himself must at once have become a slave, if Caesar had been willing to accept from him that ensign of royalty. Can I then think him a consul, can I think him a Roman citizen, can I think him a freeman, can I even think him a man, who on that shameful and wicked day showed what he was willing to endure while Caesar lived, and what he was anxious to obtain himself after he was dead?

Nor is it possible to pass over in silence the virtue and the firmness and the dignity of the province of Gaul. For that is the flower of Italy, that is the bulwark of the empire of the Roman people, that is the chief ornament of our dignity. But so perfect is the unanimity of the municipal towns and colonies of the province of Gaul, that all men in that district appear to have united together to defend the authority of this order, and the majesty of the Roman people. Wherefore, O tribunes of the people, although you have not actually brought any other business

Page 57

before us beyond the question of protection, in order that the consuls may be able to hold the senate with safety on the first of January, still you appear to me to have acted with great wisdom and great prudence in giving an opportunity of debating the general circumstances of the republic. For when you decided that the senate could not be held with safety without some protection or other, you at the same time asserted by that decision that the wickedness and audacity of Antonius was still continuing its practices within our walls.

Vi. Wherefore, I will embrace every consideration in my opinion which I am now going to deliver, a course to which you, I feel sure, have no objection, in order that authority may be conferred by us on admirable generals, and that hope of reward may be held out by us to gallant soldiers, and that a formal decision may be come to, not by words only, but also by actions, that Antonius is not only not a consul, but is even an enemy. For if he be consul, then the legions which have deserted the consul deserve beating[24] to death. Caesar is wicked, Brutus is impious, since they of their own heads have levied an army against the consul. But if new honours are to be sought out for the soldiers on account of their divine and immortal merits, and if it is quite impossible to show gratitude enough to the generals, who is there who must not think that man a public enemy, whose conduct is such that those who are in arms against him are considered the saviours of the republic?

Again, how insulting is he in his edicts! how ignorant! How like a barbarian! In the first place, how has he heaped abuse on Caesar, in terms drawn from his recollection of his own debauchery and profligacy. For where can we find any one who is chaster than this young man? who is more modest? where have we among our youth a more illustrious example of the old-fashioned strictness? Who, on the other hand, is more profligate than the man who abuses him? He reproaches the son of Caius Caesar with his want of noble blood, when even his natural[25] father, if he had been alive, would have been made consul. His mother is a woman of Aricia. You might suppose he was saying a woman of Tralles, or of Ephesus. Just see how we all who come from the municipal towns—that is to say, absolutely all of us—are looked down upon; for how few of us are there who do not come from those towns? and what municipal town is there which he does not despise who looks with such contempt on Aricia; a town most ancient as to its antiquity; if we regard its rights, united with us by treaty; if we regard its vicinity, almost close to us; if we regard the high character of its inhabitants, most honourable? It is from Aricia that we have received the Voconian and Atinian laws; from Aricia have come many of those magistrates who have filled our curule chairs, both in our fathers' recollection and in our own; from Aricia have sprung many of the best

Page 58

and bravest of the Roman knights. But if you disapprove of a wife from Aricia, why do you approve of one from Tusculum? Although the father of this most virtuous and excellent woman, Marcus Atius Balbus, a man of the highest character, was a man of praetorian rank; but the father of your wife,—a good woman, at all events a rich one,—a fellow of the name of Bambalio, was a man of no account at all. Nothing could be lower than he was, a fellow who got his surname as a sort of insult, derived[26] from the hesitation of his speech and the stolidity of his understanding. Oh, but your grandfather was nobly born. Yes, he was that Tuditanus who used to put on a cloak and buskins, and then go and scatter money from the rostra among the people. I wish he had bequeathed his contempt of money to his descendants! You have, indeed, a most glorious nobility of family! But how does it happen that the son of a woman of Aricia appears to you to be ignoble, when you are accustomed to boast of a descent on the mother's side which is precisely the same?[27] Besides, what insanity is it for that man to say anything about the want of noble birth in men's wives, when his father married Numitoria of Fregellae, the daughter of a traitor, and when he himself has begotten children of the daughter of a freedman. However, those illustrious men Lucius Philippus, who has a wife who came from Aricia, and Caius Marcellus, whose wife is the daughter of an Arician, may look to this; and I am quite sure that they have no regrets on the score of the dignity of those admirable women.

VII. Moreover, Antonius proceeds to name Quintus Cicero, my brother's son, in his edict; and is so mad as not to perceive that the way in which he names him is a panegyric on him. For what could happen more desirable for this young man, than to be known by every one to be the partner of Caesar's counsels, and the enemy of the frenzy of Antonius? But this gladiator has dared to put in writing that he had designed the murder of his father and of his uncle. Oh the marvellous impudence, and audacity, and temerity of such an assertion! to dare to put this in writing against that young man, whom I and my brother, on account of his amiable manners, and pure character, and splendid abilities, vie with one another in loving, and to whom we incessantly devote our eyes, and ears, and affections! And as to me, he does not know whether he is injuring or praising me in those same edicts. When he threatens the most virtuous citizens with the same punishment which I inflicted on the most wicked and infamous of men, he seems to praise me as if he were desirous of copying me; but when he brings up again the memory of that most illustrious exploit, then he thinks that he is exciting some odium against me in the breasts of men like himself.

Page 59

VIII. But what is it that he has done himself? When he had published all these edicts, he issued another, that the senate was to meet in a full house on the twenty-fourth of November. On that day he himself was not present. But what were the terms of his edict? These, I believe, are the exact words of the end of it: "If any one fails to attend, all men will be at liberty to think him the adviser of my destruction and of most ruinous counsels". What are ruinous counsels? those which relate to the recovery of the liberty of the Roman people? Of those counsels I confess that I have been and still am an adviser and prompter to Caesar. Although he did not stand in need of any one's advice, but still I spurred on the willing horse, as it is said. For what good man would not have advised putting you to death, when on your death depended the safety and life of every good man, and the liberty and dignity of the Roman people?

But when he had summoned us all by so severe an edict, why did he not attend himself? Do you suppose that he was detained by any melancholy or important occasion? He was detained drinking and feasting. If, indeed, it deserves to be called a feast, and not rather gluttony. He neglected to attend on the day mentioned in his edict, and he adjourned the meeting to the twenty-eighth. He then summoned us to attend in the Capitol, and at that temple he did arrive himself, coming up through some mine left by the Gauls. Men came, having been summoned, some of them indeed men of high distinction, but forgetful of what was due to their dignity. For the day was such, the report of the object of the meeting such, such too the man who had convened the senate, that it was discreditable for a senate to feel no fear for the result. And yet to those men who had assembled he did not dare to say a single word about Caesar, though he had made up his mind^[28] to submit a motion respecting him to the senate. There was a man of consular rank who had brought a resolution ready drawn up. Is it not now admitting that he is himself an enemy, when he does not dare to make a motion respecting a man who is leading an army against him while he is consul? For it is perfectly plain that one of the two must be an enemy, nor is it possible to come to a different decision respecting adverse generals. If then Caius Caesar be an enemy, why does the consul submit no motion to the senate? If he does not deserve to be branded by the senate, then what can the consul say, who, by his silence respecting him, has confessed that he himself is an enemy? In his edicts he styles him Spartacus, while in the senate he does not venture to call him even a bad citizen.

Page 60

IX. But in the most melancholy circumstances what mirth does he not provoke? I have committed to memory some short phrases of one edict, which he appears to think particularly clever, but I have not as yet found any one who has understood what he intended by them. "That is no insult which a worthy man does." Now, in the first place, what is the meaning of "worthy?" For there are many men worthy of punishment, as he himself is. Does he mean what a man does who is invested with any dignity?[29] if so, what insult can be greater? Moreover, what is the meaning of "doing an insult?" Who ever uses such an expression? Then comes, "Nor any fear which an enemy threatens" What then? is fear usually threatened by a friend? Then came many similar sentences. Is it not better to be dumb, than to say what no one can understand? Now see why his tutor, exchanging pleas for ploughs, has had given to him in the public domain of the Roman people two thousand acres of land in the Leontine district, exempt from all taxes, for making a stupid man still stupider at the public expense.

However, these perhaps are trifling matters. I ask now, why all on a sudden he became so gentle in the senate, after having been so fierce in his edicts? For what was the object of threatening Lucius Cassius, a most fearless tribune of the people, and a most virtuous and loyal citizen, with death if he came to the Senate? of expelling Decimus Caifulenus, a man thoroughly attached to the republic, from the senate by violence and threats of death? of interdicting Titus Canutius, by whom he had been repeatedly and deservedly harassed by most legitimate attacks, not only from the temple itself but from all approach to it? What was the resolution of the senate which he was afraid that they would stop by the interposition of their veto? That, I suppose, respecting the supplication in honour of Marcus Lepidus, a most illustrious man! Certainly there was a great danger of our hindering an ordinary compliment to a man on whom we were every day thinking of conferring some extraordinary honour. However, that he might not appear to have had no reason at all for ordering the senate to meet, he was on the point of bringing forward some motion about the republic, when the news about the fourth legion came; which entirely bewildered him, and hastening to flee away, he took a division on the resolution for decreeing this supplication, though such a proceeding had never been heard of before.[30]

X. But what a setting out was his after this! what a journey when he was in his robe as a general! How did he shun all eyes, and the light of day, and the city, and the forum! How miserable was his flight! how shameful! how infamous! Splendid, too, were the decrees of the senate passed on the evening of that very day; very religiously solemn was the allotment of the provinces; and heavenly indeed was the opportunity, when everyone got exactly what he thought most desirable. You are acting admirably,

Page 61

therefore, O tribunes of the people, in bringing forward a motion about the protection of the senate and consuls, and most deservedly are we all bound to feel and to prove to you the greatest gratitude for your conduct. For how can we be free from fear and danger while menaced by such covetousness and audacity? And as for that ruined and desperate man, what more hostile decision can be passed upon him than has already been passed by his own friends? His most intimate friend, a man connected with me too, Lucius Lentulus, and also Publius Naso, a man destitute of covetousness, have shown that they think that they have no provinces assigned them, and that the allotments of Antonius are invalid. Lucius Philippus, a man thoroughly worthy of his father and grandfather and ancestors, has done the same. The same is the opinion of Marcus Turanius, a man of the greatest integrity and purity of life. The same is the conduct of Publius Oppius; and those very men,—who, influenced by their friendship for Marcus Antonius, have attributed to him more power than they would perhaps really approve of,—Marcus Piso, my own connexion, a most admirable man and virtuous citizen, and Marcus Vehilius, a man of equal respectability, have both declared that they would obey the authority of the senate. Why should I speak of Lucius Cinna? whose extraordinary integrity, proved under many trying circumstances, makes the glory of his present admirable conduct less remarkable; he has altogether disregarded the province assigned to him; and so has Caius Cestius, a man of great and firm mind.

Who are there left then to be delighted with this heavensent allotment? Lucius Antonius and Marcus Antonius! O happy pair! for there is nothing that they wished for more. Caius Antonius has Macedonia. Happy, too, is he! For he was constantly talking about this province. Caius Calvisius has Africa. Nothing could be more fortunate, for he had only just departed from Africa, and, as if he had divined that he should return, he left two lieutenants at Utica. Then Marcus Iccius has Sicily, and Quintus Cassius Spain. I do not know what to suspect. I fancy the lots which assigned these two provinces, were not quite so carefully attended to by the gods.

XI. O Caius Caesar, (I am speaking of the young man,) what safety have you brought to the republic! How unforeseen has it been! how sudden! for if he did these things when flying, what would he have done when he was pursuing? In truth, he had said in a harangue that he would be the guardian of the city; and that he would keep his army at the gates of the city till the first of May. What a fine guardian (as the proverb goes) is the wolf of the sheep! Would Antonius have been a guardian of the city, or its plunderer and destroyer? And he said too that he would come into the city and go out as he pleased. What more need I say? Did he not say, in the hearing of all the people, while sitting in front of the temple of Castor, that no one should remain alive but the conqueror?

Page 62

On this day, O conscript fathers, for the first time after a long interval do we plant our foot and take possession of liberty. Liberty, of which, as long as I could be, I was not only the defender, but even the saviour. But when I could not be so, I rested; and I bore the misfortunes and misery of that period without abjectness, and not without some dignity. But as for this most foul monster, who could endure him, or how could any one endure him? What is there in Antonius except lust, and cruelty, and wantonness, and audacity? Of these materials he is wholly made up. There is in him nothing ingenuous, nothing moderate, nothing modest, nothing virtuous. Wherefore, since the matter has come to such a crisis that the question is whether he is to make atonement to the republic for his crimes, or we are to become slaves, let us at last, I beseech you, by the immortal gods, O conscript fathers, adopt our fathers' courage, and our fathers' virtue, so as either to recover the liberty belonging to the Roman name and race, or else to prefer death to slavery. We have borne and endured many things which ought not to be endured in a free city, some of us out of a hope of recovering our freedom, some from too great a fondness for life. But if we have submitted to these things, which necessity and a sort of force which may seem almost to have been put on us by destiny have compelled us to endure, though, in point of fact, we have not endured them, are we also to bear with the most shameful and inhuman tyranny of this profligate robber?

XII. What will he do in his passion, if ever he has the power, who, when he is not able to show his anger against any one, has been the enemy of all good men? What will he not dare to do when victorious, who, without having gained any victory, has committed such crimes as these since the death of Caesar? has emptied his well filled house? has pillaged his gardens? has transferred to his own mansion all their ornaments? has sought to make his death a pretext for slaughter and conflagration? who, while he has carried two or three resolutions of the senate which have been advantageous to the republic, has made everything else subservient to his own acquisition of gain and plunder? who has put up exemptions and annuities to sale? who has released cities from obligations? who has removed whole provinces from subjection to the Roman empire? who has restored exiles? who has passed forged laws in the name of Caesar, and has continued to have forged decrees engraved on brass and fixed up in the Capitol, and has set up in his own house a domestic market for all things of that sort? who has imposed laws on the Roman people? and who, with armed troops and guards, has excluded both the people and the magistrates from the forum? who has filled the senate with armed men? and has introduced armed men into the temple of Concord when he was holding a senate there? who ran down to Brundisium to meet the legions, and then murdered all the centurions in them who were well affected to the republic? who endeavoured to come to Rome with his army to accomplish our massacre and the utter destruction of the city?

Page 63

And he, now that he has been prevented from succeeding in this attempt by the wisdom and forces of Caesar, and the unanimity of the veterans, and the valour of the legions, even now that his fortunes are desperate, does not diminish his audacity, nor, mad that he is, does he cease proceeding in his headlong career of fury. He is leading his mutilated army into Gaul, with one legion, and that too wavering in its fidelity to him, he is waiting for his brother Lucius, as he cannot find any one more nearly like himself than him. But now what slaughter is this man, who has thus become a captain instead of a matador, a general instead of a gladiator, making, wherever he sets his foot! He destroys stores, he slays the flocks and herds, and all the cattle, wherever he finds them, his soldiers revel in their spoil, and he himself, in order to imitate his brother, drowns himself in wine. Fields are laid waste, villas are plundered, matrons, virgins, well born boys are carried off and given up to the soldiery, and Marcus Antonius has done exactly the same wherever he has led his army.

XIII. Will you open your gates to these most infamous brothers? will you ever admit them into the city? will you not rather, now that the opportunity is offered to you, now that you have generals ready, and the minds of the soldiers eager for the service, and all the Roman people unanimous, and all Italy excited with the desire to recover its liberty,—will you not, I say, avail yourself of the kindness of the immortal gods? You will never have an opportunity if you neglect this one. He will be hemmed in in the rear, in the front, and in flank, if he once enters Gaul. Nor must he be attacked by arms alone, but by our decrees also. Mighty is the authority, mighty is the name of the senate when all its members are inspired by one and the same resolution. Do you not see how the forum is crowded? how the Roman people is on tiptoe with the hope of recovering its liberty? which now, beholding us, after a long interval, meeting here in numbers, hopes too that we are also met in freedom. It was in expectation of this day that I avoided the wicked army of Marcus Antonius, at a time when he, while inveighing against me, was not aware for what an occasion I was reserving myself and my strength. If at that time I had chosen to reply to him, while he was seeking to begin the massacre with me, I should not now be able to consult the welfare of the republic. But now that I have this opportunity, I will never, O conscript fathers, neither by day nor by night, cease considering what ought to be thought concerning the liberty of the Roman people, and concerning your dignity. And whatever ought to be planned or done, I not only will never shrink from, but I will offer myself for, and beg to have entrusted to me. This is what I did before while it was in my power; when it was no longer in my power to do so, I did nothing. But now it is not only in my power, but it is absolutely necessary

Page 64

for me, unless we prefer being slaves to fighting with all our strength and courage to avoid being slaves. The immortal gods have given us these protectors, Caesar for the city, Brutus for Gaul. For if he had been able to oppress the city we must have become slaves at once; if he had been able to get possession of Gaul, then it would not have been long before every good man must have perished and all the rest have been enslaved.

XIV. Now then that this opportunity is afforded to you, O conscript fathers, I entreat you in the name of the immortal gods, seize upon it; and recollect at last that you are the chief men of the most honourable council on the whole face of the earth. Give a token to the Roman people that your wisdom shall not fail the republic, since that too professes that its valour shall never desert it either. There is no need for my warning you: there is no one so foolish as not to perceive that if we go to sleep over this opportunity we shall have to endure a tyranny which will be not only cruel and haughty, but also ignominious and flagitious. You know the insolence of Antonius; you know his friends; you know his whole household. To be slaves to lustful, wanton, debauched, profligate, drunken gamblers, is the extremity of misery combined with the extremity of infamy. And if now (but may the immortal gods avert the omen!) that worst of fates shall befall the republic, then, as brave gladiators take care to perish with honour, let us too, who are the chief men of all countries and nations, take care to fall with dignity rather than to live as slaves with ignominy.

There is nothing more detestable than disgrace; nothing more shameful than slavery. We have been born to glory and to liberty; let us either preserve them or die with dignity. Too long have we concealed what we have felt: now at length it is revealed: every one has plainly shown what are his feelings to both sides, and what are his inclinations. There are impious citizens, measured by the love I bear my country, too many; but in proportion to the multitude of well-affected ones, very few; and the immortal gods have given the republic an incredible opportunity and chance for destroying them. For, in addition to the defences which we already have, there will soon be added consuls of consummate prudence, and virtue, and concord, who have already deliberated and pondered for many months on the freedom of the Roman people. With these men for our advisers and leaders, with the gods assisting us, with ourselves using all vigilance and taking great precautions for the future, and with the Roman people acting with unanimity, we shall indeed be free in a short time, and the recollection of our present slavery will make liberty sweeter.

Page 65

XV. Moved by these considerations, since the tribunes of the people have brought forward a motion to ensure that the senate shall be able to meet in safety on the first of January, and that we may be able to deliver our sentiments on the general welfare of the state with freedom, I give my vote that Caius Pansa and Aulus Hirtius, the consuls elect, do take care that the senate be enabled to meet in safety on the first of January; and, as an edict has been published by Decimus Brutus, imperator and consul elect, I vote that the senate thinks that Decimus Brutus, imperator and consul, deserves excellently well of the republic, inasmuch as he is upholding the authority of the senate, and the freedom and empire of the Roman people; and as he is also retaining the province of Gallia Citerior, a province full of most virtuous and brave men, and of citizens most devoted to the republic, and his army, in obedience to the senate, I vote that the senate judges that he, and his army, and the municipalities and colonies of the province of Gaul, have acted and are acting properly, and regularly, and in a manner advantageous to the republic. And the senate thinks that it will be for the general interests of the republic that the provinces which are at present occupied by Decimus Brutus and by Lucius Plancus, both imperators, and consuls elect, and also by the officers who are in command of provinces, shall continue to be held by them in accordance with the provisions of the Julian law, until each of these officers has a successor appointed by a resolution of the senate; and that they shall take care to maintain those provinces and armies in obedience to the senate and people of Rome, and as a defence to the republic. And since, by the exertions and valour and wisdom of Caius Caesar, and by the admirable unanimity of the veteran soldiers, who, obeying his authority, have been and are a protection to the republic, the Roman people has been defended, and is at this present time being defended, from the most serious dangers. And as the Martial legion has encamped at Alba, in a municipal town of the greatest loyalty and courage, and has devoted itself to the support of the authority of the senate, and of the freedom of the Roman people; and as the fourth legion, behaving with equal wisdom and with the same virtue, under the command of Lucius Egnatuleius the quaestor, an illustrious citizen, has defended and is still defending the authority of the senate and the freedom of the Roman people; I give my vote, That it is and shall be an object of anxious care to the senate to pay due honour and to show due gratitude to them for their exceeding services to the republic: and that the senate hereby orders that when Caius Pansa and Aulus Hirtius, the consuls elect, have entered on their office, they take the earliest opportunity of consulting this body on these matters, as shall seem to them expedient for the republic, and worthy of their own integrity and loyalty.

Page 66

THE FOURTH ORATION OF M.T. CICERO AGAINST MARCUS ANTONIUS.

Called also the fourth Philippic.

* * * * *

The argument.

After delivering the preceding speech in the senate, Cicero proceeded to the forum, where he delivered the following speech to the people, to give them information of what had been done.

I. The great numbers in which you are here met this day, O Romans, and this assembly, greater than, it seems to me, I ever remember, inspires me with both an exceeding eagerness to defend the republic, and with a great hope of reestablishing it. Although my courage indeed has never failed; what has been unfavourable is the time; and the moment that that has appeared to show any dawn of light, I at once have been the leader in the defence of your liberty. And if I had attempted to have done so before, I should not be able to do so now. For this day, O Romans, (that you may not think it is but a trifling business in which we have been engaged,) the foundations have been laid for future actions. For the senate has no longer been content with styling Antonius an enemy in words, but it has shown by actions that it thinks him one. And now I am much more elated still, because you too with such great unanimity and with such a clamour have sanctioned our declaration that he is an enemy.

And indeed, O Romans, it is impossible but that either the men must be impious who have levied armies against the consul, or else that he must be an enemy against whom they have rightly taken arms. And this doubt the senate has this day removed—not indeed that there really was any; but it has prevented the possibility of there being any. Caius Caesar, who has upheld and who is still upholding the republic and your freedom by his seal and wisdom, and at the expense of his patrimonial estate, has been complimented with the highest praises of the senate. I praise you,—yes, I praise you greatly, O Romans, when you follow with the most grateful minds the name of that most illustrious youth, or rather boy; for his actions belong to immortality, the name of youth only to his age. I can recollect many things; I have heard of many things; I have read of many things; but in the whole history of the whole world I have never known anything like this. For, when we were weighed down with slavery, when the evil was daily increasing, when we had no defence, while we were in dread of the pernicious and fatal return of Marcus Antonius from Brundisium, this young man adopted the design which none of us had ventured to hope for, which beyond all question none of us were acquainted with, of raising an invincible army of his father's soldiers, and so hindering

the frenzy of Antonius, spurred on as it was by the most inhuman counsels, from the power of doing mischief to the republic.

Page 67

II. For who is there who does not see clearly that, if Caesar had not prepared an army, the return of Antonius must have been accompanied by our destruction? For, in truth, he returned in such a state of mind, burning with hatred of you all, stained with the blood of the Roman citizens, whom he had murdered at Suessa and at Brundisium, that he thought of nothing but the utter destruction of the republic. And what protection could have been found for your safety and for your liberty if the army of Caius Caesar had not been composed of the bravest of his father's soldiers? And with respect to his praises and honours,—and he is entitled to divine and everlasting honours for his godlike and undying services,—the senate has just consented to my proposals, and has decreed that a motion be submitted to it at the very earliest opportunity.

Now who is there who does not see that by this decree Antonius has been adjudged to be an enemy? For what else can we call him, when the senate decides that extraordinary honours are to be devised for those men who are leading armies against him? What? did not the Martial legion (which appears to me by some divine permission to have derived its name from that god from whom we have heard that the Roman people descended) decide by its resolutions that Antonius was an enemy before the senate had come to any resolution? For if he be not an enemy, we must inevitably decide that those men who have deserted the consul are enemies. Admirably and seasonably, O Romans, have you by your cries sanctioned the noble conduct of the men of the Martial legion, who have come over to the authority of the senate, to your liberty, and to the whole republic; and have abandoned that enemy and robber and parricide of his country. Nor did they display only their spirit and courage in doing this, but their caution and wisdom also. They encamped at Alba, in a city convenient, fortified, near, full of brave men and loyal and virtuous citizens. The fourth legion imitating the virtue of this Martial legion, under the leadership of Lucius Egnatuleius, whom the senate deservedly praised a little while ago, has also joined the army of Caius Caesar.

III. What more adverse decisions, O Marcus Antonius, can you want? Caesar, who has levied an army against you, is extolled to the skies. The legions are praised in the most complimentary language, which have abandoned you, which were sent for into Italy by you; and which, if you had chosen to be a consul rather than an enemy, were wholly devoted to you. And the fearless and honest decision of those legions is confirmed by the senate, is approved of by the whole Roman people,—unless, indeed, you to-day, O Romans, decide that Antonius is a consul and not an enemy. I thought, O Romans, that you did think as you show you do. What? do you suppose that the municipal towns, and the colonies, and the prefectures have any other opinion? All men are agreed with one mind; so that every one who wishes the state to

Page 68

be saved must take up every sort of arms against that pestilence. What? does, I should like to know, does the opinion of Decimus Brutus, O Romans, which you can gather from his edict, which has this day reached us, appear to any one deserving of being lightly esteemed? Rightly and truly do you say No, O Romans. For the family and name of Brutus has been by some especial kindness and liberality of the immortal gods given to the republic, for the purpose of at one time establishing, and at another of recovering, the liberty of the Roman people. What then has been the opinion which Decimus Brutus has formed of Marcus Antonius? He excludes him from his province. He opposes him with his army. He rouses all Gaul to war, which is already used of its own accord, and in consequence of the judgment which it has itself formed. If Antonius be consul, Brutus is an enemy. Can we then doubt which of these alternatives is the fact?

IV. And just as you now with one mind and one voice affirm that you entertain no doubt, so did the senate just now decree that Decimus Brutus deserved excellently well of the republic, inasmuch as he was defending the authority of the senate and the liberty and empire of the Roman people. Defending it against whom? Why, against an enemy. For what other sort of defence deserves praise? In the next place the province of Gaul is praised, and is deservedly complimented in most honourable language by the senate for resisting Antonius. But if that province considered him the consul, and still refused to receive him, it would be guilty of great wickedness. For all the provinces belong to the consul of right, and are bound to obey him. Decimus Brutus, imperator and consul elect, a citizen born for the republic, denies that he is consul; Gaul denies it; all Italy denies it; the senate denies it; you deny it. Who then think that he is consul except a few robbers? Although even they themselves do not believe what they say; nor is it possible that they should differ from the judgment of all men, impious and desperate men though they be. But the hope of plunder and booty blinds their minds; men whom no gifts of money, no allotment of land, nor even that interminable auction has satisfied; who have proposed to themselves the city, the properties and fortunes of all the citizens as their booty; and who, as long as there is something for them to seize and carry off, think that nothing will be wanting to them; among whom Marcus Antonius (O ye immortal gods, avert, I pray you, and efface this omen,) has promised to divide this city. May things rather happen, O Romans, as you pray that they should, and may the chastisement of this frenzy fall on him and on his friend. And, indeed, I feel sure that it will be so. For I think that at present not only men but the immortal gods have all united together to preserve this republic. For if the immortal gods foreshow us the future, by means of portents and prodigies, then it has been openly revealed to us that punishment is near at hand to him, and liberty to us. Or if it was impossible for such unanimity on the part of all men to exist without the inspiration of the gods, in either case how can we doubt as to the inclinations of the heavenly deities? It only remains, O Romans, for you to persevere in the sentiments which you at present display.

Page 69

V. I will act, therefore, as commanders are in the habit of doing when their army is ready for battle, who, although they see their soldiers ready to engage, still address an exhortation to them; and in like manner I will exhort you who are already eager and burning to recover your liberty. You have not—you have not, indeed, O Romans, to war against an enemy with whom it is possible to make peace on any terms whatever. For he does not now desire your slavery, as he did before, but he is angry now and thirsts for your blood. No sport appears more delightful to him than bloodshed, and slaughter, and the massacre of citizens before his eyes. You have not, O Romans, to deal with a wicked and profligate man, but with an unnatural and savage beast. And, since he has fallen into a well, let him be buried in it. For if he escapes out of it, there will be no inhumanity of torture which it will be possible to avoid. But he is at present hemmed in, pressed, and besieged by those troops which we already have, and will soon be still more so by those which in a few days the new consuls will levy. Apply yourselves then to this business, as you are doing. Never have you shown greater unanimity in any cause; never have you been so cordially united with the senate. And no wonder. For the question now is not in what condition we are to live, but whether we are to live at all, or to perish with torture and ignominy.

Although nature, indeed, has appointed death for all men: but valour is accustomed to ward off any cruelty or disgrace in death. And that is an inalienable possession of the Roman race and name. Preserve, I beseech you, O Romans, this attribute which your ancestors have left you as a sort of inheritance. Although all other things are uncertain, fleeting, transitory; virtue alone is planted firm with very deep roots; it cannot be undermined by any violence; it can never be moved from its position. By it your ancestors first subdued the whole of Italy; then destroyed Carthage, overthrew Numantia, and reduced the most mighty kings and most warlike nations under the dominion of this empire.

Vi. And your ancestors, O Romans, had to deal with an enemy who had also a republic, a senate-house, a treasury, harmonious and united citizens, and with whom, if fortune had so willed it, there might have been peace and treaties on settled principles. But this enemy of yours is attacking your republic, but has none himself; is eager to destroy the senate, that is to say, the council of the whole world, but has no public council himself; he has exhausted your treasury, and has none of his own. For how can a man be supported by the unanimity of his citizens, who has no city at all? And what principles of peace can there be with that man who is full of incredible cruelty, and destitute of faith?

Page 70

The whole then of the contest, O Romans, which is now before the Roman people, the conqueror of all nations, is with an assassin, a robber, a Spartacus.[31] For as to his habitual boast of being like Catilina, he is equal to him in wickedness, but inferior in energy. He, though he had no army, rapidly levied one. This man has lost that very army which he had. As, therefore, by my diligence, and the authority of the senate, and your own zeal and valour, you crushed Catilina, so you will very soon hear that this infamous piratical enterprise of Antonius has been put down by your own perfect and unexampled harmony with the senate, and by the good fortune and valour of your armies and generals. I, for my part, as far as I am able to labour, and to effect anything by my care, and exertions, and vigilance, and authority, and counsel, will omit nothing which I may think serviceable to your liberty. Nor could I omit it without wickedness after all your most ample and honourable kindness to me. However, on this day, encouraged by the motion of a most gallant man, and one most firmly attached to you, Marcus Servilius, whom you see before you, and his colleagues also, most distinguished men, and most virtuous citizens; and partly, too, by my advice and my example, we have, for the first time after a long interval, fired up again with a hope of liberty.

THE FIFTH ORATION OF M.T. CICERO AGAINST MARCUS ANTONIUS.

Otherwise called the fifth Philippic.

* * * * *

The argument.

The new consuls Hirtius and Pansa were much attached to Cicero, had consulted him a great deal, and professed great respect for his opinion; but they were also under great obligations to Julius Caesar and, consequently, connected to some extent with his party and with Antonius, on which account they wished, if possible, to employ moderate measures only against him.

As soon as they had entered on their office, they convoked the senate to meet for the purpose of deliberating on the general welfare of the republic. They both spoke themselves with great firmness, promising to be the leaders in defending the liberties of Rome, and exhorting the senate to act with courage. And then they called on Quintus Fufius Calenus, who had been consul A.U.C. 707, and who was Pansa's father-in-law, to deliver his opinion first. He was known to be a firm friend of Antonius. Cicero wished to declare Antonius a public enemy at once, but Calenus proposed that before they proceeded to acts of open hostility against him, they should send an embassy to him to admonish him to desist from his attempts upon Gaul, and to submit to the authority of the senate. Piso and others supported this motion, on the ground that it was cruel and

unjust to condemn a man without giving him a fair chance of submitting, and without hearing what he had to

Page 71

say. It was in opposition to Calenus's motion that Cicero made the following speech, substituting for his proposition one to declare Antonius an enemy, and to offer pardon to those of his army who returned to their duty by the first of February, to thank Decimus Brutus for his conduct in Gaul, to decree a statue to Marcus Lepidus[32] for his services to the republic and his loyalty, to thank Caius Caesar (Octavius) and to grant him a special commission as general, to make him a senator and propraetor and to enable him to stand for any subsequent magistracy as if he had been quaestor, to thank Lucius Egnatuleius, and to vote thanks and promise rewards to the Martial and the fourth legion.

I. Nothing, O conscript fathers, has ever seemed to me longer than these calends of January, and I think that for the last few days you have all been feeling the same thing. For those who are waging war against the republic have not waited for this day. But we, while it would have been most especially proper for us to come to the aid of the general safety with our counsel, were not summoned to the senate. However, the speech just addressed to us by the consuls has removed our complaints as to what is past, for they have spoken in such a manner that the calends of January seem to have been long wished for rather than really to have arrived late.

And while the speeches of the consuls have encouraged my mind, and have given me a hope, not only of preserving our safety, but even of recovering our former dignity, on the other hand, the opinion of the man who has been asked for his opinion first would have disturbed me, if I had not confidence in your virtue and firmness. For this day, O conscript fathers, has dawned upon you, and this opportunity has been afforded you of proving to the Roman people how much virtue, how much firmness and how much dignity exists in the counsels of this order. Recollect what a day it was thirteen days ago, how great was then your unanimity, and virtue, and firmness, and what great praise, what great glory, and what great gratitude you gained from the Roman people. And on that day, O conscript fathers, you resolved that no other alternative was in your power, except either an honourable peace, or a necessary war.

Is Marcus Antonius desirous of peace? Let him lay down his arms, let him implore our pardon, let him deprecate our vengeance; he will find no one more reasonable than me, though, while seeking to recommend himself to impious citizens, he has chosen to be an enemy instead of a friend to me. There is, in truth, nothing which can be given to him while waging war, there will perhaps be something which may be granted to him if he comes before us as a suppliant.

Page 72

II. But to send ambassadors to a man respecting whom you passed a most dignified and severe decision only thirteen days ago, is not an act of lenity, but, if I am to speak my real opinion, of downright madness. In the first place, you praised those generals who, of their own head, had undertaken war against him, in the next place, you praised the veterans who, though they had been settled in those colonies by Antonius, preferred the liberty of the Roman people to the obligations which they were under to him. Is it not so? Why was the Martial legion? why was the fourth legion praised? For if they have deserted the consul, they ought to be blamed; if they have abandoned an enemy to the republic, then they are deservedly praised.

But as at that time you had not yet got any consuls, you passed a decree that a motion concerning the rewards for the soldiers and the honours to be conferred on the generals should be submitted to you at the earliest opportunity. Are you then going now to arrange rewards for those men who have taken arms against Antonius, and to send ambassadors to Antonius? so as to deserve to be ashamed that the legions should have come to more honourable resolutions than the senate if, indeed, the legions have resolved to defend the senate against Antonius, but the senate decrees to send ambassadors to Antonius. Is this encouraging the spirit of the soldiers, or damping their virtue?

This is what we have gained in the last twelve days, that the man whom no single person except Cotta was then found to defend, has now advocates even of consular rank. Would that they had all been asked their opinion before me, (although I have my suspicions as to what some of those men who will be asked after me, are intending to say) I should find it easier to speak against them if any argument appeared to have been advanced.

For there is an opinion in some quarters that some one intends to propose to decree Antonius that further Gaul, which Plancus is at present in possession of. What else is that but supplying an enemy with all the arms necessary for civil war; first of all with the sinews of war, money in abundance, of which he is at present destitute, and secondly, with as much cavalry as he pleases? Cavalry do I say? He is a likely man to hesitate, I suppose, to bring with him the barbarian nations,—a man who does not see this is senseless, he who does see it, and still advocates such a measure, is impious. Will you furnish a wicked and desperate citizen with an army of Gauls and Germans, with money, and infantry, and cavalry, and all sorts of resources? All these excuses are no excuse at all.—“He is a friend of mine.” Let him first be a friend of his country.—“He is a relation of mine.” Can any relationship be nearer than that of one’s country, in which even one’s parents are comprised? “He has given me money.”—I should like to see the man who will dare to say that. But when I have explained what is the real object aimed at, it will be easy for you to decide which opinion you ought to agree with and adopt.

Page 73

III. The matter at issue is, whether power is to be given to Marcus Antonius of oppressing the republic, of massacring the virtuous citizens, of plundering the city, of distributing the lands among his robbers, of overwhelming the Roman people in slavery; or, whether he is not to be allowed to do all this. Do you doubt what you are to do? “Oh, but all this does not apply to Antonius.” Even Cotyla would not venture to say that. For what does not apply to him? A man who, while he says that he is defending the acts of another, perverts all those laws of his which we might most properly praise. Caesar wished to drain the marshes: this man has given all Italy to that moderate man Lucius Antonius to distribute.—What? has the Roman people adopted this law?—What? could it be passed with a proper regard for the auspices? But this conscientious augur acts in reference to the auspices without his colleagues. Although those auspices do not require any interpretation;—for who is there who is ignorant that it is impious to submit any motion to the people while it is thundering? The tribunes of the people carried laws respecting the provinces in opposition to the acts of Caesar; Caesar had extended the provisions of his law over two years; Antonius over six years. Has then the Roman people adopted this law? What? was it ever regularly promulgated? What? was it not passed before it was even drawn up? Did we not see the deed done before we even suspected that it was going to be done? Where is the Caecilian and Didian law? What is become of the law that such bills should be published on three market days? What is become of the penalty appointed by the recent Junian and Licinian law? Can these laws be ratified without the destruction of all other laws? Has any one had a right of entering the forum? Moreover, what thunder, and what a storm that was! so that even if the consideration of the auspices had no weight with Marcus Antonius, it would seem strange that he could endure and bear such exceeding violence of tempest, and rain, and whirlwind. When therefore he, as augur, says that he carried a law while Jupiter was not only thundering, but almost uttering an express prohibition of it by his clamour from heaven, will he hesitate to confess that it was carried in violation of the auspices? What? does the virtuous augur think that it has nothing to do with the auspices, that he carried the law with the aid of that colleague whose election he himself vitiated by giving notice of the auspices?

IV. But perhaps we, who are his colleagues, may be the interpreters of the auspices? Do we also want interpreters of arms? In the first place, all the approaches to the forum were so fenced round, that even if no armed men were standing in the way, still it would have been impossible to enter the forum except by tearing down the barricades. But the guards were arranged in such a manner, that, as the access of an enemy to a city is prevented, so you

Page 74

might in this instance see the burgesses and the tribunes of the people cut off by forts and works from all entrance to the forum. On which account I give my vote that those laws which Marcus Antonius is said to have carried were all carried by violence, and in violation of the auspices; and that the people is not bound by them. If Marcus Antonius is said to have carried any law about confirming the acts of Caesar and abolishing the dictatorship for ever, and of leading colonies into any lands, then I vote that those laws be passed over again, with a due regard to the auspices, so that they may bind the people. For although they may be good measures which he passed irregularly and by violence, still they are not to be accounted laws, and the whole audacity of this frantic gladiator must be repudiated by our authority. But that squandering of the public money cannot possibly be endured by which he got rid of seven hundred millions of sesterces by forged entries and deeds of gifts, so that it seems an absolute miracle that so vast a sum of money belonging to the Roman people can have disappeared in so short a time. What? are those enormous profits to be endured which the household of Marcus Antonius has swallowed up? He was continually selling forged decrees; ordering the names of kingdoms and states, and grants of exemptions to be engraved on brass, having received bribes for such orders. And his statement always was, that he was doing these things in obedience to the memoranda of Caesar, of which he himself was the author. In the interior of his house there was going on a brisk market of the whole republic. His wife, more fortunate for herself than for her husband, was holding an auction of kingdoms and provinces: exiles were restored without any law, as if by law: and unless all these acts are rescinded by the authority of the senate, now that we have again arrived at a hope of recovering the republic, there will be no likeness of a free city left to us.

Nor is it only by the sale of forged memoranda and autographs that a countless sum of money was collected together in that house, while Antonius, whatever he sold, said that he was acting in obedience to the papers of Caesar; but he even took bribes to make false entries of the resolutions of the senate; to seal forged contracts; and resolutions of the senate that had never been passed were entered on the records of that treasury. Of all this baseness even foreign nations were witnesses. In the meantime treaties were made; kingdoms given away; nations and provinces released from the burdens of the state; and false memorials of all these transactions were fixed up all over the Capitol, amid the groans of the Roman people. And by all these proceedings so vast a sum of money was collected in one house, that if it were all made available, the Roman people would never want money again.

Page 75

V. Moreover, he passed a law to regulate judicial proceedings, this chaste and upright man, this upholder of the tribunals and the law. And in this he deceived us. He used to say that he appointed men from the front ranks of the army, common soldiers, men of the Alauda,[33] as judges. But he has in reality selected gamesters; he has selected exiles; he has selected Greeks. Oh the fine bench of judges! Oh the admirable dignity of that council! I do long to plead in behalf of some defendant before that tribunal—Cyda of Crete; a prodigy even in that island; the most audacious and abandoned of men. But even suppose he were not so. Does he understand Latin? Is he qualified by birth and station to be a judge? Does he—which is most important—does he know anything about our laws and manners? Is he even acquainted with any of the citizens? Why, Crete is better known to you than Rome is to Cyda. In fact, the selection and appointment of the judges has usually been confined to our own citizens. But who ever knew, or could possibly have known this Gortynian judge? For Lysiades, the Athenian, we most of us do know. For he is the son of Phaedrus, an eminent philosopher. And, besides, he is a witty man, so that he will be able to get on very well with Marcus Curius, who will be one of his colleagues, and with whom he is in the habit of playing. I ask if Lysiades, when summoned as a judge, should not answer to his name, and should have an excuse alleged for him that he is an Areopagite, and that he is not bound to act as a judge at both Rome and Athens at the same time, will the man who presides over the investigation admit the excuse of this Greekling judge, at one time a Greek, and at another a Roman? Or will he disregard the most ancient laws of the Athenians?

And what a bench will it be, O ye good gods! A Cretan judge, and he the most worthless of men. Whom can a defendant employ to propitiate him? How is he to get at him? He comes of a hard nation. But the Athenians are merciful. I dare say that Curius, too, is not cruel, inasmuch as he is a man who is himself at the mercy of fortune every day. There are besides other chosen judges who will perhaps be excused. For they have a legitimate excuse, that they have left their country in banishment, and that they have not been restored since. And would that madman have chosen these men as judges, would he have entered their names as such in the treasury, would he have trusted a great portion of the republic to them, if he had intended to leave the least semblance of a republic?

Vi. And I have been speaking of those judges who are known. Those whom you are less acquainted with I have been unwilling to name. Know then that dancers, harp-players, the whole troop, in fact, of Antonius's revellers, have all been pitchforked into the third decury of judges. Now you see the object of passing so splendid and admirable a law, amid excessive rain, storm, wind, tempest, and whirlwind,

Page 76

amid thunder and lightning; it was that we might have those men for our judges whom no one would like to have for guests. It is the enormity of his wickedness, the consciousness of his crimes, the plunder of that money of which the account was kept in the temple of Ops, which have been the real inventors of this third decury. And infamous judges were not sought for, till all hope of safety for the guilty was despaired of, if they came before respectable ones. But what must have been the impudence, what must have been the iniquity of a man who dared to select those men as judges, by the selection of whom a double disgrace was stamped on the republic: one, because the judges were so infamous; the other, because by this step it was revealed and published to the world how many infamous citizens we had in the republic? These then, and all other similar laws, I should vote ought to be annulled, even if they had been passed without violence, and with all proper respect for the auspices. But now why need I vote that they ought to be annulled, when I do not consider that they were ever legally passed?

Is not this, too, to be marked with the deepest ignominy, and with the severest animadversion of this order, so as to be recollected by all posterity, that Marcus Antonius (the first man who has ever done so since the foundation of the city) has openly taken armed men about with him in this city? A thing which the kings never did, nor those men who, since the kings have been banished, have endeavoured to seize on kingly power. I can recollect Cinna; I have seen Sylla; and lately Caesar. For these three men are the only ones since the city was delivered by Lucius Brutus, who have had more power than the entire republic. I cannot assert that no man in their trains had weapons. This I do say, that they had not many, and that they concealed them. But this pest was attended by an army of armed men. Classitius, Mustela, and Tiro, openly displaying their swords, led troops of fellows like themselves through the forum. Barbarian archers occupied their regular place in the army. And when they arrived at the temple of Concord, the steps were crowded, the litters full of shields were arranged; not because he wished the shields to be concealed, but that his friends might not be fatigued by carrying the shields themselves.

VII. And what was most infamous not only to see, but even to hear of, armed men, robbers, assassins were stationed in the temple of Concord; the temple was turned into a prison; the doors of the temple were closed, and the conscript fathers delivered their opinions while robbers were standing among the benches of the senators. And if I did not come to a senate-house in this state, he, on the first of September, said that he would send carpenters and pull down my house. It was an important affair, I suppose, that was to be discussed. He made some motion about a supplication. I attended the day after. He himself did not

Page 77

come. I delivered my opinion about the republic, not indeed with quite so much freedom as usual, but still with more than the threats of personal danger to myself made perhaps advisable. But that violent and furious man (for Lucius Piso had done the same thing with great credit thirty days before) threatened me with his enmity, and ordered me to attend the senate on the nineteenth of September. In the meantime he spent the whole of the intervening seventeen days in the villa of Scipio, at Tibur, declaiming against me to make himself thirsty. For this is his usual object in declaiming. When the day arrived on which he had ordered me to attend, then he came with a regular army in battle array to the temple of Concord, and out of his impure mouth vomited forth an oration against me in my absence. On which day, if my friends had not prevented me from attending the senate as I was anxious to do, he would have begun a massacre by the slaughter of me. For that was what he had resolved to do. And when once he had dyed his sword in blood, nothing would have made him leave off but pure fatigue and satiety. In truth, his brother, Lucius Antonius, was present, an Asiatic gladiator, who had fought as a Mirmillo,[34] at Mylasa; he was thirsting for my blood, and had shed much of his own in that gladiatorial combat. He was now valuing our property in his mind, taking notice of our possessions in the city and in the country; his indigence united with his covetousness was threatening all our fortunes; he was distributing our lands to whomsoever and in whatever shares he pleased; no private individual could get access to him, or find any means to propitiate him, and induce him to act with justice. Every former proprietor had just so much property as Antonius left him after the division of his estate. And although all these proceedings cannot be ratified, if you annul his laws, still I think that they ought all to be separately taken note of, article by article; and that we ought formally to decide that the appointment of septemvirs was null and void; and that nothing is ratified which is said to have been done by them.

VIII. But who is there who can consider Marcus Antonius a citizen, rather than a most foul and barbarous enemy, who, while sitting in front of the temple of Castor, in the hearing of the Roman people, said that no one should survive except those who were victorious? Do you suppose, O conscript fathers, that he spoke with more violence than he would act? And what are we to think of his having ventured to say that, after he had given up his magistracy, he should still be at the city with his army? that he should enter the city as often as he pleased? What else was this but threatening the Roman people with slavery? And what was the object of his journey to Brundisium? and of that great haste? What was his hope, except to lead that vast army to the city, or rather into the city? What a proceeding was that selection of the centurions! What unbridled fury of an intemperate

Page 78

mind! For when those gallant legions had raised an outcry against his promises, he ordered those centurions to come to him to his house, whom he perceived to be loyally attached to the republic, and then he had them all murdered before his own eyes and those of his wife, whom this noble commander had taken with him to the army. What disposition do you suppose that this man will display towards us whom he hates, when he was so cruel to those men whom he had never seen? And how covetous will he be with respect to the money of rich men, when he thirsted for even the blood of poor men? whose property, such as it was, he immediately divided among his satellites and boon companions.

And he in a fury was now moving his hostile standards against his country from Brundisium, when Caius Caesar, by the kind inspiration of the immortal gods, by the greatness of his own heavenly courage, and wisdom, and genius, of his own accord, indeed, and prompted by his own admirable virtue, but still with the approbation of my authority, went down to the colonies which had been founded by his father; convoked the veteran soldiery; in a few days raised an army; and checked the furious advance of this bandit. But after the Martial legion saw this admirable leader, it had no other thoughts but those of securing our liberty. And the fourth legion followed its example.

IX. And Antonius, on hearing of this news, after he had summoned the senate, and provided a man of consular rank to declare his opinion that Caius Caesar was an enemy of his country, immediately fainted away. And afterwards, without either performing the usual sacrifices, or offering the customary vows, he, I will not say went forth, but took to flight in his robe as a general. But which way did he flee? To the province of our most resolute and bravest citizens; men who could never have endured him if he had not come bringing war in his train, an intemperate, passionate, insolent, proud man, always making demands, always plundering, always drunk. But he, whose worthlessness even when quiet was more than any one could endure, has declared war upon the province of Gaul; he is besieging Mutina, a valiant and splendid colony of the Roman people; he is blockading Decimus Brutus, the general, the consul elect, a citizen born not for himself, but for us and the republic. Was then Hannibal an enemy, and is Antonius a citizen? What did the one do like an enemy, that the other has not done, or is not doing, or planning, and thinking of? What was there in the whole of the journey of the Antonii; except depopulation, devastation, slaughter, and rapine? Actions which Hannibal never did, because he was reserving many things for his own use, these men do, as men who live merely for the present hour; they never have given a thought not only to the fortunes and welfare of the citizens, but not even to their own advantage.

Page 79

Are we then, O ye good gods, to resolve to send ambassadors to this man? Are those men who propose this acquainted with the constitution of the republic, with the laws of war, with the precedents of our ancestors? Do they give a thought to what the majesty of the Roman people and the severity of the senate requires? Do you resolve to send ambassadors? If to beg his mercy, he will despise you; if to declare your commands he will not listen to them; and last of all, however severe the message may be which we give the ambassadors, the very name of ambassadors will extinguish this ardour of the Roman people which we see at present, and break the spirit of the municipal towns and of Italy. To say nothing of these arguments, though they are weighty, at all events that sending of an embassy will cause delay and slowness to the war. Although those who propose it should say, as I hear that some intend to say,—“Let the ambassadors go, but let war be prepared for all the same.” Still the very name of ambassadors will damp men’s courage, and delay the rapidity of the war.

X. The most important events, O conscript fathers, are often determined by very trivial moving influences in every circumstance that can happen in the republic, and also in war, and especially in civil war, which is usually governed a great deal by men’s opinions and by reports. No one will ask what is the commission with which we have sent the ambassadors; the mere name of an embassy, and that sent by us of our own accord, will appear an indication of fear. Let him depart from Mutina; let him cease to attack Brutus; let him retire from Gaul. He must not be begged in words to do so; he must be compelled by arms. For we are not sending to Hannibal to desire him to retire from before Saguntum; to whom the senate formerly sent Publius Valerius Flaccus and Quintus Baebius Tampilus; who, if Hannibal did not comply, were ordered to proceed to Carthage. Whither do we order our ambassadors to proceed, if Antonius does not comply? Are we sending an embassy to our own citizen, to beg him not to attack a general and a colony of the Roman people? Is it so? Is it becoming to us to beg this by means of ambassadors? What is the difference, in the name of the immortal gods, whether he attacks this city itself, or whether he attacks an outpost of this city, a colony of the Roman people, established for the sake of its being a bulwark and protection to us? The siege of Saguntum was the cause of the second Punic war, which Hannibal carried on against our ancestors. It was quite right to send ambassadors to him. They were sent to a Carthaginian, they were sent on behalf of those who were the enemies of Hannibal, and our allies. What is there resembling that case here? We are sending to one of our own citizens to beg him not to blockade a general of the Roman army, not to attack our army and our colony,—in short, not to be an enemy of ours. Come; suppose he obeys, shall we either be inclined, or shall we be able by any possibility, to treat him as one of our citizens?

Page 80

XI. On the nineteenth of December, you overwhelmed him with your decrees; you ordained that this motion should be submitted to you on the first of January, which you see is submitted now, respecting the honours and rewards to be conferred on those who have deserved or do deserve well of the republic. And the chief of those men you have adjudged to be the man who really has done so, Caius Caesar, who had diverted the nefarious attacks of Marcus Antonius against this city, and compelled him to direct them against Gaul; and next to him you consider the veteran soldiers who first followed Caesar; then those excellent and heavenly-minded legions the Martial and the fourth, to whom you have promised honours and rewards, for having not only abandoned their consul, but for having even declared war against him. And on the same day, having a decree brought before you and published on purpose, you praised the conduct of Decimus Brutus, a most excellent citizen, and sanctioned with your public authority this war which he had undertaken of his own head.

What else, then, did you do on that day except pronounce Antonius a public enemy? After these decrees of yours, will it be possible for him to look upon you with equanimity, or for you to behold him without the most excessive indignation? He has been excluded and cut off and wholly separated from the republic, not merely by his own wickedness, as it seems to me, but by some especial good fortune of the republic. And if he should comply with the demands of the ambassadors and return to Rome, do you suppose that abandoned citizens will ever be in need of a standard around which to rally? But this is not what I am so much afraid of. There are other things which I am more apprehensive of and more alarmed at. He never will comply with the demands of the ambassadors. I know the man's insanity and arrogance; I know the desperate counsels of his friends, to which he is wholly given up. Lucius his brother, as being a man who has fought abroad, leads on his household. Even suppose him to be in his senses himself, which he never will be; still he will not be allowed by these men to act as if he were so. In the mean time, time will be wasted. The preparations for war will cool. How is it that the war has been protracted as long as this, if it be not by procrastination and delay?

From the very first moment after the departure, or rather after the hopeless flight of that bandit, that the senate could have met in freedom, I have always been demanding that we should be called together. The first day that we were called together, when the consuls elect were not present, I laid, in my opinion, amid the greatest unanimity on your part, the foundations of the republic, later, indeed, than they should have been laid, for I could not do so before, but still if no time had been lost after that day, we should have no war at all now. Every evil is easily crushed at its birth, when it has become of long standing, it usually gets stronger. But then everybody was waiting for the first of January, perhaps not very wisely.

Page 81

XII However, let us say no more of what is past. Are we still to allow any further delay while the ambassadors are on their road to him? and while they are coming back again? and the time spent in waiting for them will make men doubt about the war. And while the fact of the war is in doubt, how can men possibly be zealous about the levies for the army?

Wherefore, O conscript fathers, I give my vote that there should be no mention made of ambassadors I think that the business that is to be done must be done without any delay, and instantly. I say that it is necessary that we should decree that there is sedition abroad, that we should suspend the regular courts of justice, order all men to wear the garb of war, and enlist men in all quarters, suspending all exemptions from military service in the city and in all Italy, except in Gaul. And if this be done, the general opinion and report of your severity will overwhelm the insanity of that wicked gladiator. He will feel that he has undertaken a war against the republic, he will experience the sinews and vigour of a unanimous senate For at present he is constantly saying that it is a mere struggle between parties. Between what parties? One party is defeated, the other is the heart of Caius Caesar's party. Unless, indeed, we believe that the party of Caesar is attacked by Pansa and Hirtius the consuls, and by Caius Caesar's son. But this war has been kindled, not by a struggle between parties, but by the nefarious hopes of the most abandoned citizens, by whom all our estates and properties have been marked down, and already distributed according as every one has thought them desirable.

I have read the letter of Antonius which he sent to one of the septemviri, a thoroughpaced scoundrel, a colleague of his own, "Look out, and see what you take a fancy to, what you do fancy you shall certainly have". See to what a man we are sending ambassadors, against what a man we are delaying to make war, a man who does not even let us draw lots for our fortunes, but hands us over to each man's caprice in such a way, that he has not left even himself anything untouched, or which has not been promised to somebody. With this man, O conscript fathers, we must wage war,—war, I say, and that instantly. We must reject the slow proceedings of ambassadors.

Therefore, that we may not have a number of decrees to pass every day, I give my vote that the whole republic should be committed to the consuls, and that they should have a charge given them to defend the republic, and to take care "that the republic suffer no injury." And I give my vote that those men who are in the army of Antonius be not visited with blame, if they leave him before the first of February.

If you adopt these proposals of mine, O conscript fathers, you will in a short time recover the liberty of the Roman people and our own authority. But if you act with more mildness, still you will pass those resolutions, but perhaps you will pass them too late. As to the general welfare of the republic, on which you, O consuls, have consulted us, I think that I have proposed what is sufficient.

Page 82

XIII. The next question is about honours. And to this point I perceive that I must speak next. But I will preserve the same order in paying respect to brave men, that is usually preserved in asking their opinions.

Let us, therefore, according to the usages of our ancestors, begin with Brutus, the consul elect, and, to say nothing of his former conduct,—which has indeed been most admirable, but still such as has been praised by the individual judgments of men, rather than by public authority,—what words can we find adequate to his praise at this very time? For such great virtue requires no reward except this one of praise and glory; and even if it were not to receive that, still it would be content with itself, and would rejoice at being laid up in the recollection of grateful citizens, as if it were placed in the full light. The praise then of our deliberate opinion, and of our testimony in his favour, must be given to Brutus. Therefore, O conscript fathers, I give my vote that a resolution of the senate be passed in these words:

“As Decimus Brutus, imperator, consul elect is maintaining the province of Gaul in obedience to the senate and people of Rome, and as he has enlisted and collected in so short a time a very numerous army, being aided by the admirable zeal of the municipal towns and colonies of the province of Gaul, which has deserved and still does deserve admirably well of the republic, he has acted rightly and virtuously, and greatly for the advantage of the republic. And that most excellent service done by Decimus Brutus to the republic, is and always will be grateful to the senate and people of Rome. Therefore, the senate and the Roman people is of opinion that the exertions, and prudence, and virtue of Decimus Brutus, imperator and consul elect, and the incredible zeal and unanimity of the province of Gaul, have been a great assistance to the republic, at a most critical time.”

What honour, O conscript fathers, can be too great to be due to such a mighty service as this of Brutus, and to such important aid as he has afforded the republic? For if Gaul had been open to Marcus Antonius—if after having overwhelmed the municipal towns and colonies unprepared to resist him, he had been able to penetrate into that further Gaul—what great danger would have hung over the republic! That most insane of men, that man so headlong and furious in all his courses, would have been likely, I suppose, to hesitate at waging war against us, not only with his own army, but with all the savage troops of barbarism, so that even the wall of the Alps would not have enabled us to check his frenzy. These thanks then will be deservedly paid to Decimus Brutus, who, before any authority of yours had been interposed, acting on his own judgment and responsibility, refused to receive him as consul, but repelled him from Gaul as an enemy, and preferred to be besieged himself rather than to allow this city to be so. Let him therefore have, by your decree, an everlasting testimony to this most important and glorious action, and let Gaul,[35] which always is and has been a protection to this empire and to the general liberty, be deservedly and truly praised for not having surrendered herself and her power to Antonius, but for having opposed him with them.

Page 83

XIV. And, furthermore, I give my vote that the most ample honours be decreed to Marcus Lepidus, as a reward for his eminent services to the republic. He has at all times wished the Roman people to be free, and he gave the greatest proof of his inclination and opinion on that day, when, while Antonius was placing the diadem on Caesar's head, he turned his face away, and by his groans and sorrow showed plainly what a hatred of slavery he had, how desirous he was for the Roman people to be free, and how he had endured those things which he had endured more because of the necessity of the times, than because they harmonised with his sentiments. And who of us can forget with what great moderation he behaved during that crisis of the city which ensued after the death of Caesar? These are great merits, but I hasten to speak of greater still. For, (O ye immortal gods!) what could happen more to be admired by foreign nations or more to be desired by the Roman people, than, at a time when there was a most important civil war, the result of which we were all dreading, that it should be extinguished by prudence rather than that arms and violence should be able to put everything to the hazard of a battle? And if Caesar had been guided by the same principles in that odious and miserable war, we should have—to say nothing of their father—the two sons of Cnaeus Pompeius, that most illustrious and virtuous man, safe among us, men whose piety and filial affection certainly ought not to have been their ruin. Would that Marcus Lepidus had been able to save them all! He showed that he would have done so, by his conduct in cases where he had the power, when he restored Sextus Pompeius to the state, a great ornament to the republic, and a most illustrious monument of his clemency. Sad was that picture, melancholy was the destiny then of the Roman people. For after Pompeius the father was dead, he who was the light of the Roman people, the son too, who was wholly like his father, was also slain. But all these calamities appear to me to have been effaced by the kindness of the immortal gods, Sextus Pompeius being preserved to the republic.

XV. For which cause, reasonable and important as it is and because Marcus Lepidus, by his humanity and wisdom, has changed a most dangerous and extensive civil war into peace and concord, I give my vote, that a resolution of the senate be drawn up in these words:

“Since the affairs of the republic have repeatedly been well and prosperously conducted by Marcus Lepidus, imperator, and Pontifex Maximus, and since the Roman people is fully aware that kingly power is very displeasing to him; and since by his exertions, and virtue, and prudence, and singular clemency and humanity, a most bitter civil war has been extinguished; and Sextus Pompeius Magnus, the son of Cnaeus, having submitted to the authority of this order and laid down his arms, and, in accordance with the perfect good-will of the senate and people of Rome, has been restored to the

Page 84

state by Marcus Lepidus, imperator, and Pontifex Maximus; the senate and people of Rome, in return for the important and numerous services of Marcus Lepidus to the republic, declares that it places great hopes of future tranquillity and peace and concord, in his virtue, authority, and good fortune; and the senate and people of Rome will ever remember his services to the republic; and it is decreed by the vote of this order, That a gilt equestrian statue be erected to him in the Rostra, or in whatever other place in the forum he pleases."

And this honour, O conscript fathers, appears to me a very great one, in the first place, because it is just;—for it is not merely given on account of our hopes of the future, but it is paid, as it were, in requital of his ample services already done. Nor are we able to mention any instance of this honour having been conferred on any one by the senate by their own free and voluntary judgment before.

XVI. I come now to Caius Caesar, O conscript fathers; if he had not existed, which of us could have been alive now? That most intemperate of men, Antonius, was flying from Brundisium to the city, burning with hatred, with a disposition hostile to all good men, with an army. What was there to oppose to his audacity and wickedness? We had not as yet any generals, or any forces. There was no public council, no liberty; our necks were at the mercy of his nefarious cruelty; we were all preparing to have recourse to flight, though flight itself had no escape for us. Who was it—what god was it, who at that time gave to the Roman people this godlike young man, who, while every means for completing our destruction seemed open to that most pernicious citizen, rising up on a sudden, beyond every one's hope, completed an army fit to oppose to the fury of Marcus Antonius before any one suspected that he was thinking of any such step? Great honours were paid to Cnaeus Pompeius when he was a young man, and deservedly; for he came to the assistance of the republic; but he was of a more vigorous age, and more calculated to meet the eager requirements of soldiers seeking a general. He had also been already trained in other kinds of war. For the cause of Sylla was not agreeable to all men. The multitude of the proscribed, and the enormous calamities that fell on so many municipal towns, show this plainly. But Caesar, though many years younger, armed veterans who were now eager to rest; he has embraced that cause which was most agreeable to the senate, to the people, to all Italy,—in short, to gods and men. And Pompeius came as a reinforcement to the extensive command and victorious army of Lucius Sylla; Caesar had no one to join himself to. He, of his own accord, was the author and executor of his plan of levying an army, and arraying a defence for us. Pompeius found the whole Picene district hostile to the party of his adversaries; but Caesar has levied an army against Antonius from men who were Antonius's own friends, but still greater friends to liberty. It was owing to the influence of Pompeius that Sylla was enabled to act like a king. It is by the protection afforded us by Caesar that the tyranny of Antonius has been put down.

Page 85

Let us then confer on Caesar a regular military command, without which the military affairs cannot be directed, the army cannot be held together, war cannot be waged. Let him be made proprietor with all the privileges which have ever been attached to that appointment. That honour, although it is a great one for a man of his age, still is not merely of influence as giving dignity, but it confers powers calculated to meet the present emergency. Therefore, let us seek for honours for him which we shall not easily find at the present day.

XVII. But I hope that we and the Roman people shall often have an opportunity of complimenting and honouring this young man. But at the present moment I give my vote that we should pass a decree in this form:

“As Caius Caesar, the son of Caius, Pontiff and Propraetor, has at a most critical period of the republic exhorted the veteran soldiers to defend the liberty of the Roman people, and has enlisted them in his army, and as the Martial legion and the fourth legion, with great zeal for the republic, and with admirable unanimity, under the guidance and authority of Caius Caesar, have defended and are defending the republic and the liberty of the Roman people, and as Caius Caesar, propaetor, has gone with his army as a reinforcement to the province of Gaul, has made cavalry, and archers, and elephants, obedient to himself and to the Roman people, and has, at a most critical time for the republic, come to the aid of the safety and dignity of the Roman people,—on these accounts, it seems good to the senate that Caius Caesar, the son of Caius, pontiff and propaetor, shall be a senator, and shall deliver his opinions from the bench occupied by men of praetorian rank, and that, on occasion of his offering himself for any magistracy, he shall be considered of the same legal standing and qualification as if he had been quaestor the preceding year.”

For what reason can there be, O conscript fathers, why we should not wish him to arrive at the highest honours at as early an age as possible? For when, by the laws fixing the age at which men might be appointed to the different magistracies our ancestors fixed a more mature age for the consulship, they were influenced by fears of the precipitation of youth, Caius Caesar, at his first entrance into life, has shown us that, in the case of his eminent and unparalleled virtue, we have no need to wait for the progress of age. Therefore our ancestors, those old men, in the most ancient times, had no laws regulating the age for the different offices, it was ambition which caused them to be passed many years afterwards, in order that there might be among men of the same age different steps for arriving at honours. And it has often happened that a disposition of great natural virtue has been lost before it had any opportunity of benefiting the republic.

Page 86

But among the ancients, the Rulii, the Decii, the Corvini, and many others, and in more modern times the elder Africanus and Titus Flaminus were made consuls very young, and performed such exploits as greatly to extend the empire of the Roman people, and to embellish its name. What more? Did not the Macedonian Alexander, having begun to perform mighty deeds from his earliest youth, die when he was only in his thirty-third year? And that age is ten years less than that fixed by our laws for a man to be eligible for the consulship. From which it may be plainly seen that the progress of virtue is often swifter than that of age.

XVIII. For as to the fear which those men, who are enemies of Caesar, pretend to entertain, there is not the slightest reason to apprehend that he will be unable to restrain and govern himself, or that he will be so elated by the honours which he receives from us as to use his power without moderation. It is only natural, O conscript fathers, that the man who has learnt to appreciate real glory, and who feels that he is considered by the senate and by the Roman knights and the whole Roman people a citizen who is dear to, and a blessing to the republic, should think nothing whatever deserving of being compared to this glory. Would that it had happened to Caius Caesar—the father, I mean—when he was a young man, to be beloved by the senate and by every virtuous citizen, but, having neglected to aim at that, he wasted all the power of genius which he had in a most brilliant degree, in a capricious pursuit of popular favour. Therefore, as he had not sufficient respect for the senate and the virtuous part of the citizens, he opened for himself that path for the extension of his power, which the virtue of a free people was unable to bear.

But the principles of his son are widely different; who is not only beloved by every one, but in the greatest degree by the most virtuous men. In him is placed all our hope of liberty, from him already has our safety been received, for him the highest honours are sought out and prepared. While therefore we are admiring his singular prudence, can we at the same time fear his folly? For what can be more foolish than to prefer useless power, such influence as brings envy in its train, and a rash and slippery ambition of reigning, to real, dignified, solid glory? Has he seen this truth as a boy, and when he has advanced in age will he cease to see it? “But he is an enemy to some most illustrious and excellent citizens.” That circumstance ought not to cause any fear. Caesar has sacrificed all those enmities to the republic; he had made the republic his judge; he has made her the directress of all his counsels and actions. For he is come to the service of the republic in order to strengthen her, not to overturn her. I am well acquainted with all the feelings of the young man: there is nothing dearer to him than the republic, nothing which he considers of more weight than your authority; nothing which he desires more than the approbation of virtuous men; nothing which he accounts sweeter than genuine glory.

Page 87

Wherefore you not only ought not to fear anything from him, but you ought to expect greater and better things still. Nor ought you to apprehend with respect to a man who has already gone forward to release Decimus Brutus from a siege, that the recollection of his domestic injury will dwell in his bosom, and have more weight with him than the safety of the city. I will venture even to pledge my own faith, O conscript fathers, to you, and to the Roman people, and to the republic, which in truth, if no necessity compelled me to do so, I would not venture to do, and in doing which on slight grounds, I should be afraid of giving rise to a dangerous opinion of my rashness in a most important business; but I do promise, and pledge myself, and undertake, O conscript fathers, that Caius Caesar will always be such a citizen as he is this day, and as we ought above all things to wish and desire that he may turn out.

XIX. And as this is the case, I shall consider that I have said enough at present about Caesar.

Nor do I think that we ought to pass over Lucius Egnatuleius, a most gallant and wise and firm citizen, and one thoroughly attached to the republic, in silence; but that we ought to give him our testimony to his admirable virtue, because it was he who led the fourth legion to Caesar, to be a protection to the consuls, and senate, and people of Rome, and the republic. And for these acts I give my vote:

“That it be made lawful for Lucius Egnatuleius to stand for, and be elected to, and discharge the duties of any magistracy, three years before the legitimate time.”

And by this motion, O conscript fathers, Lucius Egnatuleius does not get so much actual advantage as honour. For in a case like this it is quite sufficient to be honourably mentioned.

But concerning the army of Caius Caesar, I give my vote for the passing of a decree in this form:

“The senate decrees that the veteran soldiers who have defended and are defending [lacuna] of Caesar, pontiff [lacuna] and the authority of this order, should, and their children after them, have an exemption from military service. And that Caius Pansa and Aulus Hirtius the consuls, one or both of them, as they think fit, shall inquire what land there is in those colonies in which the veteran soldiers have been settled, which is occupied in defiance of the provisions of the Julian law, in order that that may be divided among these veterans. That they shall institute a separate inquiry about the Campanian district, and devise a plan for increasing the advantages enjoyed by these veteran soldiers; and with respect to the Martial legion, and to the fourth legion, and to those soldiers of the second and thirty-fifth legions who have come over to Caius Pansa and Aulus Hirtius the consuls, and have given in their names, because the authority of the senate and the liberty of the Roman people is and always has been most dear to them, the senate decrees that they and their children shall

Page 88

have exemption from military service, except in the case of any Gallic and Italian sedition; and decrees further, that those legions shall have their discharge when this war is terminated; and that whatever sum of money Caius Caesar, pontiff and propraetor, has promised to the soldiers of those legions individually, shall be paid to them. And that Caius Pansa and Aulus Hirtius the consuls, one or both of them, as it seems good to them, shall make an estimate of the land which can be distributed without injury to private individuals; and that land shall be given and assigned to the soldiers of the Martial legion and of the fourth legion, in the largest shares in which land has ever been given and assigned to soldiers."

I have now spoken, O consuls, on every point concerning which you have submitted a motion to us; and if the resolutions which I have proposed be decreed without delay, and seasonably, you will the more easily prepare those measures which the present time and emergency demand. But instant action is necessary. And if we had adopted that earlier, we should, as I have often said, now have no war at all.

THE SIXTH ORATION OF M. T CICERO AGAINST MARCUS ANTONIUS CALLED ALSO THE SIXTH PHILIPPIC. ADDRESSED TO THE PEOPLE.

THE ARGUMENT

In respect of the honours proposed by Cicero in the last speech the senate agreed with him, voting to Octavius honours beyond any that Cicero had proposed. But they were much divided about the question of sending an embassy to Antonius, and the consuls, seeing that a majority agreed with Cicero, adjourned the debate till the next day. The discussion lasted three days, and the senate would at last have adopted all Cicero's measures if one of the tribunes, Salvius, had not put his veto on them. So that at last the embassy was ordered to be sent, and Servius Sulpicius, Lucius Piso, and Lucius Philippus, appointed as the ambassadors, but they were charged merely to order Antonius to abandon the siege of Mutina, and to desist from hostilities against the province of Gaul, and further, to proceed to Decimus Brutus in Mutina, and to give him and his army the thanks of the senate and people.

The length of the debates roused the curiosity of the people, who, being assembled in the forum to learn the result, called on Cicero to come forth and give them an account of what had been done—on which he went to the rostra, accompanied by Publius Appuleius the tribune, and related to them all that had passed in the following speech:

I. I imagine that you have heard, O Romans, what has been done in the senate, and what has been the opinion delivered by each individual. For the matter which has been in discussion ever since the first of January, has been just brought to a conclusion, with less severity indeed than it ought to have been, but still in a manner not altogether

unbecoming. The war has been subjected to a delay, but the cause has not been removed. Wherefore, as to the question which Publius Appuleius—a man united to me by many kind offices and by the closest intimacy, and firmly attached to your interests—has asked me, I will answer in such a manner that you may be acquainted with the transactions at which you were not present.

Page 89

The cause which prompted our most fearless and excellent consuls to submit a motion on the first of January, concerning the general state of the republic, arose from the decree which the senate passed by my advice on the nineteenth of December. On that day, O Romans, were the foundations of the republic first laid. For then, after a long interval, the senate was free in such a manner that you too might become free. On which day, indeed,—even if it had been to bring to me the end of my life,—I received a sufficient reward for my exertions, when you all with one heart and one voice cried out together, that the republic had been a second time saved by me. Stimulated by so important and so splendid a decision of yours in my favour, I came into the senate on the first of January, with the feeling that I was bound to show my recollection of the character which you had imposed upon me, and which I had to sustain.

Therefore, when I saw that a nefarious war was waged against the republic, I thought that no delay ought to be interposed to our pursuit of Marcus Antonius; and I gave my vote that we ought to pursue with war that most audacious man, who, having committed many atrocious crimes before, was at this moment attacking a general of the Roman people, and besieging your most faithful and gallant colony; and that a state of civil war ought to be proclaimed; and I said further, that my opinion was that a suspension of the ordinary forms of justice should be declared, and that the garb of war should be assumed by the citizens, in order that all men might apply themselves with more activity and energy to avenging the injuries of the republic, if they saw that all the emblems of a regular war had been adopted by the senate. Therefore, this opinion of mine, O Romans, prevailed so much for three days, that although no division was come to, still all, except a very few, appeared inclined to agree with me. But to-day—I know not owing to what circumstance—the senate was more indulgent. For the majority decided on our making experiment, by means of ambassadors, how much influence the authority of the senate and your unanimity will have upon Antonius.

II. I am well aware, O Romans, that this decision is disapproved of by you; and reasonably too. For to whom are we sending ambassadors? Is it not to him who, after having dissipated and squandered the public money, and imposed laws on the Roman people by violence and in violation of the auspices,—after having put the assembly of the people to flight and besieged the senate, sent for the legions from Brundisium to oppress the republic? who, when deserted by them, has invaded Gaul with a troop of banditti? who is attacking Brutus? who is besieging Mutina? How can you offer conditions to, or expect equity from, or send an embassy to, or, in short, have anything in common with, this gladiator? although, O Romans, it is not an embassy, but a denunciation of war if he does not obey. For the decree has been drawn

Page 90

up as if ambassadors were being sent to Hannibal. For men are sent to order him not to attack the consul elect, not to besiege Mutina, not to lay waste the province, not to enlist troops, but to submit himself to the power of the senate and people of Rome. No doubt he is a likely man to obey this injunction, and to submit to the power of the conscript fathers and to yours, who has never even had any mastery over himself. For what has he ever done that showed any discretion, being always led away wherever his lust, or his levity, or his frenzy, or his drunkenness has hurried him? He has always been under the dominion of two very dissimilar classes of men, pimps and robbers; he is so fond of domestic adulteries and forensic murders, that he would rather obey a most covetous woman than the senate and people of Rome.

III. Therefore, I will do now before you what I have just done in the senate. I call you to witness, I give notice, I predict beforehand, that Marcus Antonius will do nothing whatever of those things which the ambassadors are commissioned to command him to do; but that he will lay waste the lands, and besiege Mutina and enlist soldiers, wherever he can. For he is a man who has at all times despised the judgment and authority of the senate, and your inclinations and power. Will he do what it has been just now decreed that he shall do,—lead his army back across the Rubicon, which is the frontier of Gaul, and yet at the same time not come nearer Rome than two hundred miles? will he obey this notice? will he allow himself to be confined by the river Rubicon and by the limit of two hundred miles? Antonius is not that sort of man. For if he had been, he would never have allowed matters to come to such a pass, as for the senate to give him notice, as it did to Hannibal at the beginning of the Punic war not to attack Saguntum. But what ignominy it is to be called away from Mutina, and at the same time to be forbidden to approach the city as if he were some fatal conflagration! what an opinion is this for the senate to have of a man! What? As to the commission which is given to the ambassadors to visit Decimus Brutus and his soldiers, and to inform them that their excellent zeal in behalf of, and services done to the republic, are acceptable to the senate and people of Rome, and that that conduct shall tend to their great glory and to their great honour; do you think that Antonius will permit the ambassadors to enter Mutina? and to depart from thence in safety? He never will allow it, believe me. I know the violence of the man, I know his impudence, I know his audacity.

Page 91

Nor, indeed, ought we to think of him as of a human being, but as of a most ill-omened beast. And as this is the case, the decree which the senate has passed is not wholly improper. The embassy has some severity in it; I only wish it had no delay. For as in the conduct of almost every affair slowness and procrastination are hateful, so above all things does this war require promptness of action. We must assist Decimus Brutus; we must collect all our forces from all quarters; we cannot lose a single hour in effecting the deliverance of such a citizen without wickedness. Was it not in his power, if he had considered Antonius a consul, and Gaul the province of Antonius, to have given over the legions and the province to Antonius? and to return home himself? and to celebrate a triumph? and to be the first man in this body to deliver his opinion, until he entered on his magistracy? What was the difficulty of doing that? But as he remembered that he was Brutus, and that he was born for your freedom, not for his own tranquillity, what else did he do but—as I may almost say—put his own body in the way to prevent Antonius from entering Gaul? Ought we then to send ambassadors to this man, or legions? However, we will say nothing of what is past. Let the ambassadors hasten, as I see that they are about to do. Do you prepare your robes of war. For it has been decreed, that, if he does not obey the authority of the senate, we are all to betake our selves to our military dress. And we shall have to do so. He will never obey. And we shall lament that we have lost so many days, when we might have been doing something.

IV I have no fear, O Romans, that when Antonius hears that I have asserted, both in the senate and in the assembly of the people, that he never will submit himself to the power of the senate, he will, for the sake of disproving my words, and making me to appeal to have had no foresight, alter his behaviour and obey the senate. He will never do so. He will not grudge me this part of my reputation, he will prefer letting me be thought wise by you to being thought modest himself. Need I say more? Even if he were willing to do so himself, do you think that his brother Lucius would permit him? It has been reported that lately at Tibur, when Marcus Antonius appeared to him to be wavering, he, Lucius, threatened his brother with death. And do we suppose that the orders of the senate, and the words of the ambassadors, will be listened to by this Asiatic gladiator? It will be impossible for him to be separated from a brother, especially from one of so much authority. For he is another Africanus among them. He is considered of more influence than Lucius Trebellius, of more than Titus Plancus [lacuna] a noble young man. As for Plancus, who, having been condemned by the unanimous vote of every one, amid the overpowering applause of you yourselves, somehow or other got mixed up in this crowd, and returned with a countenance

Page 92

so sorrowful, that he appeared to have been dragged back rather than to have returned, he despises him to such degree, as if he were interdicted from fire and water. At times he says that that man who set the senate house on fire has no right to a place in the senate house. For at this moment he is exceedingly in love with Trebellius. He hated him some time ago, when he was opposing an abolition of debts, but now he delights in him, ever since he has seen that Trebellius himself cannot continue in safety without an abolition of debts. For I think that you have heard, O Romans, what indeed you may possibly have seen, that the sureties and creditors of Lucius Trebellius meet every day. Oh confidence! for I imagine that Trebellius has taken this surname, what can be greater confidence than defrauding one's creditors? than flying from one's house? than, because of one's debts, being forced to go to war? What has become of the applauses which he received on the occasion of Caesar's triumph, and often at the games? Where is the aedileship that was conferred on him by the zealous efforts of all good men? who is there who does not now think that he acted virtuously by accident?

* * * * *

V However, I return to your love and especial delight, Lucius Antonius, who has admitted you all to swear allegiance to him. Do you deny it? is there any one of you who does not belong to a tribe? Certainly not. But thirty five tribes have adopted him for their patron. Do you again cry out against my statement? Look at that gilt statue of him on the left what is the inscription upon it? "The thirty five tribes to their patron." Is then Lucius Antonius the patron of the Roman people? Plague take him! For I fully assent to your outcry. I won't speak of this bandit whom no one would choose to have for a client, but was there ever a man possessed of such influence, or illustrious for mighty deeds, as to dare to call himself the patron of the whole Roman people, the conqueror and master of all nations? We see in the forum a statue of Lucius Antonius, just as we see one of Quintus Tremulus, who conquered the Hernici, before the temple of Castor. Oh the incredible impudence of the man! Has he assumed all this credit to himself, because as a mumillo at Mylasa he slew the Thracian, his friend? How should we be able to endure him, if he had fought in this forum before the eyes of you all? But, however, this is but one statue. He has another erected by the Roman knights who received horses from the state,[36] and they too inscribe on that, "To their patron". Who was ever before adopted by that order as its patron? If it ever adopted any one as such, it ought to have adopted me. What censor was ever so honoured? what imperator? "But he distributed land among them". Shame on their sordid natures for accepting it! shame on his dishonesty for giving it!

Page 93

Moreover, the military tribunes who were in the army of Caesar have erected him a statue. What order is that? There have been plenty of tribunes in our numerous legions in so many years. Among them he has distributed the lands of Semurium. The Campus Martius was all that was left, if he had not first fled with his brother. But this allotment of lands was put an end to a little while ago, O Romans, by the declaration of his opinion by Lucius Caesar a most illustrious man and a most admirable senator. For we all agreed with him and annulled the acts of the septemvirs. So all the kindness of Nucula[37] goes for nothing, and the patron Antonius is at a discount. For those who had taken possession will depart with more equanimity. They had not been at any expense, they had not yet furnished or stocked their domains, partly because they did not feel sure of their title, and partly because they had no money.

But as for that splendid statue, concerning which, if the times were better, I could not speak without laughing, "To Lucius Antonius, patron of the middle of Janus"[38] Is it so? Is the middle of Janus a client of Lucius Antonius? Who ever was found in that Janus who would have lent Lucius Antonius a thousand sesterces?

Vi. However, we have been spending too much time in trifles. Let us return to our subject and to the war. Although it was not wholly foreign to the subject for some characters to be thoroughly appreciated by you, in order that you might in silence think over who they were against whom you were to wage war.

But I exhort you, O Romans, though perhaps other measures might have been wiser, still now to wait with calmness for the return of the ambassadors. Promptness of action has been taken from our side, but still some good has accrued to it. For when the ambassadors have reported what they certainly will report, that Antonius will not submit to you nor to the senate, who then will be so worthless a citizen as to think him deserving of being accounted a citizen? For at present there are men, few indeed, but still more than there ought to be, or than the republic deserves that there should be, who speak in this way,—“Shall we not even wait for the return of the ambassadors?” Certainly the republic itself will force them to abandon that expression and that pretence of clemency. On which account, to confess the truth to you, O Romans, I have less striven to day, and laboured all the less to day, to induce the senate to agree with me in decreeing the existence of a seditious war, and ordering the apparel of war to be assumed. I preferred having my sentiments applauded by every one in twenty days’ time, to having it blamed to day by a few. Wherefore, O Romans, wait now for the return of the ambassadors, and devour your annoyance for a few days. And when they do return, if they bring back peace, believe me that I have been desirous that they should, if they bring back war, then allow me the praise of foresight.

Page 94

Ought I not to be provident for the welfare of my fellow-citizens? Ought I not day and night to think of your freedom and of the safety of the republic? For what do I not owe to you, O Romans, since you have preferred for all the honours of the state a man who is his own father to the most nobly born men in the republic? Am I ungrateful? Who is less so? I, who, after I had obtained those honours, have constantly laboured in the forum with the same exertions as I used while striving for them. Am I inexperienced in state affairs? Who has had more practice than I, who have now for twenty years been waging war against impious citizens?

VII Wherefore, O Romans, with all the prudence of which I am master, and with almost more exertion than I am capable of, will I put forth my vigilance and watchfulness in your behalf. In truth, what citizen is there, especially in this rank in which you have placed me, so forgetful of your kindness, so unmindful of his country, so hostile to his own dignity, as not to be roused and stimulated by your wonderful unanimity? I, as consul, have held many assemblies of the people, I have been present at many others, I have never once seen one so numerous as this one of yours now is. You have all one feeling, you have all one desire, that of averting the attempts of Marcus Antonius from the republic, of extinguishing his frenzy and crushing his audacity. All orders have the same wish. The municipal towns, the colonies, and all Italy are labouring for the same end. Therefore you have made the senate, which was already pretty firm of its own accord, firmer still by your authority. The time has come, O Romans, later altogether than for the honour of the Roman people it should have been, but still so that the things are now so ripe that they do not admit of a moment's delay. There has been a sort of fatality, if I may say so, which we have borne as it was necessary to bear it. But hereafter if any disaster happens to us it will be of our own seeking. It is impossible for the Roman people to be slaves, that people whom the immortal gods have ordained should rule over all nations. Matters are now come to a crisis. We are fighting for our freedom. Either you must conquer, O Romans, which indeed you will do if you continue to act with such piety and such unanimity, or you must do anything rather than become slaves. Other nations can endure slavery. Liberty is the inalienable possession of the Roman people.

THE SEVENTH ORATION OF M. T. CICERO AGAINST MARCUS ANTONIUS CALLED ALSO THE SEVENTH PHILIPPIC.

THE ARGUMENT

After the senate had decided on sending them, the ambassadors immediately set out, though Servius Sulpicius was in a very bad state of health. In the meantime the partisans of Antonius in the city, with Calenus at their head were endeavouring to gain over the rest of the citizens, by representing him as eager for an accommodation and they kept up a correspondence with him, and published such of his letters as they

thought favourable for their views. Matters being in this state, Cicero, at an ordinary meeting of the senate, made the following speech to counteract the machinations of this party, and to warn the citizens generally of the danger of being deluded by them.

Page 95

I. We are consulted to-day about matters of small importance, but still perhaps necessary, O conscript fathers. The consul submits a motion to us about the Appian road, and about the coinage, the tribune of the people one about the Luperci. And although it seems easy to settle such matters as those, still my mind cannot fix itself on such subjects, being anxious about more important matters. For our affairs, O conscript fathers, are come to a crisis, and are in a state of almost extreme danger. It is not without reason that I have always feared and never approved of that sending of ambassadors. And what their return is to bring us I know not, but who is there who does not see with how much languor the expectation of it infects our minds? For those men put no restraint on themselves who grieve that the senate has revived so as to entertain hopes of its former authority, and that the Roman people is united to this our order, that all Italy is animated by one common feeling, that armies are prepared, and generals ready for the armies, even already they are inventing replies for Antonius, and defending them. Some pretend that his demand is that all the armies be disbanded. I suppose then we sent ambassadors to him, not that he should submit and obey this our body, but that he should offer us conditions, impose laws upon us, order us to open Italy to foreign nations, especially while we were to leave him in safety from whom there is more danger to be feared than from any nation whatever. Others say that he is willing to give up the nearer Gaul to us, and that he will be satisfied with the further Gaul. Very kind of him! in order that from thence he may endeavour to bring not merely legions, but even nations against this city. Others say that he makes no demands now but such as are quite moderate. Macedonia he calls absolutely his own, since it was from thence that his brother Caius was recalled. But what province is there in which that firebrand may not kindle a conflagration? Therefore those same men, like provident citizens and diligent senators, say that I have sounded the charge, and they undertake the advocacy of peace. Is not this the way in which they argue? "Antonius ought not to have been irritated, he is a reckless and a bold man, there are many bad men besides him." (No doubt, and they may begin and count themselves first). And they warn us to be on our guard against them. Which conduct then is it which shows the more prudent caution chastising wicked citizens when one is able to do so, or fearing them?

II. And these men speak in this way, who on account of their trifling disposition used to be considered friends of the people. From which it may be understood that they in their hearts have at all times been disinclined to a good constitution of the state, and they were not friends of the people from inclination. For how comes it to pass that those men who were anxious to gratify the people in evil things, now, on an occasion

Page 96

which above all others concerns the people's interests, because the same thing would be also salutary for the republic, now prefer being wicked to being friends of the people? This noble cause of which I am the advocate has made me popular, a man who (as you know) have always opposed the rashness of the people. And those men are called, or rather they call themselves, consulars; though no man is worthy of that name except those who can support so high an honour. Will you favour an enemy? Will you let him send you letters about his hopes of success? Will you be glad to produce them? to read them? Will you even give them to wicked citizens to take copies of? Will you thus raise their courage? Will you thus damp the hopes and valour of the good? And then will you think yourself a consular, or a senator, or even a citizen? Caius Pansa, a most fearless and virtuous consul, will take what I say in good part. For I will speak with a disposition most friendly to him; but I should not consider him himself a consul, though a man with whom I am most intimate, unless he was such a consul as to devote all his vigilance, and cares, and thoughts to the safety of the republic.

Although long acquaintance, and habit, and a fellowship and resemblance in the most honourable pursuits, has bound us together from his first entrance into life; and his incredible diligence, proved at the time of the most formidable dangers of the civil war, showed that he was a favourer not only of my safety, but also of my dignity; still, as I said before, if he were not such a consul as I have described, I should venture to deny that he was a consul at all. But now I call him not only a consul, but the most excellent and virtuous consul within my recollection; not but that there have been others of equal virtue and equal inclination, but still they have not had an equal opportunity of displaying that virtue and inclination. But the opportunity of a time of most formidable change has been afforded to his magnanimity, and dignity, and wisdom. And that is the time when the consulship is displayed to the greatest advantage, when it governs the republic during a time which, if not desirable, is at all events critical and momentous. And a more critical time than the present, O conscript fathers, never was.

III. Therefore I, who have been at all times an adviser of peace, and who, though all good men always considered peace, and especially internal peace, desirable, have desired it more than all of them;—for the whole of the career of my industry has been passed in the forum and in the senate-house, and in warding off dangers from my friends; it is by this course that I have arrived at the highest honours, at moderate wealth, and at any dignity which we may be thought to have: I therefore, a nursling of peace, as I may call myself, I who, whatever I am, (for I arrogate nothing to myself,) should undoubtedly not have been such without internal peace: I am speaking in

Page 97

peril: I shudder to think how you will receive it, O conscript fathers: but still, out of regard for my unceasing desire to support and increase your dignity, I beg and entreat you, O conscript fathers, although it may be a bitter thing to hear, or an incredible thing that it should be said by Marcus Cicero, still to receive at first, without offence, what I am going to say, and not to reject it before I have fully explained what it is;—I, who, I will say so over and over again, have always been a panegyrist, have always been an adviser of peace, do not wish to have peace with Marcus Antonius. I approach the rest of my speech with great hope, O conscript fathers, since I have now passed by that perilous point amid your silence.

Why then do I not wish for peace? Because it would be shameful; because it would be dangerous; because it cannot possibly be real. And while I explain these three points to you, I beg of you, O conscript fathers, to listen to my words with the same kindness which you usually show to me.

What is more shameful than inconsistency, fickleness, and levity, both to individuals, and also to the entire senate? Moreover, what can be more inconsistent than on a sudden to be willing to be united in peace with a man whom you have lately adjudged to be an enemy, not by words, but by actions and by many formal decrees? Unless, indeed, when you were decreeing honours to Caius Caesar, well-deserved indeed by and fairly due to him, but still unprecedented and never to be forgotten, for one single reason,—because he had levied an army against Marcus Antonius,—you were not judging Marcus Antonius to be an enemy; and unless Antonius was not pronounced an enemy by you, when the veteran soldiers were praised by your authority, for having followed Caesar; and unless you did not declare Antonius an enemy when you promised exemptions and money and lands to those brave legions, because they had deserted him who was consul while he was an enemy.

IV. What? when you distinguished with the highest praises Brutus, a man born under some omen, as it were, of his race and name, for the deliverance of the republic, and his army, which was waging war against Antonius on behalf of the liberty of the Roman people, and the most loyal and admirable province of Gaul, did you not then pronounce Antonius an enemy? What? when you decreed that the consuls, one or both of them, should go to the war, what war was there if Antonius was not an enemy? Why then was it that most gallant man, my own colleague and intimate friend, Aulus Hirtius the consul, has set out? And in what delicate health he is; how wasted away! But the weak state of his body could not repress the vigour of his mind. He thought it fair, I suppose, to expose to danger in defence of the Roman people that life which had been preserved to him by their prayers. What? when you ordered levies of troops to be made throughout all Italy, when you suspended all exemptions

Page 98

from service, was he not by those steps declared to be an enemy? You see manufactories of arms in the city; soldiers, sword in hand, are following the consul; they are in appearance a guard to the consul, but in fact and reality to us; all men are giving in their names, not only without any shirking, but with the greatest eagerness; they are acting in obedience to your authority. Has not Antonius been declared an enemy by such acts?

“Oh, but we have sent ambassadors to him.” Alas, wretched that I am! why am I compelled to find fault with the senate whom I have always praised? Why? Do you think, O conscript fathers, that you have induced the Roman people to approve of the sending ambassadors? Do you not perceive, do you not hear, that the adoption of my opinion is demanded by them? that opinion which you, in a full house, agreed to the day before, though the day after you allowed yourselves to be brought down to a groundless hope of peace. Moreover, how shameful it is for the legions to send out ambassadors to the senate, and the senate to Antonius! Although that is not an embassy; it is a denunciation that destruction is prepared for him if he do not submit to this order. What is the difference? At all events, men’s opinions are unfavourable to the measure; for all men see that ambassadors have been sent, but it is not all who are acquainted with the terms of your decree.

V. You must, therefore, preserve your consistency, your wisdom, your firmness, your perseverance. You must go back to the old-fashioned severity, if at least the authority of the senate is anxious to establish its credit, its honour, its renown, and its dignity, things which this order has been too long deprived of. But there was some time ago some excuse for it, as being oppressed; a miserable excuse indeed, but still a fair one; now there is none. We appeared to have been delivered from kingly tyranny; and afterwards we were oppressed much more severely by domestic enemies. We did indeed turn their arms aside; we must now wrest them from their hands. And if we cannot do so, (I will say what it becomes one who is both a senator and a Roman to say,) let us die. For how just will be the shame, how great will be the disgrace, how great the infamy to the republic, if Marcus Antonius can deliver his opinion in this assembly from the consular bench. For, to say nothing of the countless acts of wickedness committed by him while consul in the city, during which time he has squandered a vast amount of public money, restored exiles without any law, sold our revenues to all sorts of people, removed provinces from the empire of the Roman people, given men kingdoms for bribes, imposed laws on the city by violence, besieged the senate, and, at other times, excluded it from the senate-house by force of arms;—to say nothing, I say, of all this, do you not consider this, that he who has attacked Mutina, a most powerful colony of the Roman people—who has besieged a general of the Roman people, who is consul elect—who has laid waste the lands,—do you not consider, I say, how shameful and iniquitous a thing it would be for that man to be received into this order, by which he has been so repeatedly pronounced an enemy for these very reasons?

Page 99

I have said enough of the shamefulness of such a proceeding; I will now speak next, as I proposed, of the danger of it; which, although it is not so important to avoid as shame, still offends the minds of the greater part of mankind even more.

Vi. Will it then be possible for you to rely on the certainty of any peace, when you see Antonius, or rather the Antonii, in the city? Unless, indeed, you despise Lucius: I do not despise even Caius. But, as I think, Lucius will be the dominant spirit,—for he is the patron of the five-and-thirty tribes, whose votes he took away by his law, by which he divided the magistracies in conjunction with Caius Caesar. He is the patron of the centuries of the Roman knights, which also he thought fit to deprive of the suffrages: he is the patron of the men who have been military tribunes; he is the patron of the middle of Janus. O ye gods! who will be able to support this man's power? especially when he has brought all his dependants into the lands. Who ever was the patron of all the tribes? and of the Roman knights? and of the military tribunes? Do you think that the power of even the Gracchi was greater than that of this gladiator will be? whom I have called gladiator, not in the sense in which sometimes Marcus Antonius too is called gladiator, but as men call him who are speaking plain Latin. He has fought in Asia as a mirmillo. After having equipped his own companion and intimate friend in the armour of a Thracian, he slew the miserable man as he was flying; but he himself received a palpable wound, as the scar proves.

What will the man who murdered his friend in this way, when he has an opportunity, do to an enemy? and if he did such a thing as this for the fun of the thing, what do you think he will do when tempted by the hope of plunder? Will he not again meet wicked men in the decuries? will he not again tamper with those men who have received lands? will he not again seek those who have been banished? will he not, in short, be Marcus Antonius; to whom, on the occasion of every commotion, there will be a rush of all profligate citizens? Even if there be no one else except those who are with him now, and these who in this body now openly speak in his favour, will they be too small in number? especially when all the protection which we might have had from good men is lost, and when those men are prepared to obey his nod? But I am afraid, if at this time we fail to adopt wise counsels, that that party will in a short time appear too numerous for us. Nor have I any dislike to peace; only I do dread war disguised under the name of peace. Wherefore, if we wish to enjoy peace we must first wage war. If we shrink from war, peace we shall never have.

Page 100

VII. But it becomes your prudence, O conscript fathers, to provide as far forward as possible for posterity. That is the object for which we were placed in this garrison, and as it were on this watch-tower; that by our vigilance and foresight we might keep the Roman people free from fear. It would be a shameful thing, especially in so clear a case as this, for it to be notorious that wisdom was wanting to the chief council of the whole world. We have such consuls, there is such eagerness on the part of the Roman people, we have such an unanimous feeling of all Italy in our favour, such generals, and such armies, that the republic cannot possibly suffer any disaster without the senate being in fault. I, for my part, will not be wanting. I will warn you, I will forewarn you, I will give you notice, I will call gods and men to witness what I do really believe. Nor will I display my good faith alone, which perhaps may seem to be enough, but which in a chief citizen is not enough; I will exert all my care, and prudence, and vigilance.

I have spoken about the danger. I will now proceed to prove to you that it is not possible for peace to be firmly cemented; for of the propositions which I promised to establish this is the last.

VIII. What peace can there be between Marcus Antonius and (in the first place) the senate? with what face will he be able to look upon you, and with what eyes will you, in turn, look upon him? Which of you does not hate him? which of you does not he hate? Come, are you the only people who hate him; and whom he hates? What? what do you think of those men who are besieging Mutina, who are levying troops in Gaul, who are threatening your fortunes? will they ever be friends to you, or you to them? Will he embrace the Roman knights? For, suppose their inclinations respecting, and their opinions of Antonius were very much concealed, when they stood in crowds on the steps of the temple of Concord, when they stimulated you to endeavour to recover your liberty, when they demanded arms, the robe of war, and war, and who, with the Roman people, invited me to meet in the assembly of the people, will these men ever become friends to Antonius? will Antonius ever maintain peace with them? For why should I speak of the whole Roman people? which, in a full and crowded forum, twice, with one heart and one voice, summoned me into the assembly, and plainly showed their excessive eagerness for the recovery of their liberty. So, desirable as it was before to have the Roman people for our comrade, we now have it for our leader.

What hope then is there that there ever can be peace between the Roman people and the men who are besieging Mutina and attacking a general and army of the Roman people? Will there be peace with the municipal towns, whose great zeal is shown by the decrees which they pass, by the soldiers whom they furnish, by the sums which they promise, so that in each town there is such a spirit as leaves no one room to wish for

Page 101

a senate of the Roman people? The men of Firmium deserve to be praised by a resolution of our order, who set the first example of promising money; we ought to return a complimentary answer to the Marrucini, who have passed a vote that all who evade military service are to be branded with infamy. These measures are adopted all over Italy. There is great peace between Antonius and these men, and between them and him! What greater discord can there possibly be? And in discord civil peace cannot by any possibility exist. To say nothing of the mob, look at Lucius Nasidius, a Roman knight, a man of the very highest accomplishments and honour, a citizen always eminent, whose watchfulness and exertions for the protection of my life I felt in my consulship; who not only exhorted his neighbours to become soldiers, but also assisted them from his own resources; will it be possible ever to reconcile Antonius to such a man as this, a man whom we ought to praise by a formal resolution of the senate? What? will it be possible to reconcile him to Caius Caesar, who prevented him from entering the city, or to Decimus Brutus, who has refused him entrance into Gaul? Moreover, will he reconcile himself to, or look mercifully on the province of Gaul, by which he has been excluded and rejected? You will see everything, O conscript fathers, if you do not take care, full of hatred and full of discord, from which civil wars arise. Do not then desire that which is impossible: and beware, I entreat you by the immortal gods, O conscript fathers, that out of hope of present peace you do not lose perpetual peace.

What now is the object of this oration? For we do not yet know what the ambassadors have done. But still we ought to be awake, erect, prepared, armed in our minds, so as not to be deceived by any civil or supplicatory language, or by any pretence of justice. He must have complied with all the prohibitions and all the commands which we have sent him, before he can demand anything. He must have desisted from attacking Brutus and his army, and from plundering the cities and lands of the province of Gaul; he must have permitted the ambassadors to go to Brutus, and led his army back on this side of the Rubicon, and yet not come within two hundred miles of this city. He must have submitted himself to the power of the senate and of the Roman people. If he does this, then we shall have an opportunity of deliberating without any decision being forced upon us either way. If he does not obey the senate, then it will not be the senate that declares war against him, but he who will have declared it against the senate.

Page 102

But I warn you, O conscript fathers, the liberty of the Roman people, which is entrusted to you, is at stake. The life and fortune of every virtuous man is at stake, against which Antonius has long been directing his insatiable covetousness, united to his savage cruelty. Your authority is at stake, which you will wholly lose if you do not maintain it now. Beware how you let that foul and deadly beast escape now that you have got him confined and chained. You too, Pansa, I warn, (although you do not need counsel, for you have plenty of wisdom yourself: but still, even the most skilful pilots receive often warnings from the passengers in terrible storms,) not to allow this vast and noble preparation which you have made to fall away to nothing. You have such an opportunity as no one ever had. It is in your power so to avail yourself of this wise firmness of the senate, of this zeal of the equestrian order, of this ardour of the Roman people, as to release the Roman people from fear and danger for ever. As to the matters to which your motion before the senate refers, I agree with Publius Servilius.

* * * * *

THE EIGHTH ORATION OF M T CICERO AGAINST MARCUS ANTONIUS CALLED
ALSO THE EIGHTH PHILIPPIC

* * * * *

THE ARGUMENT

After the embassy to Antonius had left Rome the consuls zealously exerted themselves in preparing for war, in case he should reject the demands of the ambassador. Hirtius, though in bad health, left Rome first, at the head of an army containing, among others, the Martial and the fourth legions, intending to join Octavius and hoping with his assistance to prevent his gaining any advantage over Brutus till Pansa could join them. And he gained some advantages over Antonius at once.

About the beginning of February the two remaining ambassadors (for Servius Sulpicius had died just as they arrived at Antonius's camp) returned, bringing word that Antonius would comply with none of the commands of the senate, nor allow them to proceed to Decimus Brutus, and bringing also (contrary to their duty) demands from him, of which the principal were, that his troops were to be rewarded, all the acts of himself and Dolabella to be ratified as also all that he had done respecting Caesar's papers, that no account was to be required of him of the money; in the temple of Ops and that he should have the further Gaul with an army of six legions.

Pansa summoned the senate to receive the report of the ambassador, when Cicero made a severe speech, proposing very vigorous measures against Antonius, which, however, Galenus and his party were still numerous enough to mitigate very greatly; and even Pansa voted against him and in favour of the milder measures though they could not prevail against Cicero to have a second embassy sent to Antonius, and

though Cicero carried his point of ordering the citizens to assume the *sagum*, or robe of war which he also (waving his privilege as a man of consular rank) wore himself. The next day the senate met again, to draw upon form the decrees on which they had resolved the day before, when Cicero addressed the following speech to them, expostulating with them for their wavering the day before.

Page 103

I. Matters were carried on yesterday, O Caius Pansa, in a more irregular manner than the beginning of your consulship required. You did not appear to me to make sufficient resistance to those men, to whom you are not in the habit of yielding. For while the virtue of the senate was such as it usually is, and while all men saw that there was war in reality, and some thought that the name ought to be kept back, on the division, your inclination inclined to lenity. The course which we proposed therefore was defeated, at your instigation, on account of the harshness of the word war. That urged by Lucius Caesar, a most honourable man, prevailed, which, taking away that one harsh expression, was gentler in its language than in its real intention. Although he, indeed, before he delivered his opinion at all, pleaded his relationship to Antonius in excuse for it. He had done the same in my consulship, in respect of his sister's husband, as he did now in respect of his sister's son, so that he was moved by the grief of his sister, and at the same time he wished to provide for the safety of the republic.

And yet Caesar himself in some degree recommended you, O conscript fathers, not to agree with him, when he said that he should have expressed quite different sentiments, worthy both of himself and of the republic, if he had not been hampered by his relationship to Antonius. He, then, is his uncle, are you his uncles too, you who voted with him?

But on what did the dispute turn? Some men, in delivering their opinion, did not choose to insert the word "war". They preferred calling it "tumult," being ignorant not only of the state of affairs, but also of the meaning of words. For there can be a "war" without a "tumult," but there cannot be a "tumult" without a "war." For what is a "tumult," but such a violent disturbance that an unusual alarm is engendered by it? from which indeed the name "tumult"[39] is derived. Therefore, our ancestors spoke of the Italian "tumult," which was a domestic one, of the Gallic "tumult," which was on the frontier of Italy, but they never spoke of any other. And that a "tumult" is a more serious thing than a "war" may be seen from this, that during a war exemptions from military service are valid, but in a tumult they are not. So that it is the fact, as I have said, that war can exist without a tumult, but a tumult cannot exist without a war. In truth, as there is no medium between war and peace, it is quite plain that a tumult, if it be not a sort of war, must be a sort of peace; and what more absurd can be said or imagined? However, we have said too much about a word; let us rather look to the facts, O conscript fathers, the appreciation of which, I know, is at times injured by too much attention being paid to words.

II. We are unwilling that this should appear to be a war. What is the object, then, of our giving authority to the municipal towns and colonies to exclude Antonius? of our authorizing soldiers to be enlisted without any force, without the terror of any fine, of their own inclination and eagerness? of permitting them to promise money for the assistance of the republic? For if the name of war be taken away, the zeal of the municipal towns will be taken away too. And the unanimous feeling of the Roman people which at present pours itself into our cause, if we cool upon it, must inevitably be damped.

Page 104

But why need I say more? Decimus Brutus is attacked. Is not that war? Mutina is besieged. Is not even that war? Gaul is laid waste. What peace can be more assured than this? Who can think of calling that war? We have sent forth a consul, a most gallant man, with an army, who, though he was in a weak state from a long and serious illness, still thought he ought not to make any excuse when he was summoned to the protection of the republic. Caius Caesar, indeed, did not wait for our decrees; especially as that conduct of his was not unsuited to his age. He undertook war against Antonius of his own accord; for there was not yet time to pass a decree; and he saw that, if he let slip the opportunity of waging war, when the republic was crushed it would be impossible to pass any decrees at all. They and their arms, then, are now at peace. He is not an enemy whose garrison Hirtius has driven from Claterna; he is not an enemy who is in arms resisting a consul, and attacking a consul elect; and those are not the words of an enemy, nor is that warlike language, which Pansa read just now out of his colleague's letters: "I drove out the garrison." "I got possession of Claterna." "The cavalry were routed." "A battle was fought." "A good many men were slain." What peace can be greater than this? Levies of troops are ordered throughout all Italy; all exemptions from service are suspended; the robe of war is to be assumed to-morrow, the consul has said that he shall come down to the senate house with an armed guard.

Is not this war? Ay, it is such a war as has never been. For in all other wars, and most especially in civil wars, it was a difference as to the political state of the republic which gave rise to the contest. Sylla contended against Sulpicius about the force of laws which Sylla said had been passed by violence. Cinna warred against Octavius because of the votes of the new citizens. Again, Sylla was at variance with Cinna and Marius, in order to prevent unworthy men from attaining power, and to avenge the cruel death of most illustrious men. The causes of all these wars arose from the zeal of different parties, for what they considered the interest of the republic. Of the last civil war I cannot bear to speak. I do not understand the cause of it, I detest the result.

III. This is the fifth civil war, (and all of them have fallen upon our times,) the first which has not only not brought dissensions and discord among the citizens, but which has been signalised by extraordinary unanimity and incredible concord. All of them have the same wish, all defend the same objects, all are inspired with the same sentiments. When I say all, I except those whom no one thinks worthy of being citizens at all. What, then, is the cause of war, and what is the object aimed at? We are defending the temples of the immortal gods, we are defending the walls of the city, we are defending the homes and habitations of the Roman people, the household

Page 105

gods, the altars, the hearths and the sepulchres of our forefathers, we are defending our laws, our courts of justice, our freedom, our wives, our children, and our country. On the other hand, Marcus Antonius labours and fights in order to throw into confusion and overturn all these things, and hopes to have reason to think the plunder of the republic sufficient cause for the war, while he squanders part of our fortunes, and distributes the rest among his parricidal followers.

While, then, the motives for war are so different, a most miserable circumstance is what that fellow promises to his band of robbers. In the first place our houses, for he declares that he will divide the city among them, and after that he will lead them out at whatever gate and settle them on whatever lands they please. All the Caphons,[40] all the Saxas, and the other plagues which attend Antonius, are marking out for themselves in their own minds most beautiful houses, and gardens, and villas, at Tusculum and Alba; and those clownish men—if indeed they are men, and not rather brute beasts—are borne on in their empty hopes as far as the waters and Puteoli. So Antonius has something to promise to his followers. What can we do? Have we anything of the sort? May the gods grant us a better fate! for our express object is to prevent any one at all from hereafter making similar promises. I say this against my will, still I must say it;—the auction sanctioned by Caesar, O conscript fathers, gives many wicked men both hope and audacity. For they saw some men become suddenly rich from having been beggars. Therefore, those men who are hanging over our property, and to whom Antonius promises everything, are always longing to see an auction. What can we do? What do we promise our soldiers? Things much better and more honourable. For promises to be earned by wicked actions are pernicious both to those who expect them, and to those who promise them. We promise to our soldiers freedom, rights, laws, justice, the empire of the world, dignity, peace, tranquillity. The promises then of Antonius are bloody, polluted, wicked, odious to gods and men, neither lasting nor salutary; ours, on the other hand, are honourable, upright, glorious, full of happiness, and full of piety.

IV. Here also Quintus Fufius, a brave and energetic man, and a friend of mine, reminds me of the advantages of peace. As if, if it were necessary to praise peace, I could not do it myself quite as well as he. For is it once only that I have defended peace? Have I not at all times laboured for tranquillity? which is desirable for all good men, but especially for me. For what course could my industry pursue without forensic causes, without laws, without courts of justice? and these things can have no existence when civil peace is taken away. But I want to know what you mean, O Calenus? Do you call slavery peace? Our ancestors used to take up arms not merely to secure their freedom, but also to acquire

Page 106

empire; you think that we ought to throw away our arms, in order to become slaves. What juster cause is there for waging war than the wish to repel slavery? in which, even if one's master be not tyrannical, yet it is a most miserable thing that he should be able to be so if he chooses. In truth, other causes are just, this is a necessary one. Unless, perhaps, you think that this does not apply to you, because you expect that you will be a partner in the dominion of Antonius. And there you make a two-fold mistake: first of all, in preferring your own to the general interest; and in the next place, in thinking that there is anything either stable or pleasant in kingly power. Even if it has before now been advantageous to you, it will not always be so. Moreover, you used to complain of that former master, who was a man; what do you think you will do when your master is a beast? And you say that you are a man who have always been desirous of peace, and have always wished for the preservation of all the citizens. Very honest language; that is, if you mean all citizens who are virtuous, and useful, and serviceable to the republic; but if you wish those who are by nature citizens, but by inclination enemies, to be saved, what difference is there between you and them? Your father, indeed, with whom I as a youth was acquainted, when he was an old man, —a man of rigid virtue and wisdom,—used to give the greatest praise of all citizens who had ever lived to Publius Nasica, who slew Tiberius Gracchus. By his valour, and wisdom, and magnanimity he thought that the republic had been saved. What am I to say? Have we received any other doctrine from our fathers? Therefore, that citizen—if you had lived in those times—would not have been approved of by you, because he did not wish all the citizens to be safe. “Because Lucius Opimius the consul has made a speech concerning the republic, the senators have thus decided on that matter, that Opimius the consul shall defend the republic.” The senate adopted these measures in words, Opimius followed them up by his arms. Should you then, if you had lived in those times, have thought him a hasty or a cruel citizen? or should you have thought Quintus Metellus one, whose four sons were all men of consular rank? or Publius Lentulus the chief of the senate, and many other admirable men, who, with Lucius Opimius the consul, took arms, and pursued Gracchus to the Aventine? and in the battle which ensued, Lentulus received a severe wound, Gracchus was plain, and so was Marcus Fulvius, a man of consular rank, and his two youthful sons. Those men, therefore, are to be blamed; for they did not wish all the citizens to be safe.

Page 107

V. Let us come to instances nearer our own time. The senate entrusted the defence of the republic to Caius Marius and Lucius Valerius, the consuls; Lucius Saturninus, a tribune of the people, and Caius Glaucia the praetor, were slain. On that day, all the Scauri, and Metelli, and Claudii, and Catuli, and Scaevolae, and Crassi took arms. Do you think either those consuls or those other most illustrious men deserving of blame? I myself wished Catiline to perish. Did you who wish every one to be safe, wish Catiline to be safe? There is this difference, O Calenus, between my opinion and yours. I wish no citizen to commit such crimes as deserve to be punished with death. You think that, even if he has committed them, still he ought to be saved. If there is anything in our own body which is injurious to the rest of the body, we allow that to be burnt and cut out, in order that a limb may be lost in preference to the whole body. And so in the body of the republic, whatever is rotten must be cut off in order that the whole may be saved. Harsh language! This is much more harsh, "Let the worthless, and wicked and impious be saved, let the innocent, the honourable, the virtuous, the whole republic be destroyed." In the case of one individual, O Quintus Fufius, I confess that you saw more than I did. I thought Publius Clodius a mischievous, wicked, lustful, impious, audacious, criminal citizen. You, on the other hand, called him religious, temperate, innocent, modest; a citizen to be preserved and desired. In this one particular I admit that you had great discernment, and that I made a great mistake. For as for your saying that I am in the habit of arguing against you with ill-temper, that is not the case. I confess that I argue with vehemence, but not with ill-temper. I am not in the habit of getting angry with my friends every now and then, not even if they deserve it. Therefore, I can differ from you without using any insulting language, though not without feeling the greatest grief of mind. For is the dissension between you and me a trifling one, or on a trifling subject? Is it merely a case of my favouring this man, and you that man? Yes; I indeed favour Decimus Brutus, you favour Marcus Antonius; I wish a colony of the Roman people to be preserved, you are anxious that it should be stormed and destroyed.

Vi. Can you deny this, when you interpose every sort of delay calculated to weaken Brutus, and to improve the position of Antonius? For how long will you keep on saying that you are desirous of peace? Matters are progressing rapidly; the works have been carried on; severe battles are taking place. We sent three chief men of the city to interpose. Antonius has despised, rejected, and repudiated them. And still you continue a persevering defender of Antonius. And Calenus, indeed, in order that he may appear a more conscientious senator, says that he ought not to be a friend to him; since, though Antonius was under great obligations to him, he still had acted against him. See how great is his affection for his country. Though he is angry with the individual, still he defends Antonius for the sake of his country.

Page 108

When you are so bitter, O Quintus Fufius, against the people of Marseilles, I cannot listen to you with calmness. For how long are you going to attack Marseilles? Does not even a triumph put an end to the war? in which was carried an image of that city, without whose assistance our forefathers never triumphed over the Transalpine nations. Then, indeed, did the Roman people groan. Although they had their own private griefs because of their own affairs, still there was no citizen who thought the miseries of this most loyal city unconnected with himself. Caesar himself, who had been the most angry of all men with them, still, on account of the unusually high character and loyalty of that city, was every day relaxing something of his displeasure. And is there no extent of calamity by which so faithful a city can satiate you? Again, perhaps, you will say that I am losing my temper. But I am speaking without passion, as I always do, though not without great indignation. I think that no man can be an enemy to that city, who is a friend to this one. What your object is, O Calenus, I cannot imagine. Formerly we were unable to deter you from devoting yourself to the gratification of the people; now we are unable to prevail on you to show any regard for their interests. I have argued long enough with Fufius, saying everything without hatred, but nothing without indignation. But I suppose that a man who can bear the complaint of his son in law with indifference, will bear that of his friend with great equanimity.

VII. I come now to the rest of the men of consular rank of whom there is no one, (I say this on my own responsibility,) who is not connected with me in some way or other by kindnesses conferred or received, some in a great, some in a moderate degree, but everyone to some extent or other. What a disgraceful day was yesterday to us! to us consulars, I mean. Are we to send ambassadors again? What? would he make a truce? Before the very face and eyes of the ambassadors he battered Mutina with his engines. He displayed his works and his defences to the ambassadors. The siege was not allowed one moment's breathing time, not even while the ambassadors should be present. Send ambassadors to this man! What for? in order to have great fears for their return? In truth, though on the previous occasion I had voted against the ambassadors being decreed, still I consoled myself with this reflection, that, when they had returned from Antonius despised and rejected, and had reported to the senate not merely that he had not withdrawn from Gaul, as we had voted that he should, but that he had not even retired from before Mutina, and that they had not been allowed to proceed on to Decimus Brutus, all men would be inflamed with hatred and stimulated by indignation, so that we should reinforce Decimus Brutus with arms, and horses, and men. But we have become even more languid since we have become acquainted with, not only the audacity and

Page 109

wickedness of Antonius, but also with his indolence and pride. Would that Lucius Caesar were in health, that Servius Sulpicius were alive. This cause would be pleaded much better by these men, than it is now by me single handed. What I am going to say I say with grief, rather than by way of insult. We have been deserted—we have, I say, been deserted, O conscript fathers, by our chiefs. But, as I have often said before, all those who in a time of such danger have proper and courageous sentiments shall be men of consular rank. The ambassadors ought to have brought us back courage, they have brought us back fear. Not, indeed, that they have caused me any fear—let them have as high an opinion as they please of the man to whom they were sent; from whom they have even brought back commands to us.

VIII. O ye immortal gods! where are the habits and virtues of our forefathers? Caius Popillius, in the time of our ancestors, when he had been sent as ambassador to Antiochus the king, and had given him notice, in the words of the senate, to depart from Alexandria, which he was besieging, on the kings seeking to delay giving his answer, drew a line round him where he was standing with his rod, and stated that he should report him to the senate if he did not answer him as to what he intended to do before he moved out of that line which surrounded him. He did well for he had brought with him the countenance of the senate and the authority of the Roman people, and if a man does not obey that, we are not to receive commands from him in return, but he is to be utterly rejected. Am I to receive commands from a man who despises the commands of the senate? Or am I to think that he has anything in common with the senate, who besieges a general of the Roman people in spite of the prohibition of the senate? But what commands they are! With what arrogance, with what stupidity, with what insolence are they conceived! But what made him charge our ambassadors with them when he was sending Cotyla to us, the ornament and bulwark of his friends, a man of aedilitian rank? if, indeed, he really was an aedile at the time when the public slaves flogged him with thongs at a banquet by command of Antonius.

But what modest commands they are! We must be non-hearted men, O conscript fathers, to deny anything to this man! “I give up both provinces,” says he, “I disband my army, I am willing to become a private individual.” For these are his very words. He seems to be coming to himself. “I am willing to forget everything, to be reconciled to everybody.” But what does he add? “If you give booty and land to my six legions, to my cavalry, and to my praetorian cohort.” He even demands rewards for those men for whom, if he were to demand pardon, he would be thought the most impudent of men. He adds further, “Those men to whom the lands have been given which he himself and Dolabella distributed, are to retain them.” This is the Campanian and Leontine district, both which our ancestors considered a certain resource in times of scarcity.

Page 110

IX. He is protecting the interests of his buffoons and gamblers and pimps. He is protecting Capho's and Sasu's interests too, pugnacious and muscular centurions, whom he placed among his troops of male and female buffoons. Besides all this, he demands "that the decrees of himself and his colleague concerning Caesar's writings and memoranda are to stand." Why is he so anxious that every one should have what he has bought, if he who sold it all has the price which he received for it? "And that his accounts of the money in the temple of Ops are not to be meddled with." That is to say, that those seven hundred millions of sesterces are not to be recovered from him. "That the septemviri are to be exempt from blame or from prosecution for what they have done." It was Nucula, I imagine, who put him in mind of that, he was afraid, perhaps, of losing so many clients. He also wishes to make stipulations in favour of "those men who are with him who may have done anything against the laws." He is here taking care of Mustela and Tiro, he is not anxious about himself. For what has he done? has he ever touched the public money, or murdered a man, or had armed men about him? But what reason has he for taking so much trouble about them? For he demands, "that his own judiciary law be not abrogated." And if he obtains that, what is there that he can fear? can he be afraid that any one of his friends may be convicted by Cydas, or Lysiades, or Curius? However, he does not press us with many more demands. "I give up," says he, "Gallia Togata; I demand Gallia Comata"[41]—he evidently wishes to be quite at his ease—with six legions, and those made up to their full complement out of the army of Decimus Brutus,—not only out of the troops whom he has enlisted himself; "and he is to keep possession of it as long as Marcus Brutus and Carus Cassius, as consuls, or as proconsuls, keep possession of their provinces." In the comitia held by him, his brother Carus (for it is his year) has already been repulsed. "And I myself," says he, "am to retain possession of my province five years." But that is expressly forbidden by the law of Caesar, and you defend the acts of Caesar.

X. Were you, O Lucius Piso, and you, O Lucius Philippus, you chiefs of the city, able, I will not say to endure in your minds but even to listen with your ears to these commands of his? But, I suspect there was some alarm at work, nor, while in his power, could you feel as ambassadors, or as men of consular rank, nor could you maintain our own dignity, or that of the republic. And nevertheless, somehow or other, owing to some philosophy, I suppose, you did what I could not have done,—you returned without any very angry feelings. Marcus Antonius paid you no respect, though you were most illustrious men, ambassadors of the Roman people. As for us, what concessions did not we make to Cotyla the ambassador of Marcus Antonius? though it was against the law for even the gates of the city to be opened to him, yet even this temple was opened to him. He was allowed to enter the senate, here yesterday he was taking down our opinions and every word we said in his note books, and men who had been preferred to the highest honours sold themselves to him in utter disregard of their own dignity.

Page 111

O ye immortal gods! how great an enterprise is it to uphold the character of a leader in the republic, for it requires one to be influenced not merely by the thoughts but also by the eyes of the citizens. To take to one's house the ambassador of an enemy, to admit him to one's chamber, even to confer apart with him, is the act of a man who thinks nothing of his dignity, and too much of his danger. But what is danger? For if one is engaged in a contest where everything is at stake, either liberty is assured to one if victorious, or death if defeated, the former of which alternatives is desirable, and the latter some time or other inevitable. But a base flight from death is worse than any imaginable death. For I will never be induced to believe that there are men who envy the consistency or diligence of others, and who are indignant at the unceasing desire to assist the republic being approved by the senate and people of Rome. That is what we were all bound to do, and that was not only in the time of our ancestors, but even lately, the highest praise of men of consular rank, to be vigilant, to be anxious, to be always either thinking, or doing, or saying something to promote the interests of the republic.

I, O conscript fathers, recollect that Quintus Scaevola the augur, in the Marsic war, when he was a man of extreme old age, and quite broken down in constitution, every day, as soon as it was daylight, used to give every one an opportunity of consulting him, nor, throughout all that war, did any one ever see him in bed, and, though old and weak, he was the first man to come into the senate house. I wish, above all things, that those who ought to do so would imitate his industry, and, next to that, I wish that they would not envy the exertions of another.

XI. In truth, O conscript fathers, now we have begun to entertain hopes of liberty again, after a period of six years, during which we have been deprived of it, having endured slavery longer than prudent and industrious prisoners usually do, what watchfulness, what anxiety, what exertions ought we to shrink from, for the sake of delivering the Roman people? In truth, O conscript fathers, though men who have had the honours conferred on them that we have, usually wear their gowns, while the rest of the city is in the robe of war, still I decided that at such a momentous crisis, and when the whole republic was in so disturbed a state, we would not differ in our dress from you and the rest of the citizens. For we men of consular rank are not in this war conducting ourselves in such a manner that the Roman people will be likely to look with equanimity on the ensigns of our honour, when some of us are so cowardly as to have cast away all recollection of the kindnesses which they have received from the Roman people, some are so disaffected to the republic that they openly allege that they favour this enemy, and easily bear having our ambassadors despised and insulted by Antonius, while they wish

Page 112

to support the ambassador sent by Antonius. For they said that he ought not to be prevented from returning to Antonius, and they proposed an amendment to my proposition of not receiving him. Well, I will submit to them. Let Varius return to his general, but on condition that he never returns to Rome. And as to the others, if they abandon their errors and return to their duty to the republic, I think they may be pardoned and left unpunished.

Therefore, I give my vote, "That of those men who are with Marcus Antonius, those who abandon his army, and come over either to Caius Pansa or Aulus Hirtius the consuls; or to Decimus Brutus, imperator and consul elect, or to Caius Caesar, propraetor, before the first of March next, shall not be liable to prosecution for having been with Antonius. That, if any one of those men who are now with Antonius shall do anything which appears entitled to honour or to reward, Caius Pansa and Aulus Hirtius the consuls, one or both of them, shall, if they think fit, make a motion to the senate respecting that man's honour or reward, at the earliest opportunity. That, if, after this resolution of the senate, any one shall go to Antonius except Lucius Varius, the senate will consider that that man has acted as an enemy to the republic."

* * * * *

THE NINTH ORATION OF M.T. CICERO AGAINST MARCUS ANTONIUS. CALLED ALSO THE NINTH PHILIPPIO.

THE ARGUMENT.

Servius Sulpicius, as has been already said, had died on his embassy to Marcus Antonius, before Mutina; and the day after the delivery of the preceding speech, Pansa again called the senate together to deliberate on the honours to be paid to his memory. He himself proposed a public funeral, a sepulchre, and a statue. Servilius opposed the statue, as due only to those who had been slain by violence while in discharge of their duties as ambassadors. Cicero delivered the following oration in support of Pansa's proposition, which was carried.[42]

I. I wish, O conscript fathers, that the immortal gods had granted to us to return thanks to Servius Sulpicius while alive, rather than thus to devise honours for him now that he is dead. Nor have I any doubt, but that if that man had been able himself to give us his report of the proceedings of his embassy, his return would have been acceptable to you and salutary to the republic. Not that either Lucius Piso or Lucius Philippus have been deficient in either zeal or care in the performance of so important a duty and so grave a commission; but, as Servius Sulpicius was superior in age to them, and in wisdom to every one, he, being suddenly taken from the business, left the whole embassy crippled and enfeebled.

Page 113

But if deserved honours have been paid to any ambassador after death, there is no one by whom they can be found to have been ever more fully deserved than by Servius Sulpicius. The rest of those men who have died while engaged on an embassy, have gone forth, subject indeed to the usual uncertainties of life, but without any especial danger or fear of death. Servius Sulpicius set out with some hope indeed of reaching Antonius, but with none of returning. But though he was so very ill that if any exertion were added to his bad state of health, he would have no hope of himself, still he did not refuse to try, even while at his last gasp, to be of some service to the republic. Therefore neither the severity of the winter, nor the snow, nor the length of the journey, nor the badness of the roads, nor his daily increasing illness, delayed him. And when he had arrived where he might meet and confer with the man to whom he had been sent, he departed this life in the midst of his care and consideration as to how he might best discharge the duty which he had undertaken.

As therefore, O Caius Pansa, you have done well in other respects, so you have acted admirably in exhorting us this day to pay honour to Servius Sulpicius, and in yourself making an eloquent oration in his praise. And after the speech which we have heard from you, I should have been content to say nothing beyond barely giving my vote, if I did not think it necessary to reply to Publius Servilius, who has declared his opinion that this honour of a statue ought to be granted to no one who has not been actually slain with a sword while performing the duties of his embassy. But I, O conscript fathers, consider that this was the feeling of our ancestors, that they considered that it was the cause of death, and not the manner of it, which was a proper subject for inquiry. In fact, they thought fit that a monument should be erected to any man whose death was caused by an embassy, in order to tempt men in perilous wars to be the more bold in undertaking the office of an ambassador. What we ought to do, therefore, is, not to scrutinise the precedents afforded by our ancestors, but to explain their intentions from which the precedents themselves arose.

II. Lar Tolumnius, the king of Veii, slew four ambassadors of the Roman people, at Fidenae, whose statues were standing in the rostra till within my recollection. The honour was well deserved. For our ancestors gave those men who had encountered death in the cause of the republic an imperishable memory in exchange for this transitory life. We see in the rostra the statue of Cnaeus Octavius, an illustrious and great man, the first man who brought the consulship into that family, which afterwards abounded in illustrious men. There was no one then who envied him, because he was a new man; there was no one who did not honour his virtue. But yet the embassy of Octavius was one in which there was no suspicion of danger. For having been sent

Page 114

by the senate to investigate the dispositions of kings and of free nations, and especially to forbid the grandson of king Antiochus, the one who had carried on war against our forefathers, to maintain fleets and to keep elephants, he was slain at Laodicea, in the gymnasium, by a man of the name of Leptines. On this a statue was given to him by our ancestors as a recompense for his life, which might ennoble his progeny for many years, and which is now the only memorial left of so illustrious a family. But in his case, and in that of Tullus Cluvius,[43] and Lucius Roseius, and Spurius Antius, and Caius Fulcinus, who were slain by the king of Veii, it was not the blood that was shed at their death, but the death itself which was encountered in the service of the republic, which was the cause of their being thus honoured.

III. Therefore, O conscript fathers, if it had been chance which had caused the death of Servius Sulpicius, I should sorrow indeed over such a loss to the republic, but I should consider him deserving of the honour, not of a monument, but of a public mourning. But, as it is, who is there who doubts that it was the embassy itself which caused his death? For he took death away with him; though, if he had remained among us, his own care, and the attention of his most excellent son and his most faithful wife, might have warded it off. But he, as he saw that, if he did not obey your authority, he should not be acting like himself; but that if he did obey, then that duty, undertaken, for the welfare of the republic, would be the end of his life; preferred dying at a most critical period of the republic, to appearing to have done less service to the republic than he might have done.

He had an opportunity of recruiting his strength and taking care of himself in many cities through which his journey lay. He was met by the liberal invitation of many entertainers as his dignity deserved, and the men too who were sent with him exhorted him to take rest, and to think of his own health. But he, refusing all delay, hastening on eager to perform your commands, persevered in this his constant purpose, in spite of the hindrances of his illness And as Antonius was above all things disturbed by his arrival, because the commands which were laid upon him by your orders had been drawn up by the authority and wisdom of Servius Sulpicius, he showed plainly how he hated the senate by the evident joy which he displaced at the death of the adviser of the senate.

Leptines then did not kill Octavius, nor did the king of Veii slay those whom I have just named, more clearly than Antonius killed Servius Sulpicius. Surely he brought the man death, who was the cause of his death. Wherefore, I think it of consequence, in order that posterity may recollect it, that there should be a record of what the judgment of the senate was concerning this war. For the statue itself will be a witness that the war was so serious an one, that the death of an ambassador in it gained the honour of an imperishable memorial.

Page 115

IV. But if, O conscript fathers, you would only recollect the excuses alleged by Servius Sulpicius why he should not be appointed to this embassy, then no doubt will be left on your minds that we ought to repair by the honour paid to the dead the injury which we did to him while living. For it is you, O conscript fathers (it is a grave charge to make, but it must be uttered,) it is you, I say, who have deprived Servius Sulpicius of life. For when you saw him pleading his illness as an excuse more by the truth of the fact than by any laboured plea of words, you were not indeed cruel, (for what can be more impossible for this order to be guilty of than that,) but as you hoped that there was nothing that could not be accomplished by his authority and wisdom, you opposed his excuse with great earnestness, and compelled the man, who had always thought your decisions of the greatest weight, to abandon his own opinion. But when there was added the exhortation of Pansa, the consul, delivered with more weight than the ears of Servius Sulpicius had learnt to resist, then at last he led me and his own son aside, and said that he was bound to prefer your authority to his own life. And we, admiring his virtue, did not dare to oppose his determination. His son was moved with extraordinary piety and affection, and my own grief did not fall far short of his agitation, but each of us was compelled to yield to his greatness of mind, and to the dignity of his language, when he, indeed, amid the loud praises and congratulations of you all, promised to do whatever you wished, and not to avoid the danger which might be inclined by the adoption of the opinion of which he himself had been the author. And we the next day escorted him early in the morning as he hastened forth to execute your commands. And he, in truth, when departing, spoke with me in such a manner that his language seemed like an omen of his fate.

V. Restore then, O conscript fathers, life to him from whom you have taken it. For the life of the dead consists in the recollection cherished of them by the living. Take ye care that he, whom you without intending it sent to his death, shall from you receive immortality. And if you by your decree erect a statue to him in the rostra, no forgetfulness of posterity will ever obscure the memory of his embassy. For the remainder of the life of Servius Sulpicius will be recommended to the eternal recollection of all men by many and splendid memorials. The praise of all mortals will for ever celebrate his wisdom, his firmness, his loyalty, his admirable vigilance and prudence in upholding the interests of the public. Nor will that admirable, and incredible, and almost godlike skill of his in interpreting the laws and explaining the principles of equity be buried in silence. If all the men of all ages, who have ever had any acquaintance with the law in this city, were got together into one place, they would not deserve to be compared to Servius Sulpicius. Nor was he more skilful

Page 116

in explaining the law than in laying down the principles of justice. Those maxims which were derived from laws and from the common law, he constantly referred to the original principles of kindness and equity. Nor was he more fond of arranging the conduct of law-suits than of preventing disputes altogether. Therefore he is not in want of this memorial which a statue will provide; he has other and better ones. For this statue will be only a witness of his honourable death; those actions will be the memorial of his glorious life. So that this will be rather a monument of the gratitude of the senate, than of the glory of the man.

The affection of the son, too, will appear to have great influence in moving us to honour the father; for although, being overwhelmed with grief, he is not present, still you ought to be animated with the same feelings as if he were present. But he is in such distress, that no father ever sorrowed more over the loss of an only son than he grieves for the death of his father. Indeed, I think that it concerns also the fame of Servius Sulpicius the son, that he should appear to have paid all due respect to his father. Although Servius Sulpicius could leave no nobler monument behind him than his son, the image of his own manners, and virtues, and wisdom, and piety, and genius; whose grief can either be alleviated by this honour paid to his father by you, or by no consolation at all.

Vi. But when I recollect the many conversations which in the days of our intimacy on earth I have had with Servius Sulpicius, it appears to me, that if there be any feeling in the dead, a brazen statue, and that too a pedestrian one, will be more acceptable to him than a gilt equestrian one, such as was first erected to Lucius Sylla. For Servius was wonderfully attached to the moderation of our forefathers, and was accustomed to reprove the insolence of this age. As if, therefore, I were able to consult himself as to what he would wish, so I give my vote for a pedestrian statue of brass, as if I were speaking by his authority and inclination; which by the honour of the memorial will diminish and mitigate the great grief and regret of his fellow-citizens. And it is certain that this my opinion, O conscript fathers, will be approved of by the opinion of Publius Servilius, who has given his vote that a sepulchre be publicly decreed to Servius Sulpicius, but has voted against the statue. For if the death of an ambassador happening without bloodshed and violence requires no honour, why does he vote for the honour of a public funeral, which is the greatest honour that can be paid to a dead man! If he grants that to Servius Sulpicius which was not given to Cnaeus Octavius, why does he think that we ought not to give to the former what was given to the latter? Our ancestors, indeed, decreed statues to many men; public sepulchres to few. But statues perish by weather, by violence, by lapse of time; but the sanctity of the sepulchres is in the soil itself, which can neither be moved nor destroyed by any violence; and while other things are extinguished, so sepulchres become holier by age.

Page 117

Let, then, that man be distinguished by that honour also, a man to whom no honour can be given which is not deserved. Let us be grateful in paying respect in death to him to whom we can now show no other gratitude. And by that same step let the audacity of Marcus Antonius, waging a nefarious war, be branded with infamy. For when these honours have been paid to Servius Sulpicius, the evidence of his embassy having been insulted and rejected by Antonius will remain for everlasting.

VII. On which account I give my vote for a decree in this form: 'As Servius Sulpicius Rufus, the son of Quintus, of the Lemonian tribe, at a most critical period of the republic, and being ill with a very serious and dangerous disease, preferred the authority of the senate and the safety of the republic to his own life, and struggled against the violence and severity of his illness, in order to arrive at the camp of Antonius, to which the senate had sent him; and as he when he had almost arrived at the camp, being overwhelmed by the violence of the disease, has lost his life in discharging a most important office of the republic; and as his death has been in strict correspondence to a life passed with the greatest integrity and honour, during which he, Servius Sulpicius, has often been of great service to the republic, both as a private individual and in the discharge of various magistracies; and as he, being such a man, has encountered death on behalf of the republic while employed on an embassy;—the senate decrees that a brazen pedestrial statue of Servius Sulpicius be erected in the rostra in compliance with the resolution of this order, and that his children and posterity shall have a place round this statue of five feet in every direction, from which to behold the games and gladiatorial combats, because he died in the cause of the republic; and that this reason be inscribed on the pedestal of the statue; and that Carus Pansa and Aulus Hirtius the consuls, one or both of them, if it seem good to them, shall command the quaestors of the city to let out a contract for making that pedestal and that statue, and erecting them in the rostra; and that whatever price they contract for, they shall take care the amount is given and paid to the contractor, and as in old times the senate has exerted its authority with respect to the obsequies of, and honours paid to brave men, it now decrees that he shall be carried to the tomb on the day of his funeral with the greatest possible solemnity. And as Servius Sulpicius Rufus, the son of Quintus of the Lemonian tribe, has deserved so well of the republic as to be entitled to be complimented with all those distinctions, the senate is of opinion, and thinks it for the advantage of the republic, that the consule aedile should suspend the edict which usually prevails with respect to funerals in the case of the funeral of Servius Sulpicius Rufus, the son of Quintus of the Lemonian tribe, and that Carus Pansa, the consul, shall assign him a place for a tomb in the Esquiline plain, or in whatever place shall seem good to him extending thirty feet in every direction, where Servius Sulpicius may be buried, and that that shall be his tomb, and that of his children and posterity, as having been a tomb most deservedly given to them by the public authority.

Page 118

THE TENTH ORATION OF M.T. CICERO AGAINST MARCUS ANTONIUS. CALLED ALSO THE TENTH PHILIPPIC.

THE ARGUMENT

Soon after the delivery of the last speech, despatches were received from Brutus by the consuls, giving an account of his success against Carus Antonius in Macedonia, stating that he had secured Macedonia, Illyricum, and Greece with the armies in those countries, that Carus Antonius had retired to Apollonia with seven cohorts, that a legion under Lucius Piso had surrendered to young Cicero, who was commanding his cavalry, that Dolabella's cavalry had deserted to him, and that Vatinius had surrendered Dyrrachium and its garrison to him. He likewise praised Quintus Hortensius, the proconsul of Macedonia, as having assisted him in gaining over the Grecian provinces and the armies in those districts.

As soon as Pansa received the despatches, he summoned the senate to have them read, and in a set speech greatly extolled Brutus, and moved a vote of thanks to him but Calenus, who followed him, declared his opinion, that as Brutus had acted without any public commission or authority he should be required to give up his army to the proper governors of the provinces, or to whoever the senate should appoint to receive it. After he had sat down, Cicero rose, and delivered the following speech.

I. We all, O Pansa, ought both to feel and to show the greatest gratitude to you, who—though we did not expect that you would hold any senate to day,—the moment that you received the letters of Marcus Brutus, that most excellent citizen, did not interpose even the slightest delay to our enjoying the most excessive delight and mutual congratulation at the earliest opportunity. And not only ought this action of yours to be grateful to us all, but also the speech which you addressed to us after the letters had been read. For you showed plainly, that that was true which I have always felt to be so, that no one envied the virtue of another who was confident of his own. Therefore I, who have been connected with Brutus by many mutual good offices and by the greatest intimacy, need not say so much concerning him for the part that I had marked out for myself your speech has anticipated me in. But, O conscript fathers, the opinion delivered by the man who was asked for his vote before me, has imposed upon me the necessity of saying rather more than I otherwise should have said, and I differ from him so repeatedly at present, that I am afraid (what certainly ought not to be the case) that our continual disagreement may appear to diminish our friendship.

What can be the meaning of this argument of yours, O Calenus? what can be your intention? How is it that you have never once since the first of January been of the same opinion with him who asks you your opinion first? How is it that the senate has never yet been so full as to enable you to find one single person to agree with your sentiments? Why are you always defending men who in no point resemble you? why, when both your life and your fortune invite you to tranquillity and dignity, do you approve

of those measures, and defend those measures, and declare those sentiments, which are adverse both to the general tranquillity and to your own individual dignity?



Page 119

II. For to say nothing of former speeches of yours, at all events I cannot pass over in silence this which excites my most especial wonder. What war is there between you and the Bruti? Why do you alone attack those men whom we are all bound almost to worship? Why are you not indignant at one of them being besieged, and why do you—as far as your vote goes—strip the other of those troops which by his own exertions and by his own danger he has got together by himself, without any one to assist him, for the protection of the republic, not for himself? What is your meaning in this? What are your intentions? Is it possible that you should not approve of the Bruti, and should approve of Antonius? that you should hate those men whom every one else considers most dear? and that you should love with the greatest constancy those whom every one else hates most bitterly? You have a most ample fortune, you are in the highest rank of honour, your son, as I both hear and hope is born to glory,—a youth whom I favour not only for the sake of the republic, but for your sake also. I ask, therefore, would you rather have him like Brutus or like Antonius? and I will let you choose whichever of the three Antonii you please. God forbid! you will say. Why, then, do you not favour those men and praise those men whom you wish your own son to resemble? For by so doing you will be both consulting the interests of the republic, and proposing him an example for his imitation.

But in this instance, I hope, O Quintus Fufius, to be allowed to expostulate with you, as a senator who greatly differs from you, without any prejudice to our friendship. For you spoke in this matter, and that too from a written paper, for I should think you had made a slip from want of some appropriate expression, if I were not acquainted with your ability in speaking. You said “that the letters of Brutus appeared properly and regularly expressed.” What else is this than praising Brutus’s secretary, not Brutus? You both ought to have great experience in the affairs of the republic, and you have. When did you ever see a decree framed in this manner? or in what resolution of the senate passed on such occasions, (and they are innumerable,) did you ever hear of its being decreed that the letters had been well drawn up? And that expression did not—as is often the case with other men—fall from you by chance, but you brought it with you written down, deliberated on, and carefully meditated on.

III. If any one could take from you this habit of disparaging good men on almost every occasion, then what qualities would not be left to you which every one would desire for himself? Do, then, recollect yourself, do at last soften and quiet that disposition of yours, do take the advice of good men, with many of whom you are intimate, do converse with that wisest of men, your own son-in-law, oftener than with yourself, and then you will obtain the name of a man of the very highest character. Do you think it a matter of no consequence, (it is a matter in which I, out of the friendship which I feel you, constantly grieve in your stead,) that this should be commonly said out of doors, and should be a common topic of conversation among the Roman people, that the man who delivered his opinion first did not find a single person to agree with him? And that I think will be the case to day.

Page 120

You propose to take the legions away from Brutus—which legions? Why, those which he has gained over from the wickedness of Caius Antonius, and has by his own authority gained over to the republic. Do you wish then that he should again appear to be the only person stripped of his authority, and as it were banished by the senate? And you, O conscript fathers, if you abandon and betray Marcus Brutus, what citizen in the world will you ever distinguish? Whom will you ever favour? Unless, indeed, you think that those men who put a diadem on a man's head deserve to be preserved, and those who have abolished the very name of kingly power deserve to be abandoned. And of this divine and immortal glory of Marcus Brutus I will say no more, it is already embalmed in the grateful recollection of all the citizens, but it has not yet been sanctioned by any formal act of public authority. Such patience! O ye good gods! such moderation! such tranquillity and submission under injury! A man who, while he was praetor of the city, was driven from the city, was prevented from sitting as judge in legal proceedings, when it was he who had restored all law to the republic, and, though he might have been hedged round by the daily concourse of all virtuous men, who were constantly flocking round him in marvellous numbers, he preferred to be defended in his absence by the judgment of the good, to being present and protected by their force,—who was not even present to celebrate the games to Apollo, which had been prepared in a manner suitable to his own dignity and to that of the Roman people, lest he should open any road to the audacity of most wicked men.

IV. Although, what games or what days were ever more joyful than those on which at every verse that the actor uttered, the Roman people did honour to the memory of Brutus, with loud shouts of applause? The person of their liberator was absent, the recollection of their liberty was present, in which the appearance of Brutus himself seemed to be visible. But the man himself I beheld on those very days of the games, in the country-house of a most illustrious young man, Lucullus, his relation, thinking of nothing but the peace and concord of the citizens. I saw him again afterwards at Veba, departing from Italy, in order that there might be no pretext for civil war on his account. Oh what a sight was that! grievous, not only to men but to the very waves and shores. That its saviour should be departing from his country, that its destroyers should be remaining in their country! The fleet of Cassius followed a few days afterwards, so that I was ashamed O conscript fathers, to return into the city from which those men were departing. But the design with which I returned you heard at the beginning, and since that you have known by experience. Brutus, therefore, bided his time. For, as long as he saw you endure everything, he himself behaved with incredible patience, after that he saw you roused to a desire of liberty, he prepared the means to protect you in your liberty.

Page 121

But what a pest, and how great a pest was it which he resisted? For if Caius Antonius had been able to accomplish what he intended in his mind, (and he would have been able to do so if the virtue of Marcus Brutus had not opposed his wickedness,) we should have lost Macedonia, Illyricum, and Greece. Greece would have been a refuge for Antonius if defeated, or a support to him in attacking Italy, which at present, being not only arrayed in arms, but embellished by the military command and authority and troops of Marcus Brutus stretches out her right hand to Italy, and promises it her protection. And the man who proposes to deprive him of his army, is taking away a most illustrious honour, and a most trustworthy guard from the republic. I wish, indeed, that Antonius may hear this news as speedily as possible, so that he may understand that it is not Decimus Brutus whom he is surrounding with his ramparts, but he himself who is really hemmed in.

V. He possesses three towns only on the whole face of the earth. He has Gaul most bitterly hostile to him, he has even those men the people beyond the Po, in whom he placed the greatest reliance, entirely alienated from him, all Italy is his enemy. Foreign nations, from the nearest coast of Greece to Egypt, are occupied by the military command and armies of most virtuous and intrepid citizens. His only hope was in Caius Antonius; who being in age the middle one between his two brothers, rivalled both of them in vices. He hastened away as if he were being driven away by the senate into Macedonia, not as if he were prohibited from proceeding thither. What a storm, O ye immortal gods! what a conflagration! what a devastation! what a pestilence to Greece would that man have been, if incredible and godlike virtue had not checked the enterprise and audacity of that frantic man. What promptness was there in Brutus's conduct! what prudence! what valour! Although the rapidity of the movement of Caius Antonius also is not despicable; for if some vacant inheritance had not delayed him on his march, you might have said that he had flown rather than travelled. When we desire other men to go forth to undertake any public business, we are scarcely able to get them out of the city; but we have driven this man out by the mere fact of our desiring to retain him. But what business had he with Apollonia? what business had he with Dyrrachium? or with Illyricum? What had he to do with the army of Publius Vatinius, our general? He, as he said himself, was the successor of Hortensius. The boundaries of Macedonia are well defined; the condition of the proconsul is well known; the amount of his army, if he has any at all, is fixed. But what had Antonius to do at all with Illyricum and with the legions of Vatinius?

But Brutus had nothing to do with them either. For that, perhaps, is what some worthless man may say. All the legions, all the forces which exist anywhere, belong to the Roman people. Nor shall those legions which have quitted Marcus Antonius be called the legions of Antonius rather than of the republic; for he loses all power over his army, and all the privileges of military command, who uses that military command and that army to attack the republic.

Page 122

Vi. But if the republic itself could give a decision, or if all rights were established by its decrees, would it adjudge the legions of the Roman people to Antonius or to Brutus? The one had flown with precipitation to the plunder and destruction of the allies, in order, wherever he went, to lay waste, and pillage, and plunder everything, and to employ the army of the Roman people against the Roman people itself. The other had laid down this law for himself, that wherever he came he should appear to come as a sort of light and hope of safety. Lastly, the one was seeking aids to overturn the republic; the other to preserve it. Nor, indeed, did we see this more clearly than the soldiers themselves; from whom so much discernment in judging was not to have been expected.

He writes, that Antonius is at Apollonia with seven cohorts, and he is either by this time taken prisoner, (may the gods grant it!) or, at all events, like a modest man, he does not come near Macedonia, lest he should seem to act in opposition to the resolution of the senate. A levy of troops has been held in Macedonia, by the great zeal and diligence of Quintus Hortensius; whose admirable courage, worthy both of himself and of his ancestors, you may clearly perceive from the letters of Brutus. The legion which Lucius Piso, the lieutenant of Antonius, commanded, has surrendered itself to Cicero, my own son. Of the cavalry, which was being led into Syria in two divisions, one division has left the quaestor who was commanding it, in Thessaly, and has joined Brutus; and Cnaeus Domitius, a young man of the greatest virtue and wisdom and firmness, has carried off the other from the Syrian lieutenant in Macedonia. But Publius Vatinius, who has before this been deservedly praised by us, and who is justly entitled to further praise at the present time, has opened the gates of Dyrrachium to Brutus, and has given him up his army.

The Roman people then is now in possession of Macedonia, and Illyricum, and Greece. The legions there are all devoted to us, the light-armed troops are ours, the cavalry is ours, and, above all, Brutus is ours, and always will be ours—a man born for the republic, both by his own most excellent virtues, and also by some especial destiny of name and family, both on his father's and on his mother's side.

VII. Does any one then fear war from this man, who, until we commenced the war, being compelled to do so, preferred lying unknown in peace to flourishing in war? Although he, in truth, never did lie unknown, nor can this expression possibly be applied to such great eminence in virtue. For he was the object of regret to the state; he was in every one's mouth, the subject of every one's conversation. But he was so far removed from an inclination to war, that, though he was burning with a desire to see Italy free, he preferred being wanting to the zeal of the citizens, to leading them to put everything to the issue of war. Therefore, those very men, if there be any such, who find fault with the slowness of Brutus's movements, nevertheless at the same time admire his moderation and his patience.

Page 123

But I see now what it is they mean: nor, in truth, do they use much disguise. They say that they are afraid how the veterans may endure the idea of Brutus having an army. As if there were any difference between the troops of Aulus Hirtius, of Caius Pansa, of Decimus Brutus, of Caius Caesar, and this army of Marcus Brutus. For if these four armies which I have mentioned are praised because they have taken up arms for the sake of the liberty of the Roman people, what reason is there why this army of Marcus Brutus should not be classed under the same head? Oh, but the very name of Marcus Brutus is unpopular among the veterans.—More than that of Decimus Brutus?—I think not; for although the action is common to both the Bruti, and although their share in the glory is equal, still those men who were indignant at that deed were more angry with Decimus Brutus, because they said, that it was more improper for it to be executed by him. What now are all those armies labouring at, except to effect the release of Decimus Brutus from a siege? And who are the commanders of those armies? Those men, I suppose, who wish the acts of Caius Caesar to be overturned, and the cause of the veterans to be betrayed.

VIII. If Caesar himself were alive, could he, do you imagine, defend his own acts more vigorously than that most gallant man Hirtius defends them? or, is it possible that any one should be found more friendly to the cause than his son? But the one of these, though not long recovered from a very long attack of a most severe disease, has applied all the energy and influence which he had to defending the liberty of those men by whose prayers he considered that he himself had been recalled from death; the other, stronger in the strength of his virtue than in that of his age, has set out with those very veterans to deliver Decimus Brutus. Therefore, those men who are both the most certain and at the same time the most energetic defenders of the acts of Caesar, are waging war for the safety of Decimus Brutus; and they are followed by the veterans. For they see that they must fight to the uttermost for the freedom of the Roman people, not for their own advantages. What reason, then, is there why the army of Marcus Brutus should be an object of suspicion to those men who with the whole of their energies desire the preservation of Decimus Brutus?

But, moreover, if there were anything which were to be feared from Marcus Brutus, would not Pansa perceive it? Or if he did perceive it, would not he, too, be anxious about it? Who is either more acute in his conjectures of the future, or more diligent in warding off danger? But you have already seen his zeal for, and inclination towards Marcus Brutus. He has already told us in his speech what we ought to decree, and how we ought to feel with respect to Marcus Brutus. And he was so far from thinking the army of Marcus Brutus dangerous to the republic, that he considered it the most important and the most trusty bulwark of the republic. Either, then, Pansa does not perceive this (no doubt he is a man of dull intellect), or he disregards it. For he is clearly not anxious that the acts which Caesar executed should be ratified,—he, who in compliance with our recommendation is going to bring forward a bill at the comitia centuriata for sanctioning and confirming them.

Page 124

IX. Let those, then, who have no fear, cease to pretend to be alarmed, and to be exercising their foresight in the cause of the republic. And let those who really are afraid of everything, cease to be too fearful, lest the pretence of the one party and the inactivity of the other be injurious to us. What, in the name of mischief! is the object of always opposing the name of the veterans to every good cause? For even if I were attached to their virtue, as indeed I am, still, if they were arrogant I should not be able to tolerate their airs. While we are endeavouring to break the bonds of slavery, shall any one hinder us by saying that the veterans do not approve of it? For they are not, I suppose, beyond all counting, who are ready to take up arms in defence of the common freedom! There is no man, except the veteran soldiers, who is stimulated by the indignation of a freeman to repel slavery! Can the republic then stand, relying wholly on veterans, without a great reinforcement of the youth of the state? Whom, indeed, you ought to be attached to, if they be assistants to you in the assertion of your freedom, but whom you ought not to follow if they be the advisers of slavery.

Lastly, (let me at last say one true word, one word worthy of myself!)—if the inclinations of this order are governed by the nod of the veterans, and if all our words and actions are to be referred to their will, death is what we should wish for, which has always, in the minds of Roman citizens, been preferable to slavery. All slavery is miserable; but some may have been unavoidable. Do you think, then, that there is never to be a beginning of our endeavours to recover our freedom? Or, when we would not bear that fortune which was unavoidable, and which seemed almost as if appointed by destiny, shalt we tolerate the voluntary bondage? All Italy is burning with a desire for freedom. The city cannot endure slavery any longer. We have given this warlike attire and these arms to the Roman people much later than they have been demanded of us by them.

X. We have, indeed, undertaken our present course of action with a great and almost certain hope of liberty. But even if I allow that the events of war are uncertain, and that the chances of Mars are common to both sides, still it is worth while to fight for freedom at the peril of one's life. For life does not consist wholly in breathing, there is literally no life at all for one who is a slave. All nations can endure slavery. Our state cannot. Nor is there any other reason for this, except that those nations shrink from toil and pain, and are willing to endure anything so long as they may be free from those evils, but we have been trained and bred up by our forefathers in such a manner, as to measure all our designs and all our actions by the standard of dignity and virtue. The recovery of freedom is so splendid a thing that we must not shun even death when seeking to recover it. But if immortality were to be the result of our avoidance of present danger, still slavery would appear still more worthy of being avoided, in proportion as it is of longer duration. But as all sorts of deaths surround us on all sides night and day, it does not become a man, and least of all a Roman, to hesitate to give up to his country that breath which he owes to nature.

Page 125

Men flock together from all quarters to extinguish a general conflagration. The veterans were the first to follow the authority of Caesar and to repel the attempts of Antonius, afterwards the Martial legion checked his frenzy, the fourth legion crushed it. Being thus condemned by his own legions, he burst into Gaul, which he knew to be adverse and hostile to him both in word and deed. The armies of Aulus Hirtius and Caius Caesar pursued him, and afterwards the levies of Pansa roused the city and all Italy. He is the one enemy of all men. Although he has with him Lucius his brother, a citizen very much beloved by the Roman people, the regret for whose absence the city is unable to endure any longer! What can be more foul than that beast? what more savage? who appears born for the express purpose of preventing Marcus Antonius from being the basest of all mortals. They have with them Trebellius, who, now that all debts are cancelled, is become reconciled to them, and Titus Plancus, and other like them, who are striving with all their hearts, and whose sole object is, to appear to have been restored against the will of the republic. Saxa and Capho, themselves rustic and clownish men, men who never have seen and who never wish to see this republic firmly established, are tampering with the ignorant classes; men who are not upholding the acts of Caesar but those of Antonius, who are led away by the unlimited occupation of the Campanian district, and who I marvel are not somewhat ashamed when they see that they have actors and actresses for their neighbours.

XI. Why then should we be displeased that the army of Marcus Brutus is thrown into the scale to assist us in overwhelming these pests of the commonwealth? It is the army, I suppose, of an intemperate and turbulent man. I am more afraid of his being too patient, although in all the counsels and actions of that man there never has been anything either too much or too little. The whole inclinations of Marcus Brutus, O conscript fathers, the whole of his thoughts, the whole of his ideas, are directed towards the authority of the senate and the freedom of the Roman people. These are the objects which he proposes to himself, these are what he desires to uphold. He has tried what he could do by patience, as he did nothing he has thought it necessary to encounter force by force. And, O conscript fathers, you ought at this time to grant him the same honours which on the nineteenth of December you conferred by my advice on Decimus Brutus and Caius Caesar, whose designs and conduct in regard to the republic, while they also were but private individuals, was approved of and praised by your authority. And you ought to do the same now with respect to Marcus Brutus, by whom an unhoped for and sudden reinforcement of legions and cavalry, and numerous and trusty bands of allies, have been provided for the republic.

Quintus Hortensius also ought to have a share of your praise, who, being governor of Macedonia, joined Brutus as a most faithful and untiring assistant in collecting that army. For I think that a separate motion ought to be made respecting Marcus Appuleius, to whom Brutus bears witness in his letters that he has been a prime assistant to him in his endeavours to get together and equip his army. And since this is the case,

Page 126

“As Caius Pansa the consul has addressed to us a speech concerning the letters which have been received from Quintus Caepio Brutus,[44] proconsul, and have been read in this assembly, I give my vote in this matter thus.

“Since, by the exertions and wisdom and industry and valour of Quintus Caepio Brutus, proconsul, at a most critical period of the republic, the province of Macedonia, and Illyircum, and all Greece, and the legions and armies and cavalry, have been preserved in obedience to the consuls and senate and people of Rome, Quintus Caepio Brutus, proconsul, has acted well, and in a manner advantageous to the republic and suitable to his own dignity and to that of his ancestors, and to the principles according to which alone the affairs of the republic can be properly managed, and that conduct is and will be grateful to the senate and people of Rome.

“And moreover, as Quintus Caepio Brutus, proconsul, is occupying and defending and protecting the province of Macedonia, and Illyricum, and all Greece, and is preserving them in safety, and as he is in command of an army which he himself has levied and collected, he is at liberty, if he has need of any, to exact money for the use of the military service, which belongs to the public, and can lawfully be exacted, and to use it, and to borrow money for the exigencies of the war from whomsoever he thinks fit, and to exact coin, and to endeavour to approach Italy as near as he can with his forces. And as it has been understood from the letters of Quintus Caepio Brutus, proconsul, that the republic has been greatly benefited by the energy and valour of Quintus Hortensius, proconsul, and that all his counsels have been in harmony with those of Quintus Caepio Brutus, proconsul, and that that harmony has been of the greatest service to the republic, Quintus Hortensius has acted well and becomingly, and in a manner advantageous to the republic. And the senate decrees that Quintus Hortensius, proconsul, shall occupy the province of Macedonia with his quaestors, or proquaestors and lieutenants, until he shall have a successor regularly appointed by resolution of the senate.”

THE ELEVENTH ORATION OF M T CICERO AGAINST MARCUS ANTONIUS.
CALLED ALSO THE ELEVENTH PHILIPPIC

* * * * *

THE ARGUMENT

A short time after the delivery of the preceding speech, news came to Rome of Dolabella (the colleague of Antonius) having been very successful in Asia. He had left Rome before the expiration of his consulship to take possession of Syria, which Antonius had contrived to have allotted him, and he hoped to prevail on the inhabitants of the province of Asia also to abandon Trebonius, (who had been one of the slayers of Caesar, and was governor of Asia) and submit to him. Trebonius was residing at Smyrna, and Dolabella arrived before the walls of that town with very few troops,



requesting a free passage through Trebonius's province. Trebonius refused to admit him into the town, but promised that he would permit him to enter Ephesus. Dolabella, however, effected an entry into Smyrna by a nocturnal surprise, and seized Trebonius, whom he murdered with great cruelty.

Page 127

As soon as the news of this event reached Rome, the consul summoned the senate, which at once declared Dolabella a public enemy, and confiscated his estate. Calenus was the mover of this decree. But besides this motion there was another question to be settled namely, who was to be appointed to conduct the war against Dolabella. Some proposed to send Publius Servilus; others, that the two consuls should be sent, and should have the two provinces of Asia and Syria allotted to them, and this last proposition Pansa himself was favourable to, and it was supported not only by his friends, but also by the partisans of Antonius, who thought it would draw off the consuls from their present business of relieving Decimus Brutus. But Cicero thought that it would be an insult to Cassius, who was already in those countries, to supersede him as it were, by sending any one else to command there, and so he exerted all his influence to procure a decree entrusting the command to him, though Servilia, the mother-in-law of Cassius, and other of Cassius's friends, begged him not to disoblige Pansa. He persevered, however and made the following speech in support of his opinion.

It appears that Cicero failed in his proposition through the influence of Pansa, but before any orders came from Rome, Cassius had defeated Dolabella near Laodicea, and he killed himself to avoid falling into the hands of his conqueror.

I. *Amid* the great grief, O conscript fathers, or rather misery which we have suffered at the cruel and melancholy death of Caius Trebonius, a most virtuous citizen and a most moderate man, there is still a circumstance or two in the case which I think will turn out beneficial to the republic. For we have now thoroughly seen what great barbarity these men are capable of who have taken up wicked arms against their country. For these two, Dolabella and Antonius, are the very blackest and foulest monsters that have ever lived since the birth of man; one of whom has now done what he wished; and as to the other, it has been plainly shown what he intended. Lucius Cinna was cruel; Caius Marius was unrelenting in his anger; Lucius Sylla was fierce; but still the inhumanity of none of these men ever went beyond death; and that punishment indeed was thought too cruel to be inflicted on citizens.

Here now you have a pair equal in wickedness; unprecedented, unheard of, savage, barbarous. Therefore those men whose vehement mutual hatred and quarrel you recollect a short time ago, have now been united in singular unanimity and mutual attachment by the singularity of their wicked natures and most infamous lives. Therefore, that which Dolabella has now done in a case in which he had the power, Antonius threatens many with. But the former, as he was a long way from our counsels and armies, and as he was not yet aware that the senate had united with the Roman people, relying on the forces of Antonius, has committed those wicked actions which he thought were already put in

Page 128

practice at Rome by his accomplice in wickedness. What else then do you think that this man is contriving or wishing, or what other object do you think he has in the war? All of us who have either entertained the thoughts of freemen concerning the republic, or have given utterance to opinions worthy of ourselves, he decides to be not merely opposed to him, but actual enemies. And he plans inflicting bitterer punishments on us than on the enemy; he thinks death a punishment imposed by nature, but torments and tortures the proper inflictions of anger. What sort of enemy then must we consider that man who, if he be victorious, requires one to think death a kindness if he spares one the tortures with which it is in his power to accompany it?

II. Wherefore, O conscript fathers, although you do not need any one to exhort you, (for you yourself have of your own accord warmed up with the desire of recovering your freedom,) still defend, I warn you, your freedom with so much the more zeal and courage, in proportion as the punishments of slavery with which you see the conquered are threatened are more terrible. Antonius has invaded Gaul; Dolabella, Asia; each a province with which he had no business whatever. Brutus has opposed himself to the one, and at the peril of his own life has checked the onset of that frantic man wishing to harass and plunder everything, has prevented his further progress, and has cut him off from his return. By allowing himself to be besieged he has hemmed in Antonius on each side.

The other has forced his way into Asia. With what object? If it was merely to proceed into Syria, he had a road open to him which was sure, and was not long. What was the need of sending forward some Marsian, they call him Octavius, with a legion; a wicked and necessitous robber; a man to lay waste the lands, to harass the cities, not from any hope of acquiring any permanent property, which they who know him say that he is unable to keep (for I have not the honour of being acquainted with this senator myself,) but just as present food to satisfy his indigence? Dolabella followed him, without any one having any suspicion of war. For how could any one think of such a thing? Very friendly conferences with Trebonius ensued; embraces, false tokens of the greatest good-will, were there full of simulated affection; the pledge of the right hand, which used to be a witness of good faith, was violated by treachery and wickedness; then came the nocturnal entry into Smyrna, as if into an enemy's city—Smyrna, which is a city of our most faithful and most ancient allies; then the surprise of Trebonius, who, if he were surprised by one who was an open enemy, was very careless; if by one who up to that moment maintained the appearance of a citizen, was miserable. And by his example fortune wished us to take a lesson of what the conquered party had to fear. He handed over a man of consular rank, governing the province of Asia with consular

Page 129

authority, to an exiled armourer;[45] he would not slay him the moment that he had taken him, fearing, I suppose, that his victory might appear too merciful; but after having attacked that most excellent man with insulting words from his impious mouth, then he examined him with scourges and tortures concerning the public money, and that for two days together. Afterwards he cut off his head, and ordered it to be fixed on a javelin and carried about, and the rest of his body, having been dragged through the street and town, he threw into the sea.

We, then, have to war against this enemy by whose most foul cruelty all the savageness of barbarous nations is surpassed. Why need I speak of the massacre of Roman citizens? of the plunder of temples? Who is there who can possibly deplore such circumstances as their atrocity deserves? And now he is ranging all over Asia, he is triumphing about as a king, he thinks that we are occupied in another quarter by another war, as if it were not one and the same war against this outrageous pair of impious men.

III. You see now an image of the cruelty of Marcus Antonius in Dolabella, this conduct of his is formed on the model of the other. It is by him that the lessons of wickedness have been taught to Dolabella. Do you think that Antonius, if he had the power, would be more merciful in Italy than Dolabella has proved in Asia? To me, indeed, this latter appears to have gone as far as the insanity of a savage man could go; nor do I believe that Antonius either would omit any description of punishment, if he had only the power to inflict it.

Place then before your eyes, O conscript fathers, that spectacle, miserable indeed, and tearful, but still indispensable to rouse your minds properly: the nocturnal attack upon the most beautiful city in Asia; the irruption of armed men into Trebonius's house, when that unhappy man saw the swords of the robbers before he heard what was the matter, the entrance of Dolabella, raging,—his ill omened voice, and infamous countenance,—the chains, the scourges, the rack, the armourer who was both torturer and executioner, all which they say that the unhappy Trebonius endured with great fortitude. A great praise, and in my opinion indeed the greatest of all, for it is the part of a wise man to resolve beforehand that whatever can happen to a brave man is to be endured with patience if it should happen. It is indeed a proof of altogether greater wisdom to act with such foresight as to prevent any such thing from happening, but it is a token of no less courage to bear it bravely if it should befall one.

And Dolabella was indeed so wholly forgetful of the claims of humanity, (although, indeed, he never had any particular recollection of it,) as to vent his insatiable cruelty, not only on the living man, but also on the dead carcass, and, as he could not sufficiently glut his hatred, to feed his eyes also on the lacerations inflicted, and the insults offered to his corpse.

Page 130

IV. O Dolabella, much more wretched than he whom you intended to be the most wretched of all men! Trebonius endured great agonies, many men have endured greater still, from severe disease, whom, however, we are in the habit of calling not miserable, but afflicted. His sufferings, which lasted two days, were long, but many men have had sufferings lasting many years, nor are the tortures inflicted by executioners more terrible than those caused by disease are sometimes. There are other tortures,—others, I tell you, O you most abandoned and insane man, which are far more miserable. For in proportion as the vigour of the mind exceeds that of the body, so also are the sufferings which rack the mind more terrible than those which are endured by the body. He, therefore, who commits a wicked action is more wretched than he who is compelled to endure the wickedness of another. Trebonius was tortured by Dolabella, and so, indeed, was Regulus by the Carthaginians. If on that account the Carthaginians were considered very cruel for such behaviour to an enemy, what must we think of Dolabella, who treated a citizen in such a manner? Is there any comparison? or can we doubt which of the two is most miserable? he whose death the senate and Roman people wish to avenge, or he who has been adjudged an enemy by the unanimous vote of the senate? For in every other particular of their lives, who could possibly, without the greatest insult to Trebonius, compare the life of Trebonius to that of Dolabella? Who is ignorant of the wisdom, and genius, and humanity, and innocence of the one, and of his greatness of mind as displayed in his exertions for the freedom of his country? The other, from his very childhood, has taken delight in cruelty; and, moreover, such has been the shameful nature of his lusts, that he has always delighted in the very fact of doing those things which he could not even be reproached with by a modest enemy.

And this man, O ye immortal gods, was once my relation! For his vices were unknown to one who did not inquire into such things nor perhaps should I now be alienated from him if he had not been discovered to be an enemy to you, to the walls of his country, to this city, to our household gods, to the altars and hearths of all of us,—in short, to human nature and to common humanity. But now, having received this lesson from him, let us be the more diligent and vigilant in being on our guard against Antonius.

V. Indeed, Dolabella had not with him any great number of notorious and conspicuous robbers. But you see there are with Antonius, and in what numbers. In the first place, there is his brother Lucius—what a firebrand, O ye immortal gods! what an incarnation of crime and wickedness! what a gulf, what a whirlpool of a man! What do you think that man incapable of swallowing up in his mind, or gulping down in his thoughts! Who do you imagine there is whose blood he is not thirsting for? who, on whose possessions

Page 131

and fortunes he is not fixing his most impudent eyes, his hopes, and his whole heart? What shall we say of Censorinus? who, as far as words go, said indeed that he wished to be the city praetor, but who, in fact, was unwilling to be so? What of Bestia, who professes that he is a candidate for the consulship in the place of Brutus? May Jupiter avert from us this most detestable omen! But how absurd is it for a man to stand for the consulship who cannot be elected praetor! unless, indeed, he thinks his conviction may be taken as an equivalent to the praetorship. Let this second Caesar, this great Vopiscus[46], a man of consummate genius, of the highest influence, who seeks the consulship immediately after having been aedile, be excused from obedience to the laws. Although, indeed, the laws do not bind him, on account, I suppose, of his exceeding dignity. But this man has been acquitted five times when I have defended him. To win a sixth city victory is difficult, even in the case of a gladiator. However, this is the fault of the judges, not mine. I defended him with perfect good faith, they were bound to retain a most illustrious and excellent citizen in the republic, who now, however, appears to have no other object except to make us understand that those men whose judicial decisions we annulled, decided rightly and in a manner advantageous to the republic.

Nor is this the case with respect to this man alone; there are other men in the same camp honestly condemned and shamefully restored; what counsel do you imagine can be adopted by those men who are enemies to all good men, that is not utterly cruel? There is besides a fellow called Saxa; I don't know who he is, some man whom Caesar imported from the extremity of Celtiberia and gave us for a tribune of the people. Before that, he was a measurer of ground for camps; now he hopes to measure out and value the city. May the evils which this foreigner predicts to us fall on his own head, and may we escape in safety! With him is the veteran Capho; nor is there any man whom the veteran troops hate more cordially; to these men, as if in addition to the dowry which they had received during our civil disasters, Antonius had given the Campanian district, that they might have it as a sort of nurse for their other estates. I only wish they would be contented with them! We would bear it then, though it would not be what ought to be borne, but still it would be worth our while to bear anything, as long as we could escape this most shameful war.

Vi. What more? Have you not before your eyes those ornaments of the camp of Marcus Antonius? In the first place, these two colleagues of the Antonii and Dolabella, Nucula and Lento the dividers of all Italy according to that law which the senate pronounced to have been earned by violence, one of whom has been a writer of farces, and the other an actor of tragedies. Why should I speak of Domitius the Apulian? whose property we have lately seen advertised, so great is

Page 132

the carelessness of his agents. But this man lately was not content with giving poison to his sister's son, he actually drenched him with it. But it is impossible for these men to live in any other than a prodigal manner, who hope for our property while they are squandering their own. I have seen also an auction of the property of Publius Decius, an illustrious man, who, following the example of his ancestors, devoted himself for the debts of another. But at that auction no one was found to be a purchaser. Ridiculous man to think it possible to escape from debt by selling other people's property! For why should I speak of Trebellius? on whom the furies of debts seem to have wrecked their vengeance, for we have seen one table[47] avenging another. Why should I speak of Plancus? whom that most illustrious citizen Aquila has driven from Pollentia,—and that too with a broken leg, and I wish he had met with that accident earlier, so as not to be liable to return hither.

I had almost passed over the light and glory of that army, Caius Annius Cimber, the son of Lysidicus, a Lysidicus himself in the Greek meaning of the word, since he has broken all laws, unless perhaps it is natural for a Cimbrian to slay a German[48]? When Antonius has such numbers with him, and those too men of that sort, what crime will he shrink from, when Dolabella has polluted himself with such atrocious murders without at all an equal troop of robbers to support him? Wherefore, as I have often at other times differed against my will from Quintus Fufius, so on this occasion I gladly agree with his proposition. And from this you may see that my difference is not with the man, but with the cause which he sometimes advocates.

Therefore, at present I not only agree with Quintus Fufius, but I even return thanks to him, for he has given utterance to opinions which are upright, and dignified, and worthy of the republic. He has pronounced Dolabella a public enemy, he has declared his opinion that his property ought to be confiscated by public authority. And though nothing could be added to this, (for, indeed, what could he propose more severe or more pitiless?) nevertheless, he said that if any of those men who were asked their opinion after him proposed any more severe sentence, he would vote for it. Who can avoid praising such severity as this?

VII. Now, since Dolabella has been pronounced a public enemy, he must be pursued by war. For he himself will not remain quiet. He has a legion with him, he has troops of runaway slaves, he has a wicked band of impious men, he himself is confident, intemperate, and bent on falling by the death of a gladiator. Wherefore, since, as Dolabella was voted an enemy by the decree which was passed yesterday, war must be waged, we must necessarily appoint a general.

Page 133

Two opinions have been advanced, neither of which do I approve. The one, because I always think it dangerous unless it be absolutely necessary, the other, because I think it wholly unsuited to the emergency. For an extraordinary commission is a measure suited rather to the fickle character of the mob, one which does not at all become our dignity or this assembly. In the war against Antiochus, a great and important war, when Asia had fallen by lot to Lucius Scipio as his province, and when he was thought to have hardly spirit and hardly vigour enough for it, and when the senate was inclined to entrust the business to his colleague Caius Laelius, the father of this Laelius, who was surnamed the Wise; Publius Africanus, the elder brother of Lucius Scipio, rose up, and entreated them not to cast such a slur on his family, and said that in his brother there was united the greatest possible valour, with the most consummate prudence, and that he too, notwithstanding his age, and all the exploits which he had performed, would attend his brother as his lieutenant. And after he had said this, nothing was changed in respect to Scipio's province, nor was any extraordinary command sought for any more in that war than in those two terrible Punic wars which had preceded it, which were carried on and conducted to their termination either by the consuls or by dictators, or than in the war with Pyrrhus, or in that with Philippus, or afterwards in the Achaean war, or in the third Punic war, for which last the Roman people took great care to select a suitable general, Publius Scipio, but at the same time it appointed him to the consulship in order to conduct it.

VIII. War was to be waged against Aristonicus in the consulship of Publius Licinius and Lucius Valerius. The people was consulted as to whom it wished to have the management of that war. Crassus, the consul and Pontifex Maximus, threatened to impose a fine upon Flaccus his colleague the priest of Mars, if he deserted the sacrifices. And though the people remitted the fine, still they ordered the priest to submit to the commands of the pontiff. But even then the Roman people did not commit the management of the war to a private individual, although there was Africanus, who the year before had celebrated a triumph over the people of Numantia, and who was far superior to all men in martial renown and military skill; yet he only gained the votes of two tribunes. And accordingly the Roman people entrusted the management of the war to Crassus the consul rather than to the private individual Africanus. As to the commands given to Cnaeus Pompeius, that most illustrious man, that first of men, they were carried by some turbulent tribunes of the people. For the war against Sertorius was only given by the senate to a private individual because the consuls refused it, when Lucius Philippus said that he sent the general in the place of the two consuls, not as proconsul.

Page 134

What then is the object of these comitia? Or what is the meaning of this canvassing which that most wise and dignified citizen, Lucius Caesar, has introduced into the senate? He has proposed to vote a military command to one who is certainly a most illustrious and unimpeachable man, but still only a private individual. And by doing so he has imposed a heavy burden upon us. Suppose I agree, shall I by so doing countenance the introduction of the practice of canvassing into the senate house? Suppose I vote against it, shall I appear as if I were in the comitia to have refused an honour to a man who is one of my greatest friends? But if we are to have the comitia in the senate, let us ask for votes, let us canvass, let a voting tablet be given us, just as one is given to the people. Why do you, O Caesar, allow it to be so managed that either a most illustrious man, if your proposition be not agreed too, shall appear to have received a repulse, or else that one of us shall appear to have been passed over, if, while we are men of equal dignity, we are not considered worthy of equal honour?

But (for this is what I hear is said,) I myself gave by my own vote an extraordinary commission to Caius Caesar. Ay, indeed, for he had given me extraordinary protection, when I say me, I mean he had given it to the senate and to the Roman people. Was I to refuse giving an extraordinary military command to that man from whom the republic had received protection which had never even been thought of, but that still was of so much consequence that without it she could not have been safe? There were only the alternatives of taking his army from him, or giving him such a command. For on what principle or by what means can an army be retained by a man who has not been invested with any military command? We must not, therefore, think that a thing has been given to a man which has, in fact, not been taken away from him. You would, O conscript fathers, have taken a command away from Caius Caesar, if you had not given him one. The veteran soldiers, who, following his authority and command and name, had taken up arms in the cause of the republic, desired to be commanded by him. The Martial legion and the fourth legion had submitted to the authority of the senate, and had devoted themselves to uphold the dignity of the republic, in such a way as to feel that they had a right to demand Caius Caesar for their commander. It was the necessity of the war that invested Caius Caesar with military command, the senate only gave him the ensigns of it. But I beg you to tell me, O Lucius Caesar,—I am aware that I am arguing with a man of the greatest experience,—when did the senate ever confer a military command on a private individual who was in a state of inactivity, and doing nothing?

Page 135

IX. However, I have been speaking hitherto to avoid the appearance of gratuitously opposing a man who is a great friend of mine, and who has showed me great kindness. Although, can one deny a thing to a person who not only does not ask for it, but who even refuses it? But, O conscript fathers, that proposition is unsuited to the dignity of the consuls, unsuited to the critical character of the times, namely, the proposition that the consuls, for the sake of pursuing Dolabella, shall have the provinces of Asia and Syria allotted to them. I will explain why it is inexpedient for the republic, but first of all, consider what ignominy it fixes on the consuls. When a consul elect is being besieged, when the safety of the republic depends upon his liberation, when mischievous and parricidal citizens have revolted from the republic, and when we are carrying on a war in which we are fighting for our dignity, for our freedom, and for our lives, and when, if any one falls into the power of Antonius, tortures and torments are prepared for him, and when the struggle for all these objects has been committed and entrusted to our most admirable and gallant consuls,—shall any mention be made of Asia and Syria so that we may appear to have given any injurious cause for others to entertain suspicion of us, or to bring us into unpopularity? They do indeed propose it, “after having liberated Brutus,”—for those were the last words of the proposal, say rather, after having deserted, abandoned, and betrayed him.

But I say that any mention whatever of any provinces has been made at a most unseasonable time. For although your mind, O Caius Pausa, be ever so intent, as indeed it is, on effecting the liberation of the most true and illustrious of all men, still the nature of things would compel you inevitably sometimes to turn your thoughts to the idea of pursuing Antonius, and to divert some portion of your care and attention to Asia and Syria. But if it were possible, I could wish you to have more minds than one, and yet to direct them all upon Mutina. But since that is impossible, I do wish you, with that most virtuous and all accomplished mind which you have got, to think of nothing but Brutus. And that indeed, is what you are doing; that is what you are especially striving at, but still no man can I will not say do two things, especially two most important things, at one time but he cannot even do entire justice to them both in his thoughts. It is our duty rather to spur on and inflame that excellent eagerness of yours, and not to transfer any portion of it to another object of care in a different direction.

Page 136

X. Add to these considerations the way men talk, the way in which they nourish suspicion, the way in which they take dislikes. Imitate me whom you have always praised; for I rejected a province fully appointed and provided by the senate, for the purpose of discarding all other thoughts, and devoting all my efforts to extinguishing the conflagration that threatened to consume my country. There was no one except me alone, to whom, indeed, you would, in consideration of our intimacy, have been sure to communicate anything which concerned your interests, who would believe that the province had been decreed to you against your will. I entreat you, check, as is due to your eminent wisdom, this report, and do not seem to be desirous of that which you do not in reality care about. And you should take the more care of this point, because your colleague, a most illustrious man, cannot fall under the same suspicion. He knows nothing of all that is going on here, he suspects nothing, he is conducting the war, he is standing in battle array, he is fighting for his blood and for his life, he will hear of the province being decreed to him before he could imagine that there had been time for such a proceeding. I am afraid that our armies too, which have devoted themselves to the republic, not from any compulsory levy, but of their own voluntary zeal, will be checked in their ardour, if they suppose that we are thinking of anything but instant war.

But if provinces appear to the consuls as things to be desired, as they often have been desired by many illustrious men, first restore us Brutus, the light and glory of the state, whom we ought to preserve like that statue which fell from heaven, and is guarded by the protection of Vesta, which, as long as it is safe, ensures our safety also. Then we will raise you, if it be possible, even to heaven on our shoulders, unquestionably we will select for you the most worthy provinces. But at present let us apply ourselves to the business before us. And the question is, whether we will live as freemen, or die, for death is certainly to be preferred to slavery. What more need I say? Suppose that proposition causes delay in the pursuit of Dolabella? For when will the consul arrive? Are we waiting till there is not even a vestige of the towns and cities of Asia left? "But they will send some one of their officers"—That will certainly be a step that I shall quite approve of, I who just now objected to giving any extraordinary military command to even so illustrious a man if he were only a private individual. "But they will send a man worthy of such a charge." Will they send one more worthy than Publius Servilius? But the city has not such a man. What then he himself thinks ought to be given to no one, not even by the senate, can I approve of that being conferred by the decision of one man? We have need, O conscript fathers, of a man ready and prepared, and of one who has a military command legally conferred on him, and of one who, besides this, has authority, and a name, and an army, and a courage which has been already tried in his exertions for the deliverance of the republic.

Page 137

XI Who then is that man? Either Marcus Brutus, or Caius Cassius, or both of them. I would vote in plain words, as there are many precedents for, one consul or both, if we had not already hampered Brutus sufficiently in Greece, and if we had not preferred having his reinforcement approach nearer to Italy rather than move further off towards Asia, not so much in order to receive succour ourselves from that army, as to enable that army to receive aid across the water. Besides, O conscript fathers, even now Caius Antonius is detaining Marcus Brutus, for he occupies Apollonia, a large and important city, he occupies, as I believe, Byllis, he occupies Amantia, he is threatening Epirus, he is pressing on Illyricum, he has with him several cohorts, and he has cavalry. If Brutus be transferred from this district to any other war, we shall at all events lose Greece. We must also provide for the safety of Brundisium and all that coast of Italy. Although I marvel that Antonius delays so long, for he is accustomed usually to put on his marching dress and not to endure the fear of a siege for any length of time. But if Brutus has finished that business, and perceives that he can better serve the republic by pursuing Dolabella than by remaining in Greece, he will act of his own head, as he has hitherto done, nor amid such a general conflagration will he wait for the orders of the senate when instant help is required. For both Brutus and Cassius have in many instances been a senate to themselves. For it is quite inevitable that in such a confusion and disturbance of all things men should be guided by the present emergency rather than by precedent. Nor will this be the first time that either Brutus or Cassius has considered the safety and deliverance of his country his most holy law and his most excellent precedent. Therefore, if there were no motion submitted to us about the pursuit of Dolabella, still I should consider it equivalent to a decree, when there were men of such a character for virtue, authority, and the greatest nobleness, possessing armies, one of which is already known to us, and the other has been abundantly heard of.

XII Brutus then, you may be sure, has not waited for our decrees, as he was sure of our desires. For he is not gone to his own province of Crete, he has flown to Macedonia, which belonged to another, he has accounted everything his own which you have wished to be yours, he has enlisted new legions, he has received old ones, he has gained over to his own standard the cavalry of Dolabella, and even before that man was polluted with such enormous parricide, he, of his own head, pronounced him his enemy. For if he were not one, by what right could he himself have tempted the cavalry to abandon the consul? What more need I say? Did not Caius Cassius, a man endowed with equal greatness of mind and with equal wisdom, depart from Italy with the deliberate object of preventing Dolabella from obtaining possession of Syria? By what law? By what right? By that which Jupiter himself has sanctioned, that everything which was advantageous to the republic should be considered legal and just.

Page 138

For law is nothing but a correct principle drawn from the inspiration of the gods, commanding what is honest, and forbidding the contrary. Cassius, therefore, obeyed this law when he went into Syria, a province which belonged to another, if men were to abide by the written laws, but which, when these were trampled under foot, was his by the law of nature. But in order that they may be sanctioned by your authority also, I now give my vote, that,

“As Publius Dolabella, and those who have been the ministers of and accomplices and assistants in his cruel and infamous crime, have been pronounced enemies of the Roman people by the senate, and as the senate has voted that Publius Dolabella shall be pursued with war, in order that he who has violated all laws of men and gods by a new and unheard of and inexpressible wickedness and has committed the most infamous treason against his country, may suffer the punishment which is his due, and which he has well deserved at the hands of gods and men, the senate decrees that Caius Cassius, proconsul, shall have the government of Syria as one appointed to that province with all due form, and that he shall receive their armies from Quintus Marcus Crispus, proconsul, from Lucius Statius Murcus, proconsul, from Aulus Allienus, lieutenant, and that they shall deliver them up to him, and that he, with these troops and with any more which he may have got from other quarters, shall pursue Dolabella with war both by sea and land; that, for the sake of carrying on war, he shall have authority and power to buy ships, and sailors, and money, and whatever else may be necessary or useful for the carrying on of the war, in whatever places it seems fitting to him to do so, throughout Syria, Asia, Bithynia, and Pontus; and that, in whatever province he shall arrive for the purpose of carrying on that war, in that province as soon as Caius Cassius, proconsul, shall arrive in it, the power of Caius Cassius, proconsul, shall be superior to that of him who may be the regular governor of the province at the time. That king Deiotarus the father, and also king Deiotarus the son, if they assist Caius Cassius, proconsul, with their armies and treasures, as they have heretofore often assisted the generals of the Roman people, will do a thing which will be grateful to the senate and people of Rome; and that also, if the rest of the kings and tetrarchs and governors in those districts do the same, the senate and people of Rome will not be forgetful of their loyalty and kindness; and that Caius Pansa and Aulus Hirtius the consuls, one or both of them, as it seems good to them, as soon as they have re-established the republic, shall at the earliest opportunity submit a motion to this order about the consular and praetorian provinces; and that, in the meantime, the provinces should continue to be governed by those officers by whom they are governed at present, until a successor be appointed to each by a resolution of the senate.”

Page 139

XIII. By this resolution of the senate you will inflame the existing ardour of Cassius, and you will give him additional arms; for you cannot be ignorant of his disposition, or of the resources which he has at present. His disposition is such as you see; his resources, which you have heard stated to you, are those of a gallant and resolute man, who, even while Trebonius was alive, would not permit the piratical crew of Dolabella to penetrate into Syria. Allienus, my intimate friend and connexion, who went thither after the death of Trebonius, will not permit himself to be called the lieutenant of Dolabella. The army of Quintus Caecilius Bassus, a man indeed without any regular appointment, but a brave and eminent man, is vigorous and victorious. The army of Deiotarus the king, both father and son, is very numerous, and equipped in our fashion. Moreover, in the son there is the greatest hope, the greatest vigour of genius and a good disposition, and the most eminent valour. Why need I speak of the father, whose good-will towards the Roman people is coeval with his life; who has not only been the ally of our commanders in their wars, but has also served himself as the general of his own troops. What great things have Sylla, and Murena, and Servilius, and Lucullus said of that man; what complimentary, what honourable and dignified mention have they often made of him in the senate! Why should I speak of Cnaeus Pompeius, who considered Deiotarus the only friend and real well-wisher from his heart, the only really loyal man to the Roman people in the whole world? We were generals, Marcus Bibulus and I, in neighbouring provinces bordering on his kingdom; and we were assisted by that same monarch both with cavalry and infantry. Then followed this most miserable and disastrous civil war; in which I need not say what Deiotarus ought to have done, or what would have been the most proper course which he could have adopted, especially as victory decided for the party opposed to the wishes of Deiotarus. And if in that war he committed any error, he did so in common with the senate. If his judgment was the right one, then even though defeated it does not deserve to be blamed. To these resources other kings and other levies of troops will be added. Nor will fleets be wanting to us; so greatly do the Tyrians esteem Cassius, so mighty is his name in Syria and Phoenicia.

XIV. The republic, O conscript fathers, has a general ready against Dolabella, in Caius Cassius, and not ready only, but also skilful and brave. He performed great exploits before the arrival of Bibulus, a most illustrious man, when he defeated the most eminent generals of the Parthians and their innumerable armies, and delivered Syria from their most formidable invasion. I pass over his greatest and most extraordinary glory; for as the mention of it is not yet acceptable to every one, we had better preserve it in our recollection than by bearing testimony to it with our voice.

Page 140

I have noticed, O conscript fathers, that some people have said before now, that even Brutus is too much extolled by me, that Cassius is too much extolled; and that by this proposition of mine absolute power and quite a principality is conferred upon Cassius. Whom do I extol? Those who are themselves the glory of the republic. What? have I not at all times extolled Decimus Brutus whenever I have delivered my opinion at all? Do you then find fault with me? or should I rather praise the Antonii, the disgrace and infamy not only of their own families, but of the Roman name? or should I speak in favour of Censorenius, an enemy in time of war, an assassin in time of peace? or should I collect all the other ruined men of that band of robbers? But I am so far from extolling those enemies of tranquility, of concord, of the laws, of the courts of justice, and of liberty, that I cannot avoid hating them as much as I love the republic. "Beware," says one, "how you offend the veterans." For this is what I am most constantly told. But I certainly ought to protect the rights of the veterans; of those at least who are well disposed; but surely I ought not to fear them. And those veterans who have taken up arms in the cause of the republic, and have followed Caius Caesar, remembering the kindnesses which they received from his father, and who at this day are defending the republic to their own great personal danger,—those I ought not only to defend, but to seek to procure additional advantages for them. But those also who remain quiet, such as the sixth and eighth legion, I consider worthy of great glory and praise. But as for those companions of Antonius, who after they have devoured the benefits of Caesar, besiege the consul elect, threaten this city with fire and sword, and have given themselves up to Saxa and Capho, men born for crime and plunder, who is there who thinks that those men ought to be defended? Therefore the veterans are either good men, whom we ought to load with distinctions, or quiet men, whom we ought to preserve, or impious ones, against whose frenzy we have declared war and taken up legitimate arms.

XV. Who then are the veterans whom we are to be fearful of offending? Those who are desirous to deliver Decimus Brutus from siege? for how can those men, to whom the safety of Brutus is dear, hate the name of Cassius? Or those men who abstain from taking arms on either side? I have no fear of any of those men who delight in tranquility becoming a mischievous citizen. But as for the third class, whom I call not veteran soldiers, but infamous enemies, I wish to inflict on them the most bitter pain. Although, O conscript fathers, how long are we to deliver our opinions as it may please the veterans? why are we to yield so much to their haughtiness? why are we to make their arrogance of such importance as to choose our generals with reference to their pleasure? But I (for I must speak, O conscript fathers, what I feel,) think that we ought not so

Page 141

much to regard the veterans, as to look at what the young soldiers, the flower of Italy—at what the new legions, most eager to effect the deliverance of their country—at what all Italy will think of your wisdom. For there is nothing which flourishes for ever. Age succeeds age. The legions of Caesar have flourished for a long time; but now those who are flourishing are the legions of Pansa, and the Legions of Hirtius, and the legions of the son of Caesar, and the legions of Plancus. They surpass the veterans in number, they have the advantage of youth, moreover, they surpass them also in authority. For they are engaged in waging that war which is approved of by all nations. Therefore, rewards have been promised to these latter. To the former they have been already paid,—let them enjoy them. But let these others have those rewards given to them which we have promised them. For that is what I hope that the immortal gods will consider just.

And as this is the case, I give my vote for the proposition which I have made to you, O conscript fathers, being adopted by you.

THE TWELFTH ORATION OF M T CICERO AGAINST MARCUS ANTONIUS. CALLED ALSO THE TWELFTH PHILIPPIC.

THE ARGUMENT.

Decimus Brutus was in such distress in Mutina, that his friends began to be alarmed, fearing that, if he fell into the hands of Antonius, he would be treated as Trebonius had been. And, as the friends of Antonius gave out that he was now more inclined to come to terms with the senate, a proposition was made and supported by Pansa to send a second embassy to him. And even Cicero at first consented to it, and allowed himself to be nominated with Servilius and three other senators, all of consular rank, but on more mature reflection he was convinced that he had been guilty of a blunder, and that the object of Antonius and his friends was only to gain time for Ventidius to join him with his three legions. Accordingly, at the next meeting of the senate, he delivered the following speech, retracting his former sanction of the proposed embassy. And he spoke so strongly against it, that the measure was abandoned and Pansa soon afterwards marched with his army to join Hirtius and Octavius, with the intention of forcing Antonius to a battle.

I. Although, O conscript fathers it seems very unbecoming for that man whose counsels you have so often adopted in the most important affairs, to be deceived and deluded, and to commit mistakes, yet I console myself, since I made the mistake in company with you, and in company also with a consul of the greatest wisdom. For when two men of consular rank had brought us hope of an honorable peace, they appeared as being friends and extremely intimate with Marcus Antonius, to be aware of some weak point about him with which we were unacquainted. His wife and children are in the house of

one, the other is known every day to send letters to, to receive letters from, and openly to favour Antonius.

Page 142

These men, then, appeared likely to have some reason for exhorting us to peace, which they had done for some time. The consul, too, added the weight of his exhortation, and what a consul! If we look for prudence, one who was not easily to be deceived; if for virtue and courage, one who would never admit of peace unless Antonius submitted and confessed himself to be vanquished, if for greatness of mind, one who would prefer death to slavery. You, too, O conscript fathers, appeared to be induced to think not of accepting but of imposing conditions, not so much because you were forgetful of your most important and dignified resolutions, as because you had hopes suggested you of a surrender on the part of Antonius, which his friends preferred to call peace. My own hopes, and I imagine yours also, were increased by the circumstance of my hearing that the family of Antonius was overwhelmed with distress, and that his wife was incessantly lamenting. And in this assembly, too, I saw that the partisans, on whose countenance my eyes are always dwelling, looked more sorrowful than usual. And if that is not so, why on a sudden has mention been made of peace by Piso and Calenus of all people in the world, why at this particular moment, why so unexpectedly? Piso declares that he knows nothing, that he has not heard anything. Calenus declares that no news has been brought. And they make that statement now, after they think that we are involved in a pacific embassy. What need have we, then, of any new determination, if no new circumstances have arisen to call for one?

II. We have been deceived,—we have, I say, been deceived, O conscript fathers. It is the cause of Antonius that has been pleaded by his friends, and not the cause of the public. And I did indeed see that, though through a sort of mist, the safety of Decimus Brutus had dazzled my eyesight. But if in war, substitutes were in the habit of being given, I would gladly allow myself to be hemmed in, so long as Decimus Brutus might be released. But we were caught by this expression of Quintus Fufius; “Shall we not listen to Antonius, even if he retires from Mutina? Shall we not, even if he declares that he will submit himself to the authority of the senate?” It seemed harsh to say that. Thus it was that we were broken, we yielded. Does he then retire from Mutina? “I don’t know.” Is he obeying the senate? “I think so” says Calenus, “but so as to preserve his own dignity at the same time.” You then, O conscript fathers, are to make great exertions for the express purpose of losing your own dignity, which is very great, and of preserving that of Antonius, which neither has nor can have any existence, and of enabling him to recover that by your conduct, which he has lost by his own. “But, however, that matter is not open for consideration now, an embassy has been appointed.” But what is there which is not open for consideration to a wise man, as long as it can be remodelled? Any man is liable to a mistake; but no one but a downright fool will persist in error. For second thoughts, as people say, are best. The mist which I spoke of just now is dispelled, light has arisen, the case is plain—we see everything, and that not by our own acuteness, but we are warned by our friends.

Page 143

You heard just now what was the statement made by a most admirable man. I found, said he, his house, his wife, his children, all in great distress. Good men marvelled at me, my friends blamed me for having been led by the hope of peace to undertake an embassy. And no wonder, O Publius Servilius. For by your own most true and most weighty arguments Antonius was stripped, I do not say of all dignity, but of even every hope of safety. Who would not wonder if you were to go as an ambassador to him? I judge by my own case, for with regard to myself I see how the same design as you conceived is found fault with. And are we the only people blamed? What? did that most gallant man speak so long and so precisely a little while ago without any reason? What was he labouring for, except to remove from himself a groundless suspicion of treachery? And whence did that suspicion arise? From his unexpected advocacy of peace, which he adopted all on a sudden, being taken in by the same error that we were.

But if an error has been committed, O conscript fathers, owing to a groundless and fallacious hope, let us return into the right road. The best harbour for a penitent is a change of intention.

III. For what, in the name of the immortal gods! what good can our embassy do to the republic? What good, do I say? What will you say if it will even do us harm? *Will* do us harm? What if it already *has* done us harm? Do you suppose that that most energetic and fearless desire shown by the Roman people for recovery of their liberty has been damped and weakened by hearing of this embassy for peace? What do you think the municipal towns feel? and the colonies? What do you think will be the feelings of all Italy? Do you suppose that it will continue to glow with the same zeal with which it burnt before to extinguish this common conflagration? Do we not suppose that those men will repent of having professed and displayed so much hatred to Antonius, who promised us money and arms, who devoted themselves wholly, body, heart, and soul, to the safety of the republic? How will Capua, which at the present time feels like a second Rome, approve of this design of yours? That city pronounced them impious citizens, cast them out, and kept them out. Antonius was barely saved from the hands of that city, which made a most gallant attempt to crush him. Need I say more? Are we not by these proceedings cutting the sinews of our own legions, for what man can engage with ardour in a war, when the hope of peace is suggested to him? Even that godlike and divine Martial legion will grow languid at and be cowed by the receipt of this news, and will lose that most noble title of Martial, their swords will fall to the ground, their weapons will drop from their hands. For, following the senate, it will not consider itself bound to feel more bitter hatred against Antonius than the senate.

Page 144

I am ashamed for this legion, I am ashamed for the fourth legion, which, approving of our authority with equal virtue, abandoned Antonius, not looking upon him as their consul and general, but as an enemy and attacker of their country. I am ashamed for that admirable army which is made up of two armies, which has now been reviewed, and which has started for Mutina, and which, if it hears a word of peace, that is to say, of our fear, even if it does not return, will at all events halt. For who, when the senate recalls him and sounds a retreat, will be eager to engage in battle?[49]

IV. For what can be more unreasonable than for us to pass resolutions about peace without the knowledge of those men who wage the war? And not only without their knowledge, but even against their will? Do you think that Aulus Hirtius, that most illustrious consul, and that Carus Caesar, a man born by the especial kindness of the gods for this especial crisis, whose letters, announcing their hope of victory, I hold in my hand, are desirous of peace? leader; and still we cannot bear the countenances or support the language of those men who are left behind in the city out of their number. What do you think will be the result when such numbers force their way into the city at one time? when we have laid aside our arms and they have not laid aside theirs? Must we not be defeated for everlasting, in consequence of our own counsels?

Place before your eyes Marcus Antonius, as a man of consular rank, add to him Lucius, hoping to obtain the consulship, join to them all the rest, and those too not confined to our order, who are fixing then thoughts on honours and commands. Do not despise the Tiros, and the Numisii, or the Mustellae, or the Seii. A peace made with those men will not be peace, but a covenant of slavery. That was in admirable expression of Lucius Piso, a most honourable man, and one which has been deservedly praised by you O Pansa, not only in this order, but also in the assembly of the people. He said, that he would depart from Italy, and leave his household gods and his native home, if (but might the gods avert such a disaster!) Antonius overwhelmed the republic.

VII. I ask, therefore, of you, O Lucius Piso, whether you would not think the republic overwhelmed if so many men of such impiety, of such audacity, and such guilt, were admitted into it? Can you think that men whom we could hardly bear when they were not yet polluted with such parricidal treasons; will be able to be borne by the city now that they are immersed in every sort of wickedness? Believe me, we must either adopt your plan, and retire, depart, embrace a life of indigence and wandering, or else we must offer our throats to those robbers, and perish in our country. What has become, O Carus Pansa, of those noble exhortations of yours, by which the senate was roused, and the Roman people stimulated, not only hearing but also learning from you that there

Page 145

is nothing more disgraceful to a Roman than slavery? Was it for this that we assumed the garb of war, and took arms and roused up all the youth all over Italy, in order that while we had a most flourishing and numerous army, we might send ambassadors to treat for peace? If that peace is to be received by others, why do we not wait to be entreated for it? If our ambassadors are to beg it, what is it that we are afraid of? Shall I make one of this embassy, or shall I be mixed up with this design, in which, even if I should dissent from the rest of my colleagues, the Roman people will not know it? The result will be that if anything be granted or conceded, it will be my danger if Antonius commits any offences, since the power to commit them will seem to have been put in his hands by me.

But even if it had been proper to entertain any idea of peace with the piratical crew of Marcus Antonius, still I was the last person who ought to have been selected to negotiate such a peace. I never voted for sending ambassadors. Before the return of the last ambassadors I ventured to say, that peace itself, even if they did bring it, ought to be repudiated, since war would be concealed under the name of peace; I was the chief adviser of the adoption of the garb of war, I have invariably called that man a public enemy, when others have been calling him only an adversary, I have always pronounced this to be a war, while others have styled it only a tumult Nor have I done this in the senate alone; I have always acted in the same way before the people. Nor have I spoken against himself only, but also against the accomplices in and agents of his crimes, whether present here, or there with him. In short, I have at all times inveighed against the whole family and party of Antonius. Therefore, as those impious citizens began to congratulate one another the moment the hope of peace was presented to them, as if they had gained the victory, so also they abused me as unjust, they made complaints against me, they distrusted Servilius also, they recollected that Antonius had been damaged by his avowed opinions and propositions, they recollected that Lucius Caesar, though a brave and consistent senator, is still his uncle, that Calenus is his agent, that Piso is his intimate friend, they think that you yourself, O Pansa, though a most vigorous and fearless consul, are now become more mercifully inclined. Not that it really is so, or that it possibly can be so. But the fact of a mention of peace having been made by you, has given rise to a suspicion in the hearts of many, that you have changed your mind a little. The friends of Antonius are annoyed at my being included among these persons, and we must no doubt yield to them, since we have once begun to be liberal.

Page 146

VIII. Let the ambassadors go, with all our good wishes, but let those men go at whom Antonius may take no offence. But if you are not anxious about what he may think, at all events. O conscript fathers, you ought to have some regard for me. At least spare my eyes, and make some allowance for a just indignation. For with what countenance shall I be able to behold, (I do not say, the enemy of my country, for my hatred of him on that score I feel in common with you all,) but how shall I bear to look upon that man who is my own most bitter personal enemy, as his most furious harangues against me plainly declare him? Do you think that I am so completely made of iron as to be able unmoved to meet him, or look at him? who lately, when in an assembly of the people he was making presents to those men who appeared to him the most audacious of his band of parricidal traitors, said that he gave my property to Petissius of Urbinum, a man who, after the shipwreck of a very splendid patrimony, was dashed against these rocks of Antonius. Shall I be able to bear the sight of Lucius Antonius? a man from whose cruelty I could not have escaped if I had not defended myself behind the walls and gates and by the zeal of my own municipal town. And this same Asiatic gladiator, this plunderer of Italy, this colleague of Lenti and Nucula, when he was giving some pieces of gold to Aquila the centurion, said that he was giving him some of my property. For, if he had said he was giving him some of his own, he thought that the eagle itself would not have believed it. My eyes cannot—my eyes, I say, will not bear the sight of Saxa, or Capho, or the two praetors, or the tribune of the people, or the two tribunes elect, or Bestia, or Trebellius, or Titus Plancus. I cannot look with equanimity on so many, and those such foul, such wicked enemies; nor is that feeling caused by any fastidiousness of mine, but by my affection for the republic. But I will subdue my feelings, and keep my own inclinations under restraint. If I cannot eradicate my most just indignation, I will conceal it. What? Do you not think, O Conscript fathers, that I should have some regard for my own life? But that indeed has never been an object of much concern to me, especially since Dolabella has acted in such a way that death is a desirable thing, provided it come without torments and tortures. But in your eyes and in those of the Roman people my life ought not to appear of no consequence. For I am a man,—unless indeed I am deceived in my estimate of myself,—who by my vigilance, and anxiety, by the opinions which I have delivered, and by the dangers too of which I have encountered great numbers, by reason of the most bitter hatred which all impious men bear me, have at least, (not to seem to say anything too boastful,) conducted myself so as to be no injury to the republic. And as this is the case, do you think that I ought to have no consideration for my own danger?

Page 147

IX. Even here, when I was in the city and at home, nevertheless many attempts were made against me, in a place where I have not only the fidelity of my friends but the eyes also of the entire city to guard me. What do you think will be the case when I have gone on a journey, and that too a long one? Do you think that I shall have no occasion to fear plots then? There are three roads to Mutina, a place which my mind longs to see, in order that I may behold as speedily as possible that pledge of freedom of the Roman people Decimus Brutus, in whose embrace I would willingly yield up my parting breath, when all my actions for the last many months, and all my opinions and propositions have resulted in the end which I proposed to myself. There are, as I have said, three roads, the Flaminian road, along the Adriatic, the Aurelian road, along the Mediterranean coast, the Midland road, which is called the Cassian.

Now, take notice, I beg of you, whether my suspicion of danger to myself is at variance with a reasonable conjecture. The Cassian road goes through Etruria. Do we not know then, O Pansa, over what places the authority of Lenti Caesennius, as a septemvir, prevails at present? He certainly is not on our side either in mind or body. But if he is at home, or not far from home, he is certainly in Etruria, that is, in my road. Who, then, will undertake to me that Lenti will be content with exacting one life alone? Tell me besides, O Pansa, where Ventidius is,—a man to whom I have always been friendly before he became so openly an enemy to the republic and to all good men. I may avoid the Cassian road, and take the Flaminian. What if, as it is said, Ventidius has arrived at Ancona? Shall I be able in that case to reach Ariminum in safety? The Aurelian road remains and here too I shall find a, protector, for on that road are the possessions of Publius Clodius. His whole household will come out to meet me, and will invite me to partake of their hospitality, on account of my notorious intimacy with their master?

X. Shall I then trust myself to those roads—I who lately, on the day of the feast of Terminus, did not dare even to go into the suburbs and return by the same road on the same day? I can scarcely defend myself within the walls of my own house without the protection of my friends; therefore I remain in the city; and if I am allowed to do so I will remain. This is my proper place, this is my beat, this is my post as a sentinel, this is my station as a defender of the city. Let others occupy camps and kingdoms, and engage in the conduct of the war; let them show the active hatred of the enemy; we, as we say, and as we have always hitherto done, will, in common with you, defend the city and the affairs of the city. Nor do I shrink from this office; although I see the Roman people shrink from it for me. No one is less timid than I am; no one more cautious. The facts speak for themselves. This is the twentieth

Page 148

year that I have been a mark for the attempts of all wicked men; therefore, they have paid to the republic (not to say to me) the penalty of their wickedness. As yet the republic has preserved me in safety for itself. I am almost afraid to say what I am going to say; for I know that any accident may happen to a man; but still, when I was once hemmed in by the united force of many most influential men, I yielded voluntarily, and fell in such a manner as to be able to rise again in the most honourable manner.

Can I, then, appear as cautious and as prudent as I ought to be if I commit myself to a journey so full of enemies and dangers to me? Those men who are concerned in the government of the republic ought at their death to leave behind them glory, and not reproaches for their fault, or grounds for blaming their folly. What good man is there who does not mourn for the death of Trebonius? Who is there who does not grieve for the loss of such a citizen and such a man? But there are men who say, (hastily indeed, but still they do say so,) that he deserves to be grieved for less because he did not take precautions against a desperately wicked man. In truth, a man who professes to be himself a defender of many men, wise men say, ought in the first place to show himself able to protect his own life. I say, that when one is fenced round by the laws and by the fear of justice, a man is not bound to be afraid of everything, or to take precautions against all imaginable designs; for who would dare to attack a man in daylight, on a military road, or a man who was well attended, or an illustrious man? But these considerations have no bearing on the present time, nor in my case; for not only would a man who offered violence to me have no fear of punishment, but he would even hope to obtain glory and rewards from those bands of robbers.

XI. These dangers I can guard against in the city; it is easy for me to look around and see where I am going out from, whither I am going, what there is on my right hand, and on my left. Shall I be able to do the same on the roads of the Apennines? in which, even if there should be no ambush, as there easily may be, still my mind will be kept in such a state of anxiety as not to be able to attend to the duties of an embassy. But suppose I have escaped all plots against me, and have passed over the Apennines; still I have to encounter a meeting and conference with Antonius. What place am I to select? If it is outside the camp, the rest may look to themselves,—I think that death would come upon me instantly. I know the frenzy of the man; I know his unbridled violence. The ferocity of his manners and the savageness of his nature is not usually softened even by wine. Then, inflamed by anger and insanity, with his brother Lucius, that foulest of beasts, at his side, he will never keep his sacrilegious and impious hands from me. I can recollect conferences with most bitter enemies, and with citizens in a state of the most bitter disagreement.

Page 149

Cnaeus Pompeius, the son of Sextus, being consul, in my presence, when I was serving my first campaign in his army, had a conference with Publius Vettius Scato, the general of the Marsians, between the camps. And I recollect that Sextus Pompeius, the brother of the consul, a very learned and wise man, came thither from Rome to the conference. And when Scato had saluted him, "What," said he, "am I to call you?"—"Call me," said he, "one who is by inclination a friend, by necessity an enemy." That conference was conducted with fairness; there was no fear, no suspicion; even their mutual hatred was not great; for the allies were not seeking to take our city from us, but to be themselves admitted to share the privileges of it. Sylla and Scipio, one attended by the flower of the nobility, the other by the allies, had a conference between Cales and Teanum, respecting the authority of the senate, the suffrages of the people, and the privileges of citizenship; and agreed upon conditions and stipulations. Good faith was not strictly observed at that conference; but still there was no violence used, and no danger incurred.

XII. But can we be equally safe among Antonius's piratical crew? We cannot; or, even if the rest can, I do not believe that I can. What will be the case if we are not to confer out of the camp? What camp is to be chosen for the conference? He will never come into our camp—much less will we go to his. It follows then, that all demands must be received and sent to and fro by means of letters. We then shall be in our respective camps. On all his demands I shall have but one opinion; and when I have stated it here, in your hearing, you may think that I have gone, and that I have come back again.—I shall have finished my embassy. As far as my sentiments can prevail I shall refer every demand which Antonius makes to the senate. For, indeed, we have no power to do otherwise; nor have we received any commission from this assembly, such as, when a war is terminated, is usually, in accordance with the precedents of your ancestors, entrusted to the ambassadors. Nor, in fact, have we received any particular commission from the senate at all.

And, as I shall pursue this line of conduct in the council, where some, as I imagine, will oppose it, have I not reason to fear that the ignorant mob may think that peace is delayed by my means? Suppose now that the new legions do not disapprove of my resolution. For I am quite sure that the Martial legion and the fourth legion will not approve of anything which is contrary to dignity and honour. What then? have we no regard for the opinion of the veterans? For even they themselves do not wish to be feared by us.—Still, how will they receive my severity? For they have heard many false statements concerning me; wicked men have circulated among them many calumnies against me. Their advantage indeed, as you all are most perfect witnesses of, I have always promoted by my opinion, by my authority, and by my

Page 150

language. But they believe wicked men, they believe seditious men, they believe their own party. They are, indeed, brave men; but by reason of their exploits which they have performed in the cause of the freedom of the Roman people and of the safety of the republic they are too ferocious and too much inclined to bring all our counsels under the sway of their own violence. Their deliberate reflection I am not afraid of, but I confess I dread their impetuosity.

If I escape all these great dangers too, do you think my return will be completely safe? For when I have, according to my usual custom, defended your authority, and have proved my good faith towards the republic, and my firmness; then I shall have to fear, not those men alone who hate me, but those also who envy me. Let my life then be preserved for the republic, let it be kept for the service of my country as long as my dignity or nature will permit; and let death either be the necessity of fate, or, if it must be encountered earlier, let it be encountered with glory.

This being the case, although the republic has no need (to say the least of it) of this embassy, still if it be possible for me to go on it in safety, I am willing to go. Altogether, O conscript fathers, I shall regulate the whole of my conduct in this affair, not by any consideration of my own danger, but by the advantage of the republic. And, as I have plenty of time, I think that it behoves me to deliberate upon that over and over again, and to adopt that line of conduct which I shall judge to be most beneficial to the republic.

THE THIRTEENTH ORATION OF M.T. CICERO AGAINST MARCUS ANTONIUS.
CALLED ALSO THE THIRTEENTH PHILIPPIC.

THE ARGUMENT.

Antonius wrote a long letter to Hirtius and to Octavius, to persuade them that they were acting against their true interests and dignity in combining with the slayers of Julius Caesar against him. But they, instead of answering this letter, sent it to Cicero at Rome. At the same time Lepidus wrote a public letter to the senate to exhort them to measures of peace; and to a reconciliation with Antonius; and took no notice of the public honours which had been decreed to him in compliance with Cicero's motion. The senate was much displeased at this. They agreed, however, to a proposal of Servilius—to thank Lepidus for his love of peace, but to desire him to leave that to them; as there could be no peace till Antonius had laid down his arms. But Antonius's friends were encouraged by Lepidus's letter to renew their suggestions of a treaty; which caused Cicero to deliver the following speech to the senate for the purpose of counteracting the influence of their arguments.

Page 151

I. From the first beginning, O conscript fathers, of this war which we have undertaken against those impious and wicked citizens, I have been afraid lest the insidious proposals of peace might damp our zeal for the recovery of our liberty. But the name of peace is sweet; and the thing itself not only pleasant but salutary. For a man seems to have no affection either for the private hearths of the citizens, nor for the public laws, nor for the rights of freedom, who is delighted with discord and the slaughter of his fellow-citizens, and with civil war; and such a man I think ought to be erased from the catalogue of men, and exterminated from all human society. Therefore, if Sylla, or Marius, or both of them, or Octavius, or Cinna, or Sylla for the second time, or the other Marius and Carbo, or if any one else has ever wished for civil war, I think that man a citizen born for the detestation of the republic. For why should I speak of the last man who stirred up such a war; a man whose acts, indeed, we defend, while we admit that the author of them was deservedly slain? Nothing, then, is more infamous than such a citizen or such a man; if indeed he deserves to be considered either a citizen or a man, who is desirous of civil war.

But the first thing that we have to consider, O conscript fathers, is whether peace can exist with all men, or whether there be any war incapable of reconciliation, in which any agreement of peace is only a covenant of slavery. Whether Sylla was making peace with Scipio, or whether he was only pretending to do so, there was no reason to despair, if an agreement had been come to, that the city might have been in a tolerable state. If Cinna had been willing to agree with Octavius, the safety of the citizens might still have had an existence in the republic. In the last war, if Pompeius had relaxed somewhat of his dignified firmness, and Caesar a good deal of his ambition, we might have had both a lasting peace, and some considerable remainder of the republic.

II. But what is the state of things now? Is it possible for there to be peace with Antonius? with Censorinus, and Ventidius, and Trebellius, and Bestia, and Nucula, and Munatius, and Lento, and Saxa? I have just mentioned a few names as a specimen; you yourselves see the countless numbers and savage nature of the rest of the host. Add, besides the wrecks of Caesar's party, the Barbae Cassii, the Barbatii, the Pollios; add the companions and fellow-gamblers of Antonius, Eutrapelus, and Mela, and Coelius, and Pontius, and Crassicius, and Tiro, and Mustela, and Petissius; I say nothing of the main body, I am only naming the leaders. To these are added the legionaries of the Alauda and the rest of the veterans, the seminary of the judges of the third decury; who, having exhausted their own estates, and squandered all the fruits of Caesar's kindness, have now set their hearts on our fortunes. Oh that trustworthy right hand of Antonius, with which he has murdered many citizens!

Page 152

Oh that regularly ratified and solemn treaty which we made with the Antonii! Surely if Marcus shall attempt to violate it, the conscientious piety of Lucius will call him back from such wickedness. If there is any room allowed these men in this city, there will be no room for the city itself. Place before your eyes, O conscript fathers, the countenances of those men, and especially the countenances of the Antonii. Mark their gait, their look, their face, their arrogance; mark those friends of theirs who walk by their side, who follow them, who precede them. What breath reeking of wine, what insolence, what threatening language do you not think there will be there? Unless, indeed, the mere fact of peace is to soften them, and unless you expect that, especially when they come into this assembly, they will salute every one of us kindly, and address us courteously.

III. Do you not recollect, in the name of the immortal gods! what resolutions you have given utterance to against those men? You have repealed the acts of Marcus Antonius; you have taken down his laws; you have voted that they were carried by violence, and with a disregard of the auspices; you have called out the levies throughout all Italy; you have pronounced that colleague and ally of all wickedness a public enemy. What peace can there be with this man? Even if he were a foreign enemy, still, after such actions as have taken place, it would be scarcely possible, by any means whatever, to have peace. Though seas and mountains, and vast regions lay between you, still you would hate such a man without seeing him. But these men will stick to your eyes, and when they can, to your very throats; for what fences will be strong enough for us to restrain savage beasts?—Oh, but the result of war is uncertain. It is at all events in the power of brave men, such as you ought to be, to display your valour, (for certainly brave men can do that,) and not to fear the caprice of fortune.

But since it is not only courage but wisdom also which is expected from this order, (although these qualities appear scarcely possible to be separated, still let us separate them here,) courage bids us fight, inflames our just hatred, urges us to the conflict, summons us to danger. What says wisdom? She uses more cautious counsels, she is provident for the future, she is in every respect more on the defensive. What then does she think? for we must obey her, and we are bound to consider that the best thing which is arranged in the most prudent manner. If she enjoins me to think nothing of more consequence than my life, not to fight at the risk of my life, but to avoid all danger, I will then ask her whether I am also to become a slave when I have obeyed all these injunctions? If she says, yes, I for one will not listen to that Wisdom, however learned she may be, but if the answer is, Preserve your life and your safety, Preserve your fortune, “Preserve your estate, still, however, considering all these things

Page 153

of less value than liberty, therefore enjoy these things if you can do so consistently with the freedom of the republic, and do not abandon liberty for them, but sacrifice them for liberty, as proofs of the injury you have sustained,"—then I shall think that I really am listening to the voice of Wisdom, and I will obey her as a god. Therefore, if when we have received those men we can still be free, let us subdue our hatred to them, and endure peace, but if there can be no tranquillity while those men are in safety, then let us rejoice that an opportunity of fighting them is put in our power. For so, either (these men being conquered) we shall enjoy the republic victorious, or, if we be defeated (but may Jupiter avert that disaster), we shall live, if not with an actual breath, at all events in the renown of our valour.

IV. But Marcus Lepidus, having been a second time styled Imperator, Pontifex Maximus, a man who deserved excellently well of the republic in the last civil war, exhorts us to peace. No one, O conscript fathers, has greater weight with me than Marcus Lepidus, both on account of his personal virtues and by reason of the dignity of his family. There are also private reasons which influence me, such as great services he has done me, and some kindnesses which I have done him. But the greatest of his services I consider to be his being of such a disposition as he is towards the republic, which has at all times been dearer to me than my life. For when by his influence he inclined Magnus Pompeius, a most admirable young man, the son of one of the greatest of men, to peace, and without arms released the republic from imminent danger of civil war, by so doing he laid me under as great obligations as it was in the power of any man to do. Therefore I proposed to decree to him the most ample honours that were in my power, in which you agreed with me, nor have I ceased both to think and speak in the highest terms of him. The republic has Marcus Lepidus bound to it by many pledges. He is a man of the highest rank, of the greatest honours, he has the most honourable priesthood, and has received numberless distinctions in the city. There are monuments of himself, and of his brother, and of his ancestors; he has a most excellent wife, children such as any man might desire, an ample family estate, untainted with the blood of his fellow-citizens. No citizen has been injured by him; many have been delivered from misery by his kindness and pity. Such a man and such a citizen may indeed err in his opinion, but it is quite impossible for him in inclination to be unfriendly to the republic.

Page 154

Marcus Lepidus is desirous of peace. He does well especially if he can make such a peace as he made lately, owing to which the republic will behold the son of Cnaeus Pompeius, and will receive him in her bosom and embrace; and will think, that not he alone, but that she also is restored to herself with him. This was the reason why you decreed to him a statue in the rostra with an honourable inscription, and why you voted him a triumph in his absence. For although he had performed great exploits in war, and such as well deserved a triumph, still for that he might not have had that given to him which was not given to Lucius aemilius, nor to aemilianus Scipio, nor to the former Africanus, nor to Marius, nor to Pompeius, who had the conduct of greater wars than he had, but because he had put an end to a civil war in perfect silence, the first moment that it was in his power, on that account you conferred on him the greatest honours.

V. Do you think, then, O Marcus Lepidus, that the Antonii will be to the republic such citizens as she will find Pompeius? In the one there is modesty, gravity, moderation, integrity; in them (and when I speak of them, I do not mean to omit one of that band of pirates), there is lust, and wickedness, and savage audacity capable of every crime. I entreat of you, O conscript fathers, which of you fails to see this which Fortune herself, who is called blind, sees? For, saving the acts of Caesar, which we maintain for the sake of harmony, his own house will be open to Pompeius, and he will redeem it for the same sum for which Antonius bought it. Yes, I say the son of Cnaeus Pompeius will buy back his house. O melancholy circumstance! But these things have been already lamented long and bitterly enough. You have voted a sum of money to Cnaeus Pompeius, equal to that which his conquering enemy had appropriated to himself of his father's property in the distribution of his booty. But I claim permission to manage this distribution myself, as due to my connexion and intimacy with his father. He will buy back the villas, the houses, and some of the estates in the city which Antonius is in possession of. For as for the silver plate, the garments, the furniture, and the wine which that glutton has made away with, those things he will lose without forfeiting his equanimity. The Alban and Firmian villas he will recover from Dolabella; the Tusculan villa he will also recover from Antonius. And these Ansers who are joining in the attack on Mutina and in the blockade of Decimus Brutus will be driven from his Falernian villa. There are many others, perhaps, who will be made to disgorge their plunder, but their names escape my memory. I say, too, that those men who are not in the number of our enemies, will be made to restore the possessions of Pompeius to his son for the price at which they bought them. It was the act of a sufficiently rash man, not to say an audacious one, to touch a single particle of that property; but who

Page 155

will have the face to endeavour to retain it, when its most illustrious owner is restored to his country? Will not that man restore his plunder, who enfolding the patrimony of his master in his embrace, clinging to the treasure like a dragon, the slave of Pompeius, the freedman of Caesar, has seized upon his estates in the Lucanian district? And as for those seven hundred millions of sesterces which you, O conscript fathers, promised to the young man, they will be recovered in such a manner that the son of Cnaeus Pompeius will appear to have been established by you in his patrimony. This is what the senate must do; the Roman people will do the rest with respect to that family which was at one time one of the most honourable it ever saw. In the first place, it will invest him with his father's honour as an augur, for which rank I will nominate him and promote his election, in order that I may restore to the son what I received from the father. Which of these men will the Roman people most willingly sanction as the augur of the all-powerful and all-great Jupiter, whose interpreters and messengers we have been appointed,—Pompeius or Antonius? It seems indeed, to me, that Fortune has managed this by the divine aid of the immortal gods, that, leaving the acts of Caesar firmly ratified, the son of Cnaeus Pompeius might still be able to recover the dignities and fortunes of his father.

Vi. And I think, O conscript fathers, that we ought not to pass over that fact either in silence,—that those illustrious men who are acting as ambassadors, Lucius Paullus, Quintus Thermus, and Caius Fannius, whose inclinations towards the republic you are thoroughly acquainted with, and also with the constancy and firmness of that favourable inclination, report that they turned aside to Marseilles for the purpose of conferring with Pompeius, and that they found him in a disposition very much inclined to go with his troops to Mutina, if he had not been afraid of offending the minds of the veterans. But he is a true son of that father who did quite as many things wisely as he did bravely. Therefore you perceive that his courage was quite ready, and that prudence was not wanting to him.

And this, too, is what Marcus Lepidus ought to take care of,—not to appear to act in any respect with more arrogance than suits his character. For if he alarms us with his army, he is forgetting that that army belongs to the senate, and to the Roman people, and to the whole republic, not to himself. “But he has the power to use it as if it were his own.” What then? Does it become virtuous men to do everything which it is in their power to do? Suppose it be a base thing? Suppose it be a mischievous thing? Suppose it be absolutely unlawful to do it?

Page 156

But what can be more base, or more shameful, or more utterly unbecoming, than to lead an army against the senate, against one's fellow-citizens, against one's country? Or what can deserve greater blame than doing that which is unlawful? But it is not lawful for any one to lead an army against his country? if indeed we say that that is lawful which is permitted by the laws or by the usages and established principles of our ancestors. For it does not follow that whatever a man has power to do is lawful for him to do; nor, if he be not hindered, is he on that account permitted to do so. For to you, O Lepidus, as to your ancestors, your country has given an army to be employed in her cause. With this army you are to repel the enemy, you are to extend the boundaries of the empire, you are to obey the senate and people of Rome, if by any chance they direct you to some other object.

VII. If these are your thoughts, then are you really Marcus Lepidus the Pontifex Maximus, the great-grandson of Marcus Lepidus, Pontifex Maximus. If you judge that everything is lawful for men to do that they have the power to do, then beware lest you seem to prefer acting on precedents set by those who have no connexion with you, and these, too, modern precedents, to being guided by the ancient examples in your own family. But if you interpose your authority without having recourse to arms, in that case indeed I praise you more; but beware lest this thing itself be quite unnecessary. For although there is all the authority in you that there ought to be in a man of the highest rank, still the senate itself does not despise itself; nor was it ever more wise, more firm, more courageous. We are all hurried on with the most eager zeal to recover our freedom. Such a general ardour on the part of the senate and people of Rome cannot be extinguished by the authority of any one: we hate a man who would extinguish it; we are angry with him, and resist him; our arms cannot be wrested from our hands; we are deaf to all signals for retreat, to all recal from the combat. We hope for the happiest success; we will prefer enduring the bitterest disaster to being slaves. Caesar has collected an invincible army. Two perfectly brave consuls are present with their forces. The various and considerable reinforcements of Lucius Plancus, consul elect, are not wanting. The contest is for the safety of Decimus Brutus. One furious gladiator, with a band of most infamous robbers, is waging war against his country, against our household gods, against our altars and our hearths, against four consuls. Shall we yield to him? Shall we listen to the conditions which he proposes? Shall we believe it possible for peace to be made with him?



Page 157

VIII. But there is danger of our being overwhelmed. I have no fear that the man who cannot enjoy his own most abundant fortunes, unless all the good men are saved, will betray his own safety. It is nature which first makes good citizens, and then fortune assists them. For it is for the advantage of all good men that the republic should be safe; but that advantage appears more clearly in the case of those who are fortunate. Who is more fortunate than Lentulus, as I said before, and who is more sensible? The Roman people saw his sorrow and his tears at the Lupercal festival. They saw how miserable, how overwhelmed he was when Antonius placed a diadem on Caesar's head and preferred being his slave to being his colleague. And even if he had been able to abstain from his other crimes and wickednesses, still on account of that one single action I should think him worthy of all punishment. For even if he himself was calculated to be a slave, why should he impose a master on us? And if his childhood had borne the lusts of those men who were tyrants over him, was he on that account to prepare a master and a tyrant to lord it over our children? Therefore since that man was slain, he himself has behaved to all others in the same manner as he wished him to behave to us.

For in what country of barbarians was there ever so foul and cruel a tyrant as Antonius, escorted by the arms of barbarians, has proved in this city? When Caesar was exercising the supreme power, we used to come into the senate, if not with freedom, at all events with safety. But under this arch-pirate, (for why should I say tyrant?) these benches were occupied by Itureans. On a sudden he hastened to Brundisium, in order to come against this city from thence with a regular army. He deluged Suessa, a most beautiful town, now of municipal citizens, formerly of most honourable colonists, with the blood of the bravest soldiers. At Brundisium he massacred the chosen centurions of the Martial legion in the lap of his wife, who was not only most avaricious but also most cruel. After that with what fury, with what eagerness did he hurry on to the city, that is to say, to the slaughter of every virtuous man! But at that time the immortal gods brought to us a protector whom we had never seen nor expected.

IX. For the incredible and godlike virtue of Caesar checked the cruel and frantic onslaught of that robber, whom then that madman believed that he was injuring with his edicts, ignorant that all the charges which he was falsely alleging against that most righteous young man, were all very appropriate to the recollections of his own childhood. He entered the city, with what an escort, or rather with what a troop! when on the right hand and on the left, amid the groans of the Roman people, he was threatening the owners of property, taking notes of the houses, and openly promising to divide the city among his followers. He returned to his soldiers; then came that mischievous assembly at Tibur. From thence he hurried to the city; the senate was convened at the Capitol. A decree with the authority of the consuls was prepared for proscribing the young man; when all on a sudden (for he was aware that the Martial legion had encamped at Alba) news is brought him of the proceedings of the fourth legion.

Page 158

Alarmed at that, he abandoned his intention of submitting a motion to the senate respecting Caesar. He departed not by the regular roads, but by the by-lanes, in the robe of a general; and on that very self-same day he trumped up a countless number of resolutions of the senate; all of which he published even before they were drawn up. From thence it was not a journey, but a race and flight into Gaul. He thought that Caesar was pursuing him with the fourth legion, with the martial legion, with the veterans, whose very name he could not endure for fright. Then, as he was making his way into Gaul, Decimus Brutus opposed him; who preferred being himself surrounded by the waves of the whole war, to allowing him either to retreat or advance; and who put Mutina on him as a sort of bridle to his exultation. And when he had blockaded that city with his works and fortifications, and when the dignity of a most flourishing colony, and the majesty of a consul elect, were both insufficient to deter him from his parricidal treason, then, (I call you, and the Roman people, and all the gods who preside over this city, to witness,) against my will, and in spite of my resistance and remonstrance, three ambassadors of consular rank were sent to that robber, to that leader of gladiators, Marcus Antonius.

Who ever was such a barbarian? Who was ever so savage? so brutal? He would not listen to them; he gave them no answer; and he not only despised and showed that he considered of no importance those men who were with him, but still more us, by whom these men had been sent. And afterwards what wickedness, or what crime was there which that traitor abstained from? He blockaded your colonists, and the army of the Roman people, and your general, and your consul elect. He lays waste the lands of a nation of most excellent citizens. Like a most inhuman enemy he threatens all virtuous men with crosses and tortures.

X. Now what peace, O Marcus Lepidus, can exist with this man? when it does not seem that there is even any punishment which the Roman people can think adequate to his crimes?

But if any one has hitherto been able to doubt the fact, that there can be nothing whatever in common between this order and the Roman people and that most detestable beast, let him at least cease to entertain such a doubt, when he becomes acquainted with this letter which I have just received, it having been sent to me by Hirtius the consul. While I read it, and while I briefly discuss each paragraph, I beg, O conscript fathers, that you will listen to me most attentively, as you have hitherto done.

“Antonius to Hirtius and Caesar.”

He does not call himself imperator, nor Hirtius consul, nor Caesar pro-praetor. This is cunningly done enough. He preferred laying aside a title to which he had no right himself, to giving them their proper style.

“When I heard of the death of Caius Trebonius, I was not more rejoiced than grieved.”

Page 159

Take notice why he says he rejoiced, why he says that he was grieved; and then you will be more easily able to decide the question of peace.

“It was a matter of proper rejoicing that a wicked man had paid the penalty due to the bones and ashes of a most illustrious man, and that the divine power of the gods had shown itself before the end of the current year, by showing the chastisement of that parricide already inflicted in some cases, and impending in others.”

O you Spartacus! for what name is more fit for you? you whose abominable wickedness is such as to make even Catiline seem tolerable. Have you dared to write that it is a matter of rejoicing that Trebonius has suffered punishment? that Trebonius was wicked? What was his crime, except that on the ides of March he withdrew you from the destruction which you had deserved? Come; you rejoice at this; let us see what it is that excites your indignation.

“That Dolabella should at this time have been pronounced a public enemy because he has slain an assassin; and that the son of a buffoon should appear dearer to the Roman people than Caius Caesar, the father of his country, are circumstances to be lamented.”

Why should you be sad because Dolabella has been pronounced a public enemy? Why? Are you not aware that you yourself—by the fact of an enlistment having taken place all over Italy, and of the consuls being sent forth to war, and of Caesar having received great honours, and of the garb of war having been assumed—have also been pronounced an enemy? And what reason is there, O you wicked man, for lamenting that Dolabella has been declared an enemy by the senate? a body which you indeed think of no consequence at all; but you make it your main object in waging war utterly to destroy the senate, and to make all the rest of those who are either virtuous or wealthy follow the fate of the highest order of all. But he calls him the son of a buffoon. As if that noble Roman knight the father of Trebonius were unknown to us. And does he venture to look down on any one because of the meanness of his birth, when he has himself children by Fadia?

XL “But it is the bitterest thing of all that you, O Aulus Hirtius, who have been distinguished by Caesar’s kindness, and who have been left by him in a condition which you yourself marvel at. [lacuna]”

I cannot indeed deny that Aulus Hirtius was distinguished by Caesar, but such distinctions are only of value when conferred on virtue and industry. But you, who cannot deny that you also were distinguished by Caesar, what would you have been if he had not showered so many kindnesses on you? Where would your own good qualities have borne you? Where would your birth have conducted you? You would have spent the whole period of your manhood in brothels, and cookshops, and in gambling and drinking, as you used to do when you were always burying your brains and your beard in the laps of actresses.

Page 160

“And you too, O boy—”

He calls him a boy whom he has not only experienced and shall again experience to be a man, but one of the bravest of men. It is indeed the name appropriate to his age; but he is the last man in the world who ought to use it, when it is his own madness that has opened to this boy the path to glory.

“You who owe everything to his name—”

He does indeed owe everything, and nobly is he paying it. For if he was the father of his country, as you call him, (I will see hereafter what my opinion of that matter is,) why is not this youth still more truly our father, to whom it certainly is owing that we are now enjoying life, saved out of your most guilty hands!

“Are taking pains to have Dolabella legally condemned.”

A base action, truly! by which the authority of this most honourable order is defended against the insanity of a most inhuman gladiator.

“And to effect the release of this poisoner from blockade.”

Do you dare to call that man a poisoner who has found a remedy against your own poisoning tricks? and whom you are besieging in such a manner, O you new Hannibal, (or if there was ever any abler general than he,) as to blockade yourself, and to be unable to extricate yourself from your present position, should you be ever so desirous to do so? Suppose you retreat; they will all pursue you from all sides. Suppose you stay where you are; you will be caught. You are very right, certainly, to call him a poisoner, by whom you see that your present disastrous condition has been brought about.

“In order that Cassius and Brutus may become as powerful as possible.”

Would you suppose that he is speaking of Censorinus, or of Ventidius, or of the Antonii themselves. But why should they be unwilling that those men should become powerful, who are not only most excellent and nobly born men, but who are also united with them in the defence of the republic?

“In fact, you look upon the existing circumstances as you did on the former ones.”

What can he mean?

“You used to call the camp of Pompeius the senate.”

XII. Should we rather call your camp the senate? In which you are the only man of consular rank, you whose whole consulship is effaced from every monument and



register; and two praetors, who are afraid that they will lose something by us,—a groundless fear. For we are maintaining all the grants made by Caesar; and men of praetorian rank, Philadelphus Annius, and that innocent Gallius; and men of aedilitian rank, he on whom I have spent so much of my lungs and voice, Bestia, and that patron of good faith and cheater of his creditors, Trebellius, and that bankrupt and ruined man Quintus Caelius, and that support of the friends of Antonius Cotyla Varius, whom Antonius for his amusement caused at a banquet to be flogged with thongs by the public slaves. Men of septemviral rank, Lento and Nucula, and then that delight and

Page 161

darling of the Roman people, Lucius Antonius. And for tribunes, first of all two tribunes elect, Tullus Hostilius, who was so full of his privileges as to write up his name on the gate of Rome; and who, when he found himself unable to betray his general, deserted him. The other tribune elect is a man of the name of Viseius; I know nothing about him; but I hear that he is (as they say) a bold robber; who, however, they say was once a bathing man at Pisaurum, and a very good hand at mixing the water. Then there are others too, of tribunitian rank: in the first place, Titus Plancus; a man who, if he had had any affection for the senate, would never have burnt the senate-house. Having been condemned for which wickedness, he returned to that city by force of arms from which he was driven by the power of the law. But, however, this is a case common to him and to many others who are very unlike him. But this is quite true which men are in the habit of saying of this Plancus in a proverbial way, that it is quite impossible for him to die unless his legs are broken.[50] They are broken, and still he lives. But this, like many others, is a service that has been done us by Aquila.

XIII. There is also in that camp Decius, descended, as I believe, from the great Decius Mus; accordingly he gained[51] the gifts of Caesar. And so after a long interval the recollection of the Decii is renewed by this illustrious man. And how can I pass over Saxa Decidius, a fellow imported from the most distant nations, in order that we might see that man tribune of the people whom we had never beheld as a citizen? There is also one of the Sasernae; but all of them have such a resemblance to one another, that I may make a mistake as to their first names. Nor must I omit Exitius, the brother of Philadelphus the quaestor; lest, if I were to be silent about that most illustrious young man, I should seem to be envying Antonius. There is also a gentleman of the name of Asinius, a voluntary senator, having been elected by himself. He saw the senate-house open after the death of Caesar, he changed his shoes, and in a moment became a conscript father. Sextus Albedius I do not know, but still I have not fallen in with any one so fond of evil-speaking, as to deny that he is worthy of a place in the senate of Antonius.

I dare say that I have passed over some names; but still I could not refrain from mentioning those who did occur to me. Relying then on this senate, he looks down on the senate which supported Pompeius, in which ten of us were men of consular rank; and if they were all alive now this war would never have arisen at all. Audacity would have succumbed to authority. But what great protection there would have been in the rest may be understood from this, that I, when left alone of all that band, with your assistance crushed and broke the audacity of that triumphant robber.

Page 162

XIV. But if Fortune had not taken from us not only Servius Sulpicius, and before him, his colleague Marcus Marcellus,—what citizens! What men! If the republic had been able to retain the two consuls, men most devoted to their country, who were driven together out of Italy; and Lucius Afranius, that consummate general; and Publius Lentulus, a citizen who displayed his extraordinary virtue on other occasions, and especially in the securing my safe return; and Bibulus, whose constant and firm attachment to the republic has at all times been deservedly praised; and Lucius Domitius, that most excellent citizen; and Appius Claudius, a man equally distinguished for nobleness of birth and for attachment to the state; and Publius Scipio, a most illustrious man, closely resembling his ancestors. Certainly with these men of consular rank,[52] the senate which supported Pompeius was not to be despised.

Which, then, was more just, which was more advantageous for the republic, that Cnaeus Pompeius, or that Antonius the brother who bought all Pompeius's property, should live? And then what men of praetorian rank were there with us! the chief of whom was Marcus Cato, being indeed the chief man of any nation in the world for virtue. Why need I speak of the other most illustrious men? you know them all. I am more afraid lest you should think me tedious for enumerating so many, than ungrateful for passing over any one. And what men of aedilitian rank! and of tribunitian rank! and of quaestorian rank! Why need I make a long story of it, so great was the dignity of the senators of our party, so great too were their numbers, that those men have need of some very valid excuse who did not join that camp. Now listen to the rest of the letter.

XV. "You have the defeated Cicero for your general."

I am the more glad to hear that word "general," because he certainly uses it against his will, for as for his saying "defeated," I do not mind that, for it is my fate that I can neither be victorious nor defeated without the republic being so at the same time.

"You are fortifying Macedonia with armies".

Yes, indeed, and we have wrested one from your brother, who does not in the least degenerate from you.

"You have entrusted Africa to Varus, who has been twice taken prisoner".

Here he thinks that he is making out a case against his own brother Lucius.

"You have sent Capius into Syria".

Do you not see then, O Antonius, that the whole world is open to our party, but that you have no spot out of your own fortifications, where you can set your foot?

"You have allowed Casca to discharge the office of tribune".

What then? Were we to remove a man, as if he had been Marullus,[53] or Caesetius, to whom we own it, that this and many other things like this can never happen for the future?

“You have taken away from the Luperci the revenues which Julius Caesar assigned to them.”

Page 163

Does he dare to make mention of the Luperci? Does he not shudder at the recollection of that day on which, smelling of wine, reeking with perfumes, and naked, he dared to exhort the indignant Roman people to embrace slavery?

“You, by a resolution of the senate, have removed the colonies of the veterans which had been legally settled”.

Have we removed them, or have we rather ratified a law which was passed in the comitia centunata? See, rather, whether it is not you who have ruined these veterans (those at least who are ruined,) and settled them in a place from which they themselves now feel that they shall never be able to make their escape.

“You are promising to restore to the people of Marseilles what has been taken from them by the laws of war.”

I am not going to discuss the laws of war. It is a discussion far more easy to begin than necessary. But take notice of this, O conscript fathers, what a born enemy to the republic Antonius is, who is so violent in his hatred of that city which he knows to have been at all times most firmly attached to this republic.

XVI. “[Do you not know] that no one of the party of Pompeius, who is still alive, can, by the Hirtian law, possess any rank?”

What, I should like to know, is the object of now making mention of the Hirtian law?—a law of which I believe the framer himself repents no less than those against whom it was passed. According to my opinion, it is utterly wrong to call it a law at all; and, even if it be a law, we ought not to think it a law of Hirtius.

“You have furnished Brutus with money belonging to Apuleius.”

Well? Suppose the republic had furnished that excellent man with all its treasures and resources, what good man would have disapproved of it? For without money he could not have supported an army, nor without an army could he have taken your brother prisoner.

“You have praised the execution of Paetus and Menedemus, men who had been presented with the freedom of the city, and who were united by ties of hospitality to Caesar.”

We do not praise what we have never even heard of; we were very likely, in such a state of confusion, and such a critical period of the republic, to busy our minds about two worthless Greeklings!

“You took no notice of Theopompus having been stripped, and driven out by Trebonius, and compelled to flee to Alexandria.”



The senate has indeed been very guilty! We have taken no notice of that great man Theopompus! Why, who on earth knows or cares where he is, or what he is doing; or, indeed, whether he is alive or dead? “You endure the sight of Sergius Galba in your camp, armed with the same dagger with which he slew Caesar.”

I shall make you no reply at all about Galba; a most gallant and courageous citizen. He will meet you face to face; and he being present, and that dagger which you reproach him with, shall give you your answer.



Page 164

"You have enlisted my soldiers, and many veterans, under the pretence of intending the destruction of those men who slew Caesar; and then, when they expected no such step, you have led them on to attack their quaestor, their general, and their former comrades!"

No doubt we deceived them; we humbugged them completely! no doubt the Martial legion, the fourth legion, and the veterans had no idea what was going on! They were not following the authority of the senate, or the liberty of the Roman people.—They were anxious to avenge the death of Caesar, which they all regarded as an act of destiny! No doubt you were the person whom they were anxious to see safe, and happy, and flourishing!

XVII. Oh miserable man, not only in fact, but also in the circumstance of not perceiving yourself how miserable you are! But listen to the most serious charge of all.

"In fact, what have you not sanctioned,—what have you not done? what would be done if he were to come to life again, by?—"

By whom? For I suppose he means to bring forward some instance of a very wicked man.

"Cnaeus Pompeius himself?"

Oh how base must we be, if indeed we have been imitating Cnaeus Pompeius!

"Or his son, if he could be at home?"

He soon will be at home, believe me; for in a very few days he will enter on his home, and on his father's villas.

"Lastly, you declare that peace cannot be made unless I either allow Brutus to quit Mutina, or supply him with corn."

It is others who say that: I say, that even if you were to do so, there never could be peace between this city and you.

"What? is this the opinion of those veteran soldiers, to whom as yet either course is open?"

I do not see that there is any course so open to them, as now to begin and attack that general whom they previously were so zealous and unanimous in defending.[54]

"Since you yourselves have sold yourselves for flatteries and poisoned gifts".

Are those men depraved and corrupted, who have been persuaded to pursue a most detestable enemy with most righteous war?

“But you say, you are bringing assistance to troops who are hemmed in. I have no objection to their being saved, and departing wherever you wish, if they only allow that man to be put to death who has deserved it.”

How very kind of him! The soldiers availing themselves of the liberality of Antonius have deserted their general, and have fled in alarm to his enemy, and if it had not been for them, Dolabella, in offering the sacrifice which he did to the shade of his general, would not have been beforehand with Antonius in propitiating the spirit of his colleague by a similar offering.

“You write me word that there has been mention of peace made in the senate, and that five ambassadors of consular rank have been appointed. It is hard to believe that those men, who drove me in haste from the city, when I offered the fairest conditions, and when I was even thinking of relaxing somewhat of them, should now think of acting with moderation or humanity. And it is hardly probable, that those men who have pronounced Dolabella a public enemy for a most righteous action, should bring themselves to spare us who are influenced by the same sentiments as he”.

Page 165

Does it appear a trifling matter, that he confesses himself a partner with Dolabella in all his atrocities? Do you not see that all these crimes flow from one source? He himself confesses, shrewdly and correctly enough, that those who have pronounced Dolabella a public enemy for a most righteous action (for so it appears to Antonius), cannot possibly spare him who agrees with Dolabella in opinion.

XVIII. What can you do with a man who puts on paper and records the fact, that his agreement with Dolabella is so complete, that he would kill Trebonius, and, if he could, Brutus and Cassius too, with every circumstance of torture; and inflict the same punishment on us also? Certainly, a man who makes so pious and fair a treaty is a citizen to be taken care of! He, also, complains that the conditions which he offered, those reasonable and modest conditions, were rejected; namely, that he was to have the further Gaul,—the province the most suitable of all for renewing and carrying on the war; that the legionaries of the Alauda should be judges in the third decury; that is to say, that there shall be an asylum for all crimes, to the indelible disgrace of the republic; that his own acts should be ratified, his,—when not one trace of his consulship has been allowed to remain! He showed his regard also for the interests of Lucius Antonius, who had been a most equitable surveyor of private and public domains, with Nucula and Lento for his colleagues.

“Consider then, both of you, whether it is more becoming and more advantageous for your party, for you to seek to avenge the death of Trebonius, or that of Caesar; and whether it is more reasonable for you and me to meet in battle, in order that the cause of the Pompeians, which has so frequently had its throat cut, may the more easily revive; or to agree together, so as not to be a laughing-stock to our enemies.”

If its throat had been cut, it never could revive. “Which,” says he, “is more becoming.” In this war he talks of what is becoming! “And more advantageous for your party.”—“Parties,” you senseless man, is a suitable expression for the forum, or the senate house. You have declared a wicked war against your country; you are attacking Mutina; you are besieging the consul elect; two consuls are carrying on war against you; and with them, Caesar, the propraetor; all Italy is armed against you; and then do you call yours “a party,” instead of a revolt from the republic? “To seek to avenge the death of Trebonius, or that of Caesar.” We have avenged Trebonius sufficiently by pronouncing Dolabella a public enemy. The death of Caesar is best defended by oblivion and silence. But take notice what his object is.—When he thinks that the death of Caesar ought to be revenged, he is threatening with death, not those only who perpetrated that action, but those also who were not indignant at it.

XIX. “Men who will count the destruction of either you or me gain to them. A spectacle which as yet Fortune herself has taken care to avoid, unwilling to see two armies which belong to one body fighting, with Cicero acting as master of the show; a fellow who is so far happy that he has cajoled you both with the same compliments as those with which he boasted that he had deceived Caesar.”

Page 166

He proceeds in his abuse of me, as if he had been very fortunate in all his former reproaches of me; but I will brand him with the most thoroughly deserved marks of infamy, and pillory him for the everlasting recollection of posterity. I a “master of the show of gladiators!” indeed he is not wholly wrong, for I do wish to see the worst party slain, and the best victorious. He writes that “whichever of them are destroyed we shall count as so much gain.” Admirable gain, when, if you, O Antonius, are victorious, (may the gods avert such a disaster!) the death of those men who depart from life untortured will be accounted happy! He says that Hirtius and Caesar “have been cajoled by me by the same compliments.” I should like to know what compliment has been as yet paid to Hirtius by me; for still more and greater ones than have been paid him already are due to Caesar. But do you, O Antonius, dare to say that Caesar, the father, was deceived by me? You, it was you, I say, who really slew him at the Lupercal games. Why, O most ungrateful of men, have you abandoned your office of priest to him? But remark now the admirable wisdom and consistency of this great and illustrious man.

“I am quite resolved to brook no insult either to myself or to my friends; nor to desert that party which Pompeius hated, nor to allow the veterans to be removed from their abodes; nor to allow individuals to be dragged out to torture, nor to violate the faith which I pledged to Dolabella.”

I say nothing of the rest of this sentence, “the faith pledged to Dolabella,” to that most holy man, this pious gentleman will by no means violate. What faith? Was it a pledge to murder every virtuous citizen, to partition the city and Italy, to distribute the provinces among, and to hand them over to be plundered by, their followers? For what else was there which could have been ratified by treaty and mutual pledges between Antonius and Dolabella, those foul and parricidal traitors?

“Nor to violate my treaty of alliance with Lepidus, the most conscientious of men.”

You have any alliance with Lepidus or with any (I will not say virtuous citizen, as he is, but with any) man in his senses! Your object is to make Lepidus appear either an impious man, or a madman. But you are doing no good, (although it is a hard matter to speak positively of another,) especially with a man like Lepidus, whom I will never fear, but I shall hope good things of him unless I am prevented from doing so. Lepidus wished to recal you from your frenzy, not to be the assistant of your insanity. But you seek your friends not only among conscientious men, but among *most* conscientious men. And you actually, so godlike is your piety, invent a new word to express it which has no existence in the Latin language.

“Nor to betray Plancus, the partner of my counsels.”

Page 167

Plancus, the partner of your counsels? He, whose ever memorable and divine virtue brings a light to the republic: (unless, mayhap, you think that it is as a reinforcement to you that he has come with those most gallant legions, and with a numerous Gallic force of both cavalry and infantry); and who, if before his arrival you have not by your punishment made atonement to the republic for your wickedness, will be chief leader in this war. For although the first succours that arrive are more useful to the republic, yet the last are the more acceptable.

XX. However, at last he recollects himself and begins to philosophize.

“If the immortal gods assist me, as I trust that they will, going on my way with proper feelings, I shall live happily; but if another fate awaits me, I have already a foretaste of joy in the certainty of your punishment. For if the Pompeians when defeated are so insolent, you will be sure to experience what they will be when victorious.”

You are very welcome to your foretaste of joy. For you are at war not only with the Pompeians, but with the entire republic. Every one, gods and men, the highest rank, the middle class, the lowest dregs of the people, citizens and foreigners, men and women, free men and slaves, all hate you. We saw this the other day on some false news that came; but we shall soon see it from the way in which true news is received. And if you ponder these things with yourself a little, you will die with more equanimity, and greater comfort.

“Lastly, this is the sum of my opinion and determination; I will bear with the insults offered me by my friends, if they themselves are willing to forget that they have offered them; or if they are prepared to unite with me in avenging Caesar’s death.”

Now that they know this resolution of Antonius, do you think that Aulus Hirtius and Caius Pansa, the consuls, can hesitate to pass over to Antonius? to besiege Brutus? to be eager to attack Mutina? Why do I say Hirtius and Pansa? Will Caesar, that young man of singular piety, be able to restrain himself from seeking to avenge the injuries of his father in the blood of Decimus Brutus? Therefore, as soon as they had read this letter, the course which they adopted was to approach nearer to the fortifications. And on this account we ought to consider Caesar a still more admirable young man; and that a still greater kindness of the immortal gods which gave him to the republic, as he has never been misled by the specious use of his father’s name; nor by any false idea of piety and affection. He sees clearly that the greatest piety consists in the salvation of one’s country. But if it were a contest between parties, the name of which is utterly extinct, then would Antonius and Ventidius be the proper persons to uphold the party of Caesar, rather than in the first place, Caesar, a young man full of the greatest piety and the most affectionate recollection of his parent? and next

Page 168

to him Pansa and Hirtius, who held, (if I may use such an expression,) the two horns of Caesar, at the time when that deserved to be called a party. But what parties are these, when the one proposes to itself to uphold the authority of the senate, the liberty of the Roman people, and the safety of the republic, while the other fixes its eyes on the slaughter of all good men, and on the partition of the city and of Italy.

XXI. Let us come at last to the end.

“I do not believe that ambassadors are coming—”.

He knows me well.

“To a place where war exists.”

Especially with the example of Dolabella before our eyes. Ambassadors, I should think, will have privileges more respected than two consuls against whom he is bearing arms; or than Caesar, whose father’s priest he is; or than the consul elect, whom he is attacking; or than Mutina, which he is besieging; or than his country, which he is threatening with fire and sword.

“When they do come I shall see what they demand.”

Plagues and tortures seize you! Will any one come to you, unless he be a man like Ventidius? We sent men of the very highest character to extinguish the rising conflagration; you rejected them. Shall we now send men when the fire has become so large and has risen to such a height, and when you have left yourself no possible room, not only for peace, but not even for a surrender?

I have read you this letter, O conscript fathers, not because I thought it worth reading, but in order to let you see all his parricidal treasons revealed by his own confessions. Would Marcus Lepidus, that man so richly endowed with all the gifts of virtue and fortune, if he saw this letter, either wish for peace with this man, or even think it possible that peace should be made? “Sooner shall fire and water mingle” as some poet or other says; sooner shall anything in the world happen than either the republic become reconciled to the Antonii, or the Antonii to the republic. Those men are monsters, prodigies, portentous pests of the republic. It would be better for this city to be uplifted from its foundations and transported, if such a thing were possible, into other regions, where it should never hear of the actions or the name of the Antonii, than for it to see those men, driven out by the valour of Caesar, and hemmed in by the courage of Brutus, inside these walls. The most desirable thing is victory; the next best thing is to think no disaster too great to bear in defence of the dignity and freedom of one’s

country. The remaining alternative, I will not call it the third, but the lowest of all, is to undergo the greatest disgrace from a desire of life.

Page 169

Since, then, this is the case, as to the letters and messages of Marcus Lepidus, that most illustrious man, I agree with Servilius. And I further give my vote, that Magnus Pompeius, the Son of Cnaeus, has acted as might have been expected from the affection and zeal of his father and forefathers towards the republic, and from his own previous virtue and industry and loyal principles in promising to the senate and people of Rome his own assistance, and that of those men whom he had with him; and that that conduct of his is grateful and acceptable to the senate and people of Rome, and that it shall tend to his own honour and dignity. This may either be added to the resolution of the senate which is before us, or it may be separated from it and drawn up by itself, so as to let Pompeius be seen to be extolled in a distinct resolution of the senate.

* * * * *

THE FOURTEENTH (AND LAST) ORATION OF M.T. CICERO AGAINST MARCUS ANTONIUS. CALLED ALSO THE FOURTEENTH PHILIPPIC.

* * * * *

The argument.

After the last speech was delivered, Brutus gained great advantages in Macedonia over Caius Antonius, and took him prisoner. He treated him with great lenity, so much so as to displease Cicero, who remonstrated with him strongly on his design of setting him at liberty. He was also under some apprehension as to the steadiness of Plancus's loyalty to the senate; but on his writing to that body to assure them of his obedience, Cicero procured a vote of some extraordinary honours to him.

Cassius also about the same time was very successful in Syria, of which he wrote Cicero a full account. Meantime reports were being spread in the city by the partizans of Antonius, of his success before Mutina; and even of his having gained over the consuls. Cicero too was personally much annoyed at a report which they spread of his having formed the design of making himself master of the city and assuming the title of Dictator; but when Apuleius, one of his friends, and a tribune of the people, proceeded to make a speech to the people in Cicero's justification, the people all cried out that he had never done anything which was not for the advantage of the republic. About the same time news arrived of a victory gained over Antonius at Mutina.

Pansa was now on the point of joining Hirtius with four new legions, and Antonius endeavoured to surprise him on the road before he could effect that junction. A severe battle ensued, in which Hirtius came to Pansa's aid, and Antonius was defeated with great loss. On the receipt of the news the populace assembled about Cicero's house, and carried him in triumph to the Capitol. The next day Marcus Cornutus, the praetor, summoned the senate to deliberate on the letters received from the consuls and

Octavius, giving an account of the victory. Servilius declared his opinion that the citizens should relinquish the *sagum*, or robe of war; and that a supplication should be decreed in honour of the consuls and Octavius. Cicero rose next and delivered the following speech, objecting to the relinquishment of the robe of war, and blaming Servilius for not calling Antonius an enemy.

Page 170

The measures which he himself proposed were carried.

I. *If*, O conscript fathers, while I learnt from the letters which have been read that the army of our most wicked enemies had been defeated and routed, I had also learnt what we all wish for above all things, and which we do suppose has resulted from that victory which has been achieved,—namely, that Decimus Brutus had already quitted Mutina,—then I should without any hesitation give my vote for our returning to our usual dress out of joy at the safety of that citizen on account of whose danger it was that we adopted the robe of war. But before any news of that event which the city looks for with the greatest eagerness arrives, we have sufficient reason indeed for joy at this most important and most illustrious battle; but reserve, I beg you, your return to your usual dress for the time of complete victory. But the completion of this war is the safety of Decimus Brutus.

But what is the meaning of this proposal that our dress shall be changed just for to-day, and that to-morrow we should again come forth in the garb of war? Rather when we have once returned to that dress which we wish and desire to assume, let us strive to retain it for ever; for this is not only discreditable, but it is displeasing also to the immortal gods, to leave their altars, which we have approached in the attire of peace, for the purpose of assuming the garb of war. And I notice, O conscript fathers, that there are some who favour this proposal: whose intention and design is, as they see that that will be a most glorious day for Decimus Brutus on which we return to our usual dress out of joy for his safety, to deprive him of this great reward, so that it may not be handed down to the recollection of posterity that the Roman people had recourse to the garb of war on account of the danger of one single citizen, and then returned to then gowns of peace on account of his safety. Take away this reason, and you will find no other for so absurd a proposal. But do you, O conscript fathers, preserve your authority, adhere to your own opinions, preserve in your recollection, what you have often declared, that the whole result of this entire war depends on the life of one most brave and excellent man.

II. For the purpose of effecting the liberation of Decimus Brutus, the chief men of the state were sent as ambassadors, to give notice to that enemy and parricidal traitor to retire from Mutina; for the sake of preserving that same Decimus Brutus, Aulus Hirtius, the consul, went by lot to conduct the war, a man the weakness of whose bodily health was made up for by the strength of his courage, and encouraged by the hope of victory. Caesar, too, after he, with an army levied by his own resources and on his own authority, had delivered the republic from the first dangers that assailed it, in order to prevent any subsequent wicked attempts from being originated, departed to assist in the deliverance of the same

Page 171

Brutus, and subdued some family vexation which he may have felt by his attachment to his country. What other object had Caius Pansa in holding the levies which he did, and in collecting money, and in carrying the most severe resolutions of the senate against Antonius, and in exhorting us, and in inviting the Roman people to embrace the cause of liberty, except to ensure the deliverance of Decimus Brutus? For the Roman people in crowds demanded at his hands the safety of Decimus Brutus with such unanimous outcries, that he was compelled to prefer it not only to any consideration of his own personal advantage, but even to his own necessities. And that end we now, O conscript fathers, are entitled to hope is either at the point of being achieved, or is actually gained, but it is right for the reward of our hopes to be reserved for the issue and event of the business, lest we should appear either to have anticipated the kindness of the gods by our over precipitation, or to have despised the bounty of fortune through our own folly.

But since the manner of your behaviour shows plainly enough what you think of this matter, I will come to the letters which have arrived from the consuls and the propraetor, after I have said a few words relating to the letters themselves.

III. The swords, O conscript fathers, of our legions and armies have been stained with, or rather, I should say, dipped deep in blood in two battles which have taken place under the consuls, and a third, which has been fought under the command of Caesar. If it was the blood of enemies, then great is the piety of the soldiers; but it is nefarious wickedness if it was the blood of citizens. How long, then, is that man, who has surpassed all enemies in wickedness, to be spared the name of enemy? unless you wish to see the very swords of our soldiers trembling in their hands while they doubt whether they are piercing a citizen or an enemy. You vote a supplication; you do not call Antonius an enemy. Very pleasing indeed to the immortal gods will our thanksgivings be, very pleasing too the victims, after a multitude of our citizens has been slain! "For the victory," says the proposer of the supplication, "over wicked and audacious men." For that is what this most illustrious man calls them; expressions of blame suited to lawsuits carried on in the city, not denunciations of searing infamy such as deserved by internecine war. I suppose they are forging wills, or trespassing on their neighbours, or cheating some young men; for it is men implicated in these and similar practices that we are in the habit of terming wicked and audacious. One man, the foulest of all banditti, is waging an irreconcilable war against four consuls. He is at the same time carrying on war against the senate and people of Rome. He is (although he is himself hastening to destruction, through the disasters which he has met with) threatening all of us with destruction, and devastation, and torments,

Page 172

and tortures. He declares that that inhuman and savage act of Dolabella's, which no nation of barbarians would have owned, was done by his advice; and what he himself would do in this city, if this very Jupiter, who now looks down upon us assembled in his temple, had not repelled him from this temple and from these walls, he showed, in the miseries of those inhabitants of Parma, whom, virtuous and honourable men as they were, and most intimately connected with the authority of this order, and with the dignity of the Roman people, that villain and monster, Lucius Antonius, that object of the extraordinary detestation of all men, and (if the gods hate those whom they ought) of all the gods also, murdered with every circumstance of cruelty. My mind shudders at the recollection, O conscript fathers, and shrinks from relating the cruelties which Lucius Antonius perpetrated on the children and wives of the citizens of Parma. For whatever infamy the Antonii have willingly undergone in their own persons to their own infamy, they triumph in the fact of having inflicted on others by violence. But it is a miserable violence which they offered to them; most unholy lust, such as the whole life of the Antonii is polluted with.

IV. Is there then any one who is afraid to call those men enemies, whose wickedness he admits to have surpassed even the inhumanity of the Carthaginians? For in what city, when taken by storm, did Hannibal even behave with such ferocity as Antonius did in Parma, which he filched by surprise? Unless, mayhap, Antonius is not to be considered the enemy of this colony, and of the others towards which he is animated with the same feelings. But if he is beyond all question the enemy of the colonies and municipal towns, then what do you consider him with respect to this city which he is so eager for, to satiate the indigence of his band of robbers? which that skilful and experienced surveyor of his, Saxa, has already marked out with his rule. Recollect, I entreat you, in the name of the immortal gods, O conscript fathers, what we have been fearing for the last two days, in consequence of infamous rumours carefully disseminated by enemies within the walls. Who has been able to look upon his children or upon his wife without weeping? who has been able to bear the sight of his home, of his house, and his household gods? Already all of us were expecting a most ignominious death, or meditating a miserable flight. And shall we hesitate to call the men at whose hands we feared all these things enemies? If any one should propose a more severe designation I will willingly agree to it; I am hardly content with this ordinary one, and will certainly not employ a more moderate one.

Page 173

Therefore, as we are bound to vote, and as Servilius has already proposed a most just supplication for those letters which have been read to you; I will propose altogether to increase the number of the days which it is to last, especially as it is to be decreed in honour of three generals conjointly. But first of all I will insist on styling those men imperator by whose valour, and wisdom, and good fortune we have been released from the most imminent danger of slavery and death. Indeed, who is there within the last twenty years who has had a supplication decreed to him without being himself styled imperator, though he may have performed the most insignificant exploits, or even almost none at all. Wherefore, the senator who spoke before me ought either not to have moved for a supplication at all, or he ought to have paid the usual and established compliment to those men to whom even new and extraordinary honours are justly due.

V. Shall the senate, according to this custom which has now obtained, style a man imperator if he has slain a thousand or two of Spaniards, or Gauls, or Thracians; and now that so many legions have been routed, now that such a multitude of enemies has been slain,—aye, enemies, I say, although our enemies within the city do not fancy this expression,—shall we pay to our most illustrious generals the honour of a supplication, and refuse them the name of imperator? For with what great honour, and joy, and exultation ought the deliverers of this city themselves to enter into this temple, when yesterday, on account of the exploits which they have performed, the Roman people carried me in an ovation, almost in a triumph from my house to the Capitol, and back again from the Capitol to my own house? That is indeed in my opinion a just and genuine triumph, when men who have deserved well of the republic receive public testimony to their merits from the unanimous consent of the senate. For if, at a time of general rejoicing on the part of the Roman people, they addressed their congratulations to one individual, that is a great proof of their opinion of him; if they gave him thanks, that is a greater still; if they did both, then nothing more honourable to him can be possibly imagined.

Are you saying all this of yourself? some one will ask. It is indeed against my will that I do so; but my indignation at injustice makes me boastful, contrary to my usual habit. Is it not sufficient that thanks should not be given to men who have well earned them, by men who are ignorant of the very nature of virtue? And shall accusations and odium be attempted to be excited against those men who devote all their thoughts to ensuring the safety of the republic? For you well know that there has been a common report for the last few days, that the day before the wine feast,[55] that is to say, on this very day, I was intending to come forth with the fasces as dictator. One would think that this story was invented against

Page 174

some gladiator, or robber, or Catiline, and not against a man who had prevented any such step from ever being taken in the republic. Was I, who defeated and overthrew and crushed Catiline, when he was attempting such wickedness, a likely man myself all on a sudden to turn out Catiline? Under what auspices could I, an augur, take those fasces? How long should I have been likely to keep them? to whom was I to deliver them as my successor? The idea of any one having been so wicked as to invent such a tale! or so mad as to believe it! In what could such a suspicion, or rather such gossip, have originated?

Vi. When, as you know, during the last three or four days a report of bad news from Mutina has been creeping abroad, the disloyal part of the citizens, inflated with exultation and insolence, began to collect in one place, at that senate-house which has been more fatal to their party than to the republic. There, while they were forming a plan to massacre us, and were distributing the different duties among one another, and settling who was to seize on the Capitol, who on the rostra, who on the gates of the city, they thought that all the citizens would flock to me. And in order to bring me into unpopularity, and even into danger of my life, they spread abroad this report about the fasces. They themselves had some idea of bringing the fasces to my house; and then, on pretence of that having been done by my wish, they had prepared a band of hired ruffians to make an attack on me as on a tyrant, and a massacre of all of you was intended to follow. The fact is already notorious, O conscript fathers, but the origin of all this wickedness will be revealed in its fitting time.

Therefore Publius Apuleius, a tribune of the people, who ever since my consulship has been the witness and partaker of, and my assistant in all my designs and all my dangers could not endure the grief of witnessing my indignation. He convened a numerous assembly, as the whole Roman people were animated with one feeling on the subject. And when in the harangue which he then made, he, as was natural from our great intimacy and friendship, was going to exculpate me from all suspicion in the matter of the fasces, the whole assembly cried out with one voice, that I had never had any intentions with regard to the republic which were not excellent. After this assembly was over, within two or three hours, these most welcome messengers and letters arrived; so that the same day not only delivered me from a most unjust odium, but increased my credit by that most extraordinary act with which the Roman people distinguished me.

I have made this digression, O conscript fathers, not so much for the sake of speaking of myself, (for I should be in a sorry plight if I were not sufficiently acquitted in your eyes without the necessity of making a formal defence,) as with the view of warning some men of too grovelling and narrow minds, to adopt the line of conduct which I myself have always pursued, and to think the virtue of excellent citizens worthy of imitation, not of envy. There is a great field in the republic, as Crassus used very wisely to say; the road to glory is open to many.

Page 175

VII. Would that those great men were still alive, who, after my consulship, when I myself was willing to yield to them, were themselves desirous to see me in the post of leader. But at the present moment, when there is such a dearth of wise and fearless men of consular rank, how great do you not suppose must be my grief and indignation, when I see some men absolutely disaffected to the republic, others wholly indifferent to everything, others incapable of persevering with any firmness in the cause which they have espoused; and regulating their opinions not always by the advantage of the republic, but sometimes by hope, and sometimes by fear. But if any one is anxious and inclined to struggle for the leadership—though struggle there ought to be none—he acts very foolishly, if he proposes to combat virtue with vices. For as speed is only outstripped by speed, so among brave men virtue is only surpassed by virtue. Will you, if I am full of excellent sentiments with respect to the republic, adopt the worst possible sentiments yourself for the purpose of excelling me? Or if you see a race taking place for the acquisition of honours, will you summon all the wicked men you can find to your banner? I should be sorry for you to do so; first of all, for the sake of the republic, and secondly, for that of your own dignity. But if the leadership of the state were at stake, which I have never coveted, what could be more desirable for me than such conduct on your part? For it is impossible that I should be defeated by wicked sentiments and measures,—by good ones perhaps I might be, and I willingly would be.

Some people are vexed that the Roman people should see, and take notice of, and form their opinion on these matters. Was it possible for men not to form their opinion of each individual as he deserved? For as the Roman people forms a most correct judgment of the entire senate, thinking that at no period in the history of the republic was this order ever more firm or more courageous; so also they all inquire diligently concerning every individual among us; and especially in the case of those among us who deliver our sentiments at length in this place, they are anxious to know what those sentiments are; and in that way they judge of each one of us, as they think that he deserves. They recollect that on the nineteenth of December I was the main cause of recovering our freedom; that from the first of January to this hour I have never ceased watching over the republic; that day and night my house and my ears have been open to the instruction and admonition of every one; that it has been by my letters, and my messengers, and my exhortations, that all men in every part of the empire have been roused to the protection of our country; that it is owing to the open declaration of my opinion ever since the first of January, that no ambassadors have been ever sent to Antonius; that I have always called him a public enemy, and this a war; so that I, who on every occasion have been the adviser of genuine peace have been a determined enemy to this pretence of fatal peace.

Page 176

Have not I also at all times pronounced Ventidius an enemy, when others wished to call him a tribune of the people? If the consuls had chosen to divide the senate on my opinion, their arms would long since have been wrested from the hands of all those robbers by the positive authority of the senate.

VIII. But what could not be done then, O conscript fathers, at present not only can be, but even must be done. I mean, those men who are in reality enemies must be branded in plain language, must be declared enemies by our formal resolution. Formerly, when I used the words War or Enemy, men more than once objected to record my proposition among the other propositions. But that cannot be done on the present occasion. For in consequence of the letters of Caius Pansa and Aulus Hirtius, the consuls, and of Caius Caesar, *propraetor*, we have all voted that honours be paid to the immortal gods. The very man who lately proposed and carried a vote for a supplication, without intending it pronounced those men enemies; for a supplication has never been decreed for success in civil war. Decreed, do I say? It has never even been asked for in the letters of the conqueror. Sylla as consul carried on a civil war; he led his legions into the city and expelled whomsoever he chose; he slew those whom he had in his power: there was no mention made of any supplication. The violent war with Octavius followed. Cinna the conqueror had no supplication voted to him. Sylla as *imperator* revenged the victory of Cinna, still no supplication was decreed by the senate. I ask you yourself, O Publius Servilius, did your colleague send you any letters concerning that most lamentable battle of Pharsalia? Did he wish you to make any motion about a supplication? Certainly not. But he did afterwards when he took Alexandria; when he defeated Pharnaces; but for the battle of Pharsalia he did not even celebrate a triumph. For that battle had destroyed those citizens whose, I will not say lives, but even whose victory might have been quite compatible with the safety and prosperity of the state. And the same thing had happened in the previous civil wars. For though a supplication was decreed in my honour when I was consul, though no arms had been had recourse to at all, still that was voted by a new and wholly unprecedented kind of decree, not for the slaughter of enemies, but for the preservation of the citizens. Wherefore, a supplication on account of the affairs of the republic having been successfully conducted must, O conscript fathers, be refused by you even though your generals demand it; a stigma which has never been affixed on any one except Gabinius; or else, by the mere fact of decreeing a supplication, it is quite inevitable that you must pronounce those men, for whose defeat you do decree it, enemies of the state.

Page 177

IX. What then Servilius did in effect, I do in express terms, when I style those men imperators. By using this name, I pronounce those who have been already defeated, and those who still remain, enemies in calling their conquerors imperators. For what title can I more suitably bestow on Pansa? Though he has, indeed, the title of the highest honour in the republic. What, too, shall I call Hirtius? He, indeed, is consul; but this latter title is indicative of the kindness of the Roman people; the other of valour and victory. What? Shall I hesitate to call Caesar imperator, a man born for the republic by the express kindness of the gods? He who was the first man who turned aside the savage and disgraceful cruelty of Antonius, not only from our throats, but from our limbs and bowels? What numerous and what important virtues, O ye immortal gods, were displayed on that single day. For Pansa was the leader of all in engaging in battle and in combating with Antonius; O general worthy of the martial legion, legion worthy of its general! Indeed, if he had been able to restrain its irresistible impetuosity, the whole war would have been terminated by that one battle. But as the legion, eager for liberty, had rushed with too much precipitation against the enemy's line of battle, and as Pansa himself was fighting in the front ranks, he received two dangerous wounds, and was borne out of the battle, to preserve his life for the republic. But I pronounce him not only imperator, but a most illustrious imperator; who, as he had pledged himself to discharge his duty to the republic either by death or by victory, has fulfilled one half of his promise; may the immortal gods prevent the fulfilment of the other half!

X. Why need I speak of Hirtius? who, the moment he heard of what was going on, with incredible promptness and courage led forth two legions out of the camp; that noble fourth legion, which, having deserted Antonius, formerly united itself to the martial legion; and the seventh, which, consisting wholly of veterans, gave proof in that battle that the name of the senate and people of Rome was dear to those soldiers who preserved the recollection of the kindness of Caesar. With these twenty cohorts, with no cavalry, while Hirtius himself was bearing the eagle of the fourth legion,—and we never heard of a more noble office being assumed by any general,—he fought with the three legions of Antonius and with his cavalry, and overthrew, and routed, and put to the sword those impious men who were the real enemies to this temple of the all-good and all-powerful Jupiter, and to the rest of the temples of the immortal gods, and the houses of the city, and the freedom of the Roman people, and our lives and actual existence; so that that chief and leader of robbers fled away with a very few followers, concealed by the darkness of night, and frightened out of all his senses.

Oh what a most blessed day was that, which, while the carcasses of those parricidal traitors were strewed about everywhere, beheld Antonius flying with a few followers, before he reached his place of concealment.

Page 178

But will any one hesitate to call Caesar imperator? Most certainly his age will not deter any one from agreeing to this proposition, since he has gone beyond his age in virtue. And to me, indeed, the services of Caius Caesar have always appeared the more thankworthy, in proportion as they were less to have been expected from a man of his age. For when we conferred military command on him, we were in fact encouraging the hope with which his name inspired us; and now that he has fulfilled those hopes, he has sanctioned the authority of our decree by his exploits. This young man of great mind, as Hirtius most truly calls him in his letters, with a few cohorts defended the camp of many legions, and fought a successful battle. And in this manner the republic has on one day been preserved in many places by the valour, and wisdom, and good fortune of three imperators of the Roman people.

XI. I therefore propose supplications of fifty days in the joint names of the three. The reasons I will embrace in the words of the resolution, using the most honourable language that I can devise.

But it becomes our good faith and our piety to show plainly to our most gallant soldiers how mindful of their services and how grateful for them we are; and accordingly I give my vote that our promises, and those pledges too which we promised to bestow on the legions when the war was finished, be repeated in the resolution which we are going to pass this day. For it is quite fair that the honour of the soldiers, especially of such soldiers as those, should be united with that of their commanders. And I wish, O conscript fathers, that it was lawful for us to dispense rewards to all the citizens; although we will give those which we have promised with the most careful usury. But that remains, as I well hope, to the conquerors, to whom the faith of the senate is pledged; and, as they have adhered to it at a most critical period of the republic, we are bound to take care that they never have cause to repent of their conduct. But it is easy for us to deal fairly by those men whose very services, though mute, appear to demand our liberality. This is a much more praiseworthy and more important duty, to pay a proper tribute of grateful recollection to the valour of those men who have shed their blood in the cause of their country. And I wish more suggestions could occur to me in the way of doing honour to those men. The two ideas which principally do occur to me, I will at all events not pass over; the one of which has reference to the everlasting glory of those bravest of men; the other may tend to mitigate the sorrow and mourning of their relations.

Page 179

XII. I therefore give my vote, O conscript fathers, that the most honourable monument possible be erected to the soldiers of the martial legion, and to those soldiers also who died fighting by their side. Great and incredible are the services done by this legion to the republic. This was the first legion to tear itself from the piratical band of Antonius; this was the legion which encamped at Alba; this was the legion that went over to Caesar; and it was in imitation of the conduct of this legion that the fourth legion has earned almost equal glory for its virtue. The fourth is victorious without having lost a man; some of the martial legion fell in the very moment of victory. Oh happy death, which, due to nature, has been paid in the cause of one's country! But I consider you men born for your country; you whose very name is derived from Mars, so that the same god who begot this city for the advantage of the nations, appears to have begotten you for the advantage of this city. Death in flight is infamous; in victory glorious. In truth, Mars himself seems to select all the bravest men from the battle array. Those impious men whom you slew, shall even in the shades below pay the penalty of their parricidal treason. But you, who have poured forth your latest breath in victory, have earned an abode and place among the pious. A brief life has been allotted to us by nature; but the memory of a well-spent life is imperishable. And if that memory were no longer than this life, who would be so senseless as to strive to attain even the highest praise and glory by the most enormous labours and dangers?

You then have fared most admirably, being the bravest of soldiers while you lived, and now the most holy of warriors, because it will be impossible for your virtue to be buried, either through the forgetfulness of the men of the present age, or the silence of posterity, since the senate and Roman people will have raised to you an imperishable monument, I may almost say with their own hands. Many armies at various times have been great and illustrious in the Punic, and Gallic, and Italian wars; but to none of them have honours been paid of the description which are now conferred on you. And I wish that we could pay you even greater honours, since we have received from you the greatest possible services. You it was who turned aside the furious Antonius from this city; you it was who repelled him when endeavouring to return. There shall therefore be a vast monument erected with the most sumptuous work, and an inscription engraved upon it, as the everlasting witness of your god-like virtue. And never shall the most grateful language of all who either see or hear of your monument cease to be heard. And in this manner you, in exchange for your mortal condition of life, have attained immortality.

Page 180

XIII. But since, O conscript fathers, the gift of glory is conferred on these most excellent and gallant citizens by the honour of a monument, let us comfort their relations, to whom this indeed is the best consolation. The greatest comfort for their parents is the reflection that they have produced sons who have been such bulwarks of the republic; for their children, that they will have such examples of virtue in their family; for their wives, that the husbands whom they have lost are men whom it is a credit to praise, and to have a right to mourn for; and for their brothers, that they may trust that, as they resemble them in their persons, so they do also in their virtues.

Would that we were able by the expression of our sentiments and by our votes to wipe away the tears of all these persons; or that any such oration as this could be publicly addressed to them, to cause them to lay aside their grief and mourning, and to rejoice rather, that, while many various kinds of death impend over men, the most honourable kind of all has fallen to the lot of their friends; and that they are not unburied, nor deserted; though even that fate, when incurred for one's country, is not accounted miserable; nor burnt with equable obsequies in scattered graves, but entombed in honourable sepulchres, and honoured with public offerings; and with a building which will be an altar of their valour to ensure the recollection of eternal ages.

Wherefore it will be the greatest possible comfort to their relations, that by the same monument are clearly displayed the valour of their kinsmen, and also their piety, and the good faith of the senate, and the memory of this most inhuman war, in which, if the valour of the soldiers had been less conspicuous, the very name of the Roman people would have perished by the parricidal treason of Marcus Antonius. And I think also, O conscript fathers, that those rewards which we promised to bestow on the soldiers when we had recovered the republic, we should give with abundant usury to those who are alive and victorious when the time comes; and that in the case of the men to whom those rewards were promised, but who have died in the defence of their country, I think those same rewards should be given to their parents or children, or wives or brothers.

XIV. But that I may reduce my sentiments into a formal motion, I give my vote that:

“As Caius Pansa, consul, imperator, set the example of fighting with the enemy in a battle in which the martial legion defended the freedom of the Roman people with admirable and incredible valour, and the legions of the recruits behaved equally well; and as Caius Pansa, consul, imperator, while engaged in the middle of the ranks of the enemy received wounds; and as Aulus Hirtius, consul, imperator, the moment that he heard of the battle, and knew what was going on, with a most gallant and loyal soul, led his army out of his camp and attacked Marcus Antonius and his army, and put his troops to the sword, with so little injury to his own army that he did not lose one single man; and as Caius Caesar, propraetor, imperator, with great prudence and energy defended the camp successfully, and routed and put to the sword the forces of the enemy which had come near the camp:

Page 181

“On these accounts the senate thinks and declares that the Roman people has been released from the most disgraceful and cruel slavery by the valour, and military skill, and prudence, and firmness, and perseverance, and greatness of mind and good fortune of these their generals. And decrees that, as they have preserved the republic, the city, the temples of the immortal gods, the property and fortunes and families of all the citizens, by their own exertions in battle, and at the risk of their own lives; on account of these virtuous and gallant and successful achievements, Caius Pansa and Aulus Hirtius, the consuls, imperators, one or both of them, or, in their absence, Marcus Cornutus, the city praetor, shall appoint a supplication at all the altars for fifty days. And as the valour of the legions has shown itself worthy of their most illustrious generals, the senate will with great eagerness, now that the republic is recovered, bestow on our legions and armies all the rewards which it formerly promised them. And as the martial legion was the first to engage with the enemy, and fought in such a manner against superior numbers as to slay many and take some prisoners; and as they shed their blood for their country without any shrinking; and as the soldiers of the other legions encountered death with similar valour in defence of the safety and freedom of the Roman people;—the senate does decree that Caius Pansa and Aulus Hirtius, the consuls, imperators, one or both of them if it seems good to them, shall see to the issuing of a contract for, and to the erecting, the most honourable possible monument to those men who shed their blood for the lives and liberties and fortunes of the Roman people, and for the city and temples of the immortal gods; that for that purpose they shall order the city quaestors to furnish and pay money, in order that it may be a witness for the everlasting recollection of posterity of the wickedness of our most cruel enemies, and the god-like valour of our soldiers. And that the rewards which the senate previously appointed for the soldiers, be paid to the parents or children, or wives or brothers of those men who in this war have fallen in defence of their country; and that all honours be bestowed on them which should have been bestowed on the soldiers themselves if those men had lived who gained the victory by their death.”

THE TWO BOOKS WHICH REMAIN OF THE TREATISE BY M.T. CICERO ON RHETORICAL INVENTION.

* * * * *

BOOK I.

* * * * *

These essays on rhetoric were composed by Cicero when he was about one and twenty years of age, and he mentions them afterwards in his more elaborate treatise *De Oratore*, (Lib. i. c. 2,) as unworthy of his more mature age, and more extended experiences. Quintilian also (III. c. 63,) mentions them as works which Cicero

condemned by subsequent writings. This treatise originally consisted of four books, of which only two have come down to us.

Page 182

I. I *have* often and deeply resolved this question in my mind, whether fluency of language has been beneficial or injurious to men and to cities, with reference to the cultivation of the highest order of eloquence. For when I consider the disasters of our own republic, and when I call to mind also the ancient calamities of the most important states, I see that it is by no means the most insignificant portion of their distresses which has originated from the conduct of the most eloquent men. But, at the same time, when I set myself to trace back, by the aid of written memorials and documents, affairs which, by reason of their antiquity, are removed back out of the reach of any personal recollection, I perceive also that many cities have been established, many wars extinguished, many most enduring alliances and most holy friendships have been cemented by deliberate wisdom much assisted and facilitated by eloquence. And as I have been, as I say, considering all this for some time, reason itself especially induces me to think that wisdom without eloquence is but of little advantage to states, but that eloquence without wisdom is often most mischievous, and is never advantageous to them.

If then any one, neglecting all the most virtuous and honourable considerations of wisdom and duty, devotes his whole attention to the practice of speaking, that man is training himself to become useless to himself, and a citizen mischievous to his country; but a man who arms himself with eloquence in such a manner as not to oppose the advantage of his country, but to be able to contend in behalf of them, he appears to me to be one who both as a man and a citizen will be of the greatest service to his own and the general interests, and most devoted to his country.

And if we are inclined to consider the origin of this thing which is called eloquence, whether it be a study, or an art, or some peculiar sort of training or some faculty given us by nature, we shall find that it has arisen from most honourable causes, and that it proceeds on the most excellent principles.

II. For there was a time when men wandered at random over the fields, after the fashion of beasts, and supported life on the food of beasts; nor did they do anything by means of the reasoning powers of the mind; but almost everything by bodily strength. No attention was as yet paid to any considerations of the religious reverence due to the gods, or of the duties which are owed to mankind: no one had ever seen any legitimate marriages, no one had beheld any children whose parentage was indubitable; nor had any one any idea what great advantage there might be in a system of equal law. And so, owing to error and ignorance, cupidity, that blind and rash sovereign of the mind, abused its bodily strength, that most pernicious of servants, for the purpose of gratifying itself. At this time then a man,[56] a great and a wise man truly was he, perceived what materials there were, and what great fitness there

Page 183

was in the minds of men for the most important affairs, if any one could only draw it out, and improve it by education. He, laying down a regular system, collected men, who were previously dispersed over the fields and hidden in habitations in the woods into one place, and united them, and leading them on to every useful and honourable pursuit, though, at first, from not being used to it they raised an outcry against it; he gradually, as they became more eager to listen to him on account of his wisdom and eloquence, made them gentle and civilized from having been savage and brutal. And it certainly seems to me that no wisdom which was silent and destitute of skill in speaking could have had such power as to turn men on a sudden from their previous customs, and to lead them to the adoption of a different system of life. And, moreover, after cities had been established how could men possibly have been induced to learn to cultivate integrity, and to maintain justice, and to be accustomed willingly to obey others, and to think it right not only to encounter toil for the sake of the general advantage, but even to run the risk of losing their lives, if men had not been able to persuade them by eloquence of the truth of those principles which they had discovered by philosophy? Undoubtedly no one, if it had not been that he was influenced by dignified and sweet eloquence, would ever have chosen to condescend to appeal to law without violence, when he was the most powerful party of the two as far as strength went; so as to allow himself now to be put on a level with those men among whom he might have been preeminent, and of his own free will to abandon a custom most pleasant to him, and one which by reason of its antiquity had almost the force of nature.

And this is how eloquence appears to have originated at first, and to have advanced to greater perfection; and also, afterwards, to have become concerned in the most important transactions of peace and war, to the greatest advantage of mankind? But after that a certain sort of complaisance, a false copyist of virtue, without any consideration for real duty, arrived at some fluency of language, then wickedness, relying on ability, began to overturn cities, and to undermine the principles of human life.

III. And, since we have mentioned the origin, of the good done by eloquence, let us explain also the beginning of this evil.

It appears exceedingly probable to me that was a time when men who were destitute of eloquence and wisdom, were not accustomed to meddle with affairs of state, and when also great and eloquent men were not used to concern themselves about private causes; but, while the most important transactions were managed by the most eminent and able men, I think that there were others also, and those not very incompetent, who attended to the trifling disputes of private individuals; and as in these disputes it often happened that men had recourse to lies, and tried by such means to oppose the truth, constant practice in speaking encouraged audacity, so that it became unavoidable that those other more eminent men should, on account of the injuries sustained by the citizens, resist the audacious and come to the assistance of their own individual friends.

Page 184

Therefore, as that man had often appeared equal in speaking, and sometimes even superior, who having neglected the study of wisdom, had laboured to acquire nothing except eloquence, it happened that in the judgment of the multitude he appeared a man worthy to conduct even the affairs of the state. And hence it arose, and it is no wonder that it did, when rash and audacious men had seized on the helm of the republic, that great and terrible disasters occurred. Owing to which circumstances, eloquence fell under so much odium and unpopularity that the ablest men, (like men who seek a harbour to escape from some violent tempest) devoted themselves to any quiet pursuit, as a refuge from a life of sedition and tumult. So that other virtuous and honourable pursuits appear to me to have become popular subsequently, from having been cultivated in tranquillity by excellent men; but that this pursuit having been abandoned by most of them, grew out of fashion and obsolete at the very time when it should have been more eagerly retained and more anxiously encouraged and strengthened.

For the more scandalously the temerity and audacity of foolish and worthless men was violating a most honourable and virtuous system, to the excessive injury of the republic, the more studiously did it become others to resist them, and to consult the welfare of the republic.

IV. And this principle which I have just laid down did not escape the notice of Cato, nor of Laelus, nor of their pupil, as I may fairly call him, Africanus, nor of the Gracchi the grandson of Africanus; men in whom there was consummate virtue and authority increased by their consummate virtue and eloquence, which might serve as an ornament to these qualities, and as a protection to the republic. Wherefore, in my opinion at least, men ought not the less to devote themselves to eloquence, although some men both in private and public affairs misuse it in a perverse manner; but I think rather that they should apply themselves to it with the more eagerness, in order to prevent wicked men from getting the greatest power to the exceeding injury of the good, and the common calamity of all men; especially as this is the only thing which is of the greatest influence on all affairs both public and private; and as it is by this same quality that life is rendered safe, and honourable, and illustrious, and pleasant. For it is from this source that the most numerous advantages accrue to the republic, if only it be accompanied by wisdom, that governor of all human affairs. From this source it is that praise and honour and dignity flow towards all those who have acquired it; from this source it is that the most certain and the safest defence is provided for their friends. And, indeed, it appears to me, that it is on this particular that men, who in many points are weaker and lower than the beasts, are especially superior to them, namely, in being able to speak.

Wherefore, that man appears to me to have acquired an excellent endowment, who is superior to other men in that very thing in which men are superior to beasts. And if this art is acquired not by nature only, not by mere practice, but also by a sort of regular system of education, it appears to me not foreign to our purpose to consider what those men say who have left us some precepts on the subject of the attainment of it.

Page 185

But, before we begin to speak of oratorical precepts, I think we must say something of the nature of the art itself; of its duty, of its end, of its materials, and of its divisions. For when we have ascertained those points, then each man's mind will, with the more ease and readiness, be able to comprehend the system itself, and the path which leads to excellence in it.

V. There is a certain political science which is made up of many and important particulars. A very great and extensive portion of it is artificial eloquence, which men call rhetoric. For we do not agree with those men who think that the knowledge of political science is in no need of and has no connexion with eloquence; and we most widely disagree with those, on the other hand, who think that all political ability is comprehended under the skill and power of a rhetorician. On which account we will place this oratorical ability in such a class as to assert that it is a part of political science. But the duty of this faculty appears to be to speak in a manner suitable to persuading men; the end of it is to persuade by language. And there is difference between the duty of this faculty and its end; that with respect to the duty we consider what ought to be done; with respect to the end we consider what is suitable to the duty. Just as we say, that it is the duty of a physician to prescribe for a patient in a way calculated to cure him; and that his end is to cure him by his prescriptions. And so we shall understand what we are to call the duty of an orator, and also what we are to call his end; since we shall call that his duty which he ought to do, and we shall term that his end for the sake of which he is bound to do his duty.

We shall call that the material of the art, on which the whole art, and all that ability which is derived from art, turns. Just as if we were to call diseases and wounds the material of medicine, because it is about them that all medical science is concerned. And in like manner, we call those subjects with which oratorical science and ability is conversant the materials of the art of rhetoric. And these subjects some have considered more numerous, and others less so. For Gorgias the Leontine, who is almost the oldest of all rhetoricians, considered that an orator was able to speak in the most excellent manner of all men on every subject. And when he says this he seems to be supplying an infinite and boundless stock of materials to this art. But Aristotle, who of all men has supplied the greatest number of aids and ornaments to this art, thought that the duty of the rhetorician was conversant with three kinds of subjects; with the demonstrative, and the deliberative, and the judicial.

Page 186

The demonstrative is that which concerns itself with the praise or blame of some particular individual; the deliberative is that which, having its place in discussion and in political debate, comprises a deliberate statement of one's opinion; the judicial is that which, having its place in judicial proceedings, comprehends the topics of accusation and defence; or of demand and refusal. And, as our own opinion at least inclines, the art and ability of the orator must be understood to be conversant with these tripartite materials. *Vi* For Hermagoras, indeed, appears neither to attend to what he is saying, nor to understand what he is promising, for he divides the materials of an orator into the cause, and the examination. The cause he defines to be a thing which has in itself a controversy of language united with the interposition of certain characters. And that part, we too say, is assigned to the orator, for we give him those three parts which we have already mentioned,—the judicial, the deliberative, and the demonstrative. But the examination he defines to be that thing which has in itself a controversy of language, without the interposition of any particular characters, in this way—"Whether there is anything good besides honesty?"—"Whether the senses may be trusted?"—"What is the shape of the world?"—"What is the size of the sun?" But I imagine that all men can easily see that all such questions are far removed from the business of an orator, for it appears the excess of insanity to attribute those subjects, in which we know that the most sublime genius of philosophers has been exhausted with infinite labour, as if they were inconsiderable matters, to a rhetorician or an orator.

But if Hermagoras himself had had any great acquaintance with these subjects, acquired with long study and training, then it would be supposed that he, from relying on his own knowledge, had laid down some false principles respecting the duty of an orator, and had explained not what his art could effect, but what he himself could do. But as it is, the character of the man is such, that any one would be much more inclined to deny him any knowledge of rhetoric, than to grant him any acquaintance with philosophy. Nor do I say this because the book on the art which he published appears to me to have been written with any particular incorrectness, (for, indeed, he appears to me to have shown very tolerable ingenuity and diligence in arranging topics which he had collected from ancient writings on the subject, and also to have advanced some new theories himself,) but it is the least part of the business of an orator to speak concerning his art, which is what he has done: his business is rather to speak from his art, which is what we all see that this Hermagoras was very little able to do. And so that, indeed, appears to us to be the proper materials of rhetoric, which we have said appeared to be such to Aristotle. VII. And these are the divisions of it, as numerous writers

Page 187

have laid them down: Invention; Arrangement; Elocution; Memory; Delivery. Invention, is the conceiving of topics either true or probable, which may make one's cause appear probable; Arrangement, is the distribution of the topics which have been thus conceived with regular order; Elocution, is the adaptation of suitable words and sentences to the topics so conceived; Memory, is the lasting sense in the mind of the matters and words corresponding to the reception of these topics. Delivery, is a regulating of the voice and body in a manner suitable to the dignity of the subjects spoken of and of the language employed.

Now, that these matters have been briefly defined, we may postpone to another time those considerations by which we may be able to elucidate the character and the duty and the object of this art; for they would require a very long argument, and they have no very intimate connexion with the definition of the art and the delivery of precepts relating to it. But we consider that the man who writes a treatise on the art of rhetoric ought to write about two other subjects also; namely, about the materials of the art, and about its divisions. And it seems, indeed, that we ought to treat of the materials and divisions of this art at the same time. Wherefore, let us first consider what sort of quality invention ought to be, which is the most important of all the divisions, and which applies to every description of cause in which an orator can be engaged.

VIII. Every subject which contains in itself any controversy existing either in language or in disputation, contains a question either about a fact, or about a name, or about a class, or about an action. Therefore, that investigation out of which a cause arises we call a stating of a case. A stating of a case is the first conflict of causes arising from a repulse of an accusation; in this way. "You did so and so;"—"I did not do so;"—or, "it was lawful for me to do so." When there is a dispute as to the fact, since the cause is confirmed by conjectures, it is called a conjectural statement. But when it is a dispute as to a name, because the force of a name is to be defined by words, it is then styled a definitive statement. But when the thing which is sought to be ascertained is what is the character of the matter under consideration, because it is a dispute about violence, and about the character of the affair, it is called a general statement. But when the cause depends on this circumstance, either that that man does not seem to plead who ought to plead, or that he does not plead with that man with whom he ought to plead, or that he does not plead before the proper people, at the proper time, in accordance with the proper law, urging the proper charge, and demanding the infliction of the proper penalty, then it is called a statement by way of demurrer; because the arguing of the case appears to stand in need of a demurrer and also of some alteration. And some one or other of these sorts of statement must of necessity be incidental to every cause. For if there be any one to which it is not incidental, in that there can be no dispute at all; on which account it has no right even to be considered a cause at all.

Page 188

And a dispute as to fact may be distributed over every sort of time. For as to what has been done, an inquiry can be instituted in this way—"whether Ulysses slew Ajax;" and as to what is being done, in this way—"whether the people of Tregellae are well affected towards the Roman people;" and as to what is going to happen, in this way—"if we leave Carthage uninjured, whether any inconvenience will accrue to the republic."

It is a dispute about a name, when parties are agreed as to the fact, and when the question is by what name that which has been done is to be designated. In which class of dispute it is inevitable on that account that there should be a dispute as to the name; not because the parties are not agreed about the fact, not because the fact is not notorious, but because that which has been done appears in a different light to different people, and on that account one calls it by one name and another by another. Wherefore, in disputes of this kind the matter must be defined by words, and described briefly; as, for instance, if any one has stolen any sacred vessel from a private place, whether he is to be considered a sacrilegious person, or a simple thief. For when that is inquired into, it is necessary to define both points—what is a thief, and what is a sacrilegious person,—and to show by one's own description that the matter which is under discussion ought to be called by a different name from that which the opposite party apply to it. IX. The dispute about kind is, when it is agreed both what has been done, and when there is no question as to the name by which it ought to be designated; and nevertheless there is a question of what importance the matter is, and of what sort it is, and altogether of what character it is; in this way,—whether it be just or unjust; whether it be useful or useless; and as to all other circumstances with reference to which there is any question what is the character of that which has been done, without there being any dispute as to its name. Humagoras assigned four divisions to this sort of dispute: the deliberative, the demonstrative, the judicial, and the one relating to facts. And, as it seems to us, this was no ordinary blunder of his, and one which it is incumbent on us to reprove; though we may do so briefly, lest, if we were to pass it over in silence, we might be thought to have had no good reason for abandoning his guidance; or if we were to dwell too long on this point, we might appear to have interposed a delay and an obstacle to the other precepts which we wish to lay down.

If deliberation and demonstration are kinds of causes, then the divisions of any one kind cannot rightly be considered causes; for the same matter may appear to be a class to one person, and a division to another; but it cannot appear both a class and a division to the same person. But deliberation and demonstration are kinds of argument; for either there is no kind of argument at all, or there is the judicial kind

Page 189

alone, or there are all three kinds, the judicial and the demonstrative and the deliberative. Now, to say there is no kind of argument at the same time that he says that there are many arguments, and is giving precepts for them, is foolishness. How, too, is it possible that there should be one kind only, namely the judicial, when deliberation and demonstration in the first place do not resemble one another, and are exceedingly different from the judicial kind, and have each their separate object to which they ought to be referred. It follows, then, that there are three kinds of arguments. Deliberation and demonstration cannot properly be considered divisions of any kind of argument. He was wrong, therefore, when he said that they were divisions of a general statement of the case.

X. But if they cannot properly be considered divisions of a kind of argument, much less can they properly be considered divisions of a division of an argument. But all statement of the case is a division of an argument. For the argument is not adapted to the statement of the case, but the statement of the case is adapted to the argument. But demonstration and deliberation cannot be properly considered divisions of a kind of argument, because they are separate kinds of arguments themselves. Much less can they properly be considered divisions of that division, as he calls them. In the next place, if the statement of the case, both itself as a whole; and also any portion of that statement, is a repelling of an accusation, then that which is not a repelling of an accusation is neither a statement of a case, nor a portion of a statement of a case; but if that which is not a repelling of an attack is not a statement of a case, nor a portion of a statement of a case, then deliberation and demonstration are neither a statement of a case, nor a portion of a statement of a case. If, therefore, a statement of a case, whether it be the whole statement or some portion of it, be a repelling of an accusation, then deliberation and demonstration are neither a statement of a case, nor any portion of such statement. But he himself asserts that it is a repelling of an accusation. He must therefore assert also that demonstration and deliberation are neither a statement of a case, nor a portion of such a statement. And he will be pressed by the same argument whether he calls the statement of a case the original assertion of his cause by the accuser, or the first speech in answer to such accusation by the advocate of the defence. For all the same difficulties will attend him in either case.

In the next place a conjectural argument cannot, as to the same portion of it, be at the same time both a conjectural one and a definitive one. Again, a definitive argument cannot, as to the same portion of it, be at the same time both a definitive argument and one in the form and character of a demurrer. And altogether, no statement of a case, and no portion of such a statement, can at one and the same time both have its own proper force and also contain the force of another kind of argument. Because each kind of argument is considered simply by its own merits, and according to its own nature; and if any other kind be united with it, then it is the number of statements of a case that is doubled, and not the power of the statement that is increased.

Page 190

But a deliberative argument, both as to the same portion of it and also at the same time, very frequently has a statement of its case both conjectural, and general, and definitive, and in the nature of a demurrer; and at times it contains only one statement, and at times it contains many such. Therefore it is not itself a statement of the case, nor a division of such statement: and the same thing must be the case with respect to demonstration. These, then, as I have said before, must be considered kinds of argument, and not divisions of any statement of the subject.

XI. This statement of the case then, which we call the general one, appears to us to have two divisions,—one judicial and one relating to matters of fact. The judicial one is that in which the nature of right and wrong, or the principles of reward and punishment, are inquired into. The one relating to matters of fact is that in which the thing taken into consideration is what is the law according to civil precedent, and according to equity; and that is the department in which lawyers are considered by us to be especially concerned.

And the judicial kind is itself also distributed under two divisions,—one absolute, and one which takes in something besides as an addition, and which may be called assumptive. The absolute division is that which of itself contains in itself an inquiry into right and wrong. The assumptive one is that which of itself supplies no firm ground for objection, but which takes to itself some topics for defence derived from extraneous circumstances. And its divisions are four,—concession, removal of the accusation from oneself, a retorting of the accusation, and comparison. Concession when the person on his trial does not defend the deed that has been done, but entreats to be pardoned for it: and this again is divided into two parts,—purgation and deprecation. Purgation is when the fact is admitted, but when the guilt of the fact is sought to be done away. And this may be on three grounds,—of ignorance, of accident, or of necessity. Deprecation is when the person on his trial confesses that he has done wrong, and that he has done wrong on purpose, and nevertheless entreats to be pardoned. But this kind of address can be used but very rarely. Removal of the accusation from oneself is when the person on his trial endeavours by force of argument and by influence to remove the charge which is brought against him from himself to another, so that it may not fix him himself with any guilt at all. And that can be done in two ways,—if either the cause of the deed, or the deed itself, is attributed to another. The cause is attributed to another when it is said that the deed was done in consequence of the power and influence of another; but the deed itself is attributed to another when it is said that another either might have done it, or ought to have done it. The retorting of an accusation takes place when what is done is said to have been lawfully done because another had previously provoked the doer wrongfully. Comparison is, when it is argued that some other action has been a right or an advantageous one, and then it is contended that this deed which is now impeached was committed in order to facilitate the accomplishment of that useful action.

Page 191

In the fourth kind of statement of a case, which we call the one which assumes the character of a demurrer, that sort of statement contains a dispute, in which an inquiry is opened who ought to be the accuser or pleader, or against whom, or in what manner, or before whom, or under what law, or at what time the accusation ought to be brought forward; or when something is urged generally tending to alter the nature of, or to invalidate the whole accusation. Of this kind of statement of a case Hermagoras is considered the inventor: not that many of the ancient orators have not frequently employed it, but because former writers on the subject have not taken any notice of it, and have not entered it among the number of statements of cases. But since it has been thus invented by Hermagoras, many people have found fault with it, whom we considered not so much to be deceived by ignorance (for indeed the matter is plain enough) as to be hindered from admitting the truth by some envy or fondness for detraction.

XII. We have now then mentioned the different kinds of statements of cases, and their several divisions. But we think that we shall be able more conveniently to give instances of each kind, when we are furnishing a store of arguments for each kind. For so the system of arguing will be more clear, when it can be at once applied both to the general classification and to the particular instance.

When the statement of the case is once ascertained, then it is proper at once to consider whether the argument be a simple or a complex one, and if it be a complex one, whether it is made up of many subjects of inquiry, or of some comparison. That is a simple statement which contains in itself one plain question, in this way—"Shall we declare war against the Corinthians, or not?" That is a complex statement consisting of several questions in which many inquiries are made, in this way.—"Whether Carthage shall be destroyed, or whether it shall be restored to the Carthaginians, or whether a colony shall be led thither." Comparison is a statement in which inquiry is raised in the way of contest, which course is more preferable, or which is the most preferable course of all, in this way.—"Whether we had better send an army into Macedonia against Philip, to serve as an assistance to our allies, or whether we had better retain it in Italy, in order that we may have as numerous forces as possible to oppose to Hannibal." In the next place, we must consider whether the dispute turns on general reasoning, or on written documents, for a controversy with respect to written documents, is one which arises out of the nature of the writing.

Page 192

XIII And of that there are five kinds which have been separated from statements of cases. For when the language of the writing appears to be at variance with the intention of the writer, then two laws or more seem to differ from one another, and then, too, that which has been written appears to signify two things or more. Then also, from that which is written, something else appears to be discovered also, which is not written, and also the effect of the expressions used is inquired into, as if it were in the definitive statement of the case, in which it has been placed. Wherefore, the first kind is that concerning the written document and the intention of it; the second arises from the laws which are contrary to one another, the third is ambiguous, the fourth is argumentative, the fifth we call definitive.

But reason applies when the whole of the inquiry does not turn on the writing, but on some arguing concerning the writing. But, then, when the kind of argument has been duly considered, and when the statement of the case has been fully understood; when you have become aware whether it is simple or complex, and when you have ascertained whether the question turns on the letter of the writing or on general reasoning; then it is necessary to see what is the question, what is the reasoning, what is the system of examining into the excuses alleged, what means there are of establishing one's own allegations; and all these topics must be derived from the original statement of the case. What I call "the question" is the dispute which arises from the conflict of the two statements in this way. "You have not done this lawfully;" "I have done it lawfully." And this is the conflict of arguments, and on this the statement of the case hinges. It arises, therefore, from that kind of dispute which we call "the question," in this way:—"Whether he did so and so lawfully." The reasoning is that which embraces the whole cause; and if that be taken away, then there is no dispute remaining behind in the cause. In this way, in order that for the sake of explaining myself more clearly, I may content myself with an easy and often quoted instance. If Orestes be accused of matricide, unless he says this, "I did it rightfully, for she had murdered my father," he has no defence at all. And if his defence be taken away, then all dispute is taken away also. The principle of his argument then is that she murdered Agamemnon. The examination of this defence is then a dispute which arises out of the attempts to invalidate or to establish this argument. For the argument itself may be considered sufficiently explained, since we dwelt upon it a little while ago. "For she," says he, "had murdered my father." "But," says the adversary, "for all that it was not right for your mother to be put to death by you who were her son; for her act might have been punished without your being guilty of wickedness."

XIV. From this mode of bringing forward evidence, arises that last kind of dispute which we call the judication, or examination of the excuses alleged. And that is of this kind: whether it was right that his mother should be put to death by Orestes, because she had put to death Orestes's father?

Page 193

Now proof by testimony is the firmest sort of reasoning that can be used by an advocate in defence, and it is also the best adapted for the examination of any excuse which may be alleged. For instance, if Orestes were inclined to say that the disposition of his mother had been such towards his father, towards himself and his sisters, towards the kingdom, and towards the reputation of his race and family, that her children were of all people in the world the most bound to inflict punishment upon her. And in all other statements or cases, examinations of excuses alleged are found to be carried on in this manner. But in a conjectural statement of a case, because there is no express evidence, for the fact is not admitted at all, the examination of the defence put forward cannot arise from the bringing forward of evidence. Wherefore, it is inevitable that in this case the question and the judication must be the same thing. As "it was done," "it was not done." The question is whether it was done.

But it must invariably happen that there will be the same number of questions, and arguments, and examinations, and evidences employed in a cause, as there are statements of the case or divisions of such statements. When all these things are found in a cause, then at length each separate division of the whole cause must be considered. For it does not seem that those points are necessarily to be first noticed, which have been the first stated; because you must often deduce those arguments which are stated first, at least if you wish them to be exceedingly coherent with one another and to be consistent with the cause, from those arguments which are to be stated subsequently. Wherefore, when the examination of the excuses alleged, and all those arguments which require to be found out for the purpose of such examination have been diligently found out by the rules of art, and handled with due care and deliberation, then at length we may proceed to arrange the remaining portions of our speech. And these portions appear to us to be in all six; the exordium, the relation of the fact, the division of the different circumstances and topics, the bringing forward of evidence, the finding fault with the action which has been done, and the peroration.

At present, since the exordium ought to be the main thing of all, we too will first of all give some precepts to lead to a system of opening a case properly.

XV. An exordium is an address bringing the mind of the hearer into a suitable state to receive the rest of the speech, and that will be effected if it has rendered him well disposed towards the speaker, attentive, and willing to receive information. Wherefore, a man who is desirous to open a cause well, must of necessity be beforehand thoroughly acquainted with the nature and kind of cause which he has to conduct. Now the kinds of causes are five; one honourable, one astonishing, one low, one doubtful, one obscure. The kind of cause which is called

Page 194

honourable, is such an one as the disposition of the hearer favours at once, without waiting to hear our speech. The kind that is astonishing, is that from which the mind of those who are about to hear us has been alienated. The kind which is low, is one which is disregarded by the hearer, or which does not seem likely to be carefully attended to. The kind which is doubtful, is that in which either the examination into the excuses alleged is doubtful, or the cause itself, being partly honourable and partly discreditable; so as to produce partly good-will and partly disinclination. The kind which is obscure, is that in which either the hearers are slow, or in which the cause itself is entangled in a multitude of circumstances hard to be thoroughly acquainted with. Wherefore, since there are so many kinds of causes, it is necessary to open one's case on a very different system in each separate kind. Therefore, the exordium is divided into two portions, first of all a beginning, and secondly language calculated to enable the orator to work his way into the good graces of his hearers. The beginning is an address, in plain words, immediately rendering the hearer well disposed towards one, or inclined to receive information, or attentive. The language calculated to enable the orator to work his way into the good graces of his hearers, is an address which employs a certain dissimulation, and which by a circuitous route as it were obscurely creeps into the affections of the hearer.

In the kind of cause which we have called astonishing, if the hearers be not positively hostile, it will be allowable by the beginning of the speech to endeavour to secure their good-will. But if they be excessively alienated from one, then it will be necessary to have recourse to endeavours to insinuate oneself into their good graces. For if peace and good-will be openly sought for from those who are enemies to one, they not only are not obtained, but the hatred which they bear one is even inflamed and increased. But in the kind of cause which I have called low, for the sake of removing his contempt it will be indispensable to render the hearer attentive. The kind of cause which has been styled doubtful, if it embraces an examination into the excuses alleged, which is also doubtful, must derive its exordium from that very examination; but if it have some things in it of a creditable nature, and some of a discreditable character, then it will be expedient to try and secure the good-will of the hearer, so that the cause may change its appearance, and seem to be an honourable one. But when the kind of cause is the honourable kind, then the exordium may either be passed over altogether, or if it be convenient, we may begin either with a relation of the business in question, or with a statement of the law, or with any other argument which must be brought forward in the course of our speech, and on which we most greatly rely; or if we choose to employ an exordium, then we must avail ourselves of the good-will already existing towards us, in order that that which does exist may be strengthened.

Page 195

XVI. In the kind of cause which I have called obscure, it will be advisable to render the hearers inclined to receive instruction by a carefully prepared exordium. Now, since it has been already explained what effect is to be sought to be produced by the exordium, it remains for us to show by what arguments all such effects may be produced.

Good-will is produced by dwelling on four topics:—on one derived from our own character, from that of our adversaries, from that of the judges, and from the cause itself. From our own character, if we manage so as to speak of our own actions and services without arrogance; if we refute the charges which have been brought against us, and any other suspicions in the least, discreditable which it may be endeavoured to attach to us; if we dilate upon the inconveniences which have already befallen us, or the difficulties which are still impending over us; if we have recourse to prayers and to humble and suppliant entreaty. From the character of our adversaries, if we are able to bring them either into hatred, or into unpopularity, or into contempt. They will be brought into hatred, if any action of theirs can be adduced which has been lascivious, or arrogant, or cruel, or malignant. They will be made unpopular, if we can dilate upon their violent behaviour, their power, their riches, their numerous kinsmen, their wealth, and their arrogant and intolerable use of all these sources of influence; so that they may appear rather to trust to these circumstances than to the merits of their cause. They will be brought into contempt, if sloth, or negligence, or idleness, or indolent pursuits, or luxurious tranquillity can be alleged against them. Good-will will be procured, derived from the character of the hearers themselves, if exploits are mentioned which have been performed by them with bravery, or wisdom, or humanity; so that no excessive flattery shall appear to be addressed to them; and if it is plainly shown how high and honourable their reputation is, and how anxious is the expectation with which men look for their decision and authority. Or from the circumstances themselves, if we extol our own cause with praises, and disparage that of the opposite party by contemptuous allusions.

But we shall make our hearers attentive, if we show that the things which we are going to say and to speak of are important, and unusual, and incredible; and that they concern either all men, or those who are our present hearers, or some illustrious men, or the immortal gods, or the general interests of the republic. And if we promise that we will in a very short time prove our own cause; and if we explain the whole of the examination into the excuses alleged, or the different examinations, if there be more than one.

We shall render our hearers willing to receive information, if we explain the sum total of the cause with plainness and brevity, that is to say, the point on which the dispute hinges. For when you wish to make a hearer inclined to receive information you must also render him attentive. For he is above all men willing to receive information who is prepared to listen with the greatest attention.

Page 196

XVII. The next thing which it seems requisite to speak of, is, how topics intended to enable the orator to work his way into the good graces of his hearers ought to be handled. We must then use such a sort of address as that when the kind of cause which we are conducting is that which I have called astonishing; that is to say, as I have stated before, when the disposition of the hearer is adverse to one. And that generally arises from one of three causes: either if there be anything discreditable in the cause itself, or if any such belief appears to have been already instilled into the hearer by those who have spoken previously; or if one is appointed to speak at a time when those who have got to listen to one are wearied with hearing others. For sometimes when one is speaking, the mind of the hearer is alienated from one no less by this circumstance than by the two former.

If the discreditable nature of one's cause excites the ill-will of one's hearers, or if it be desirable to substitute for the man on whom they look unfavourably another man to whom they are attached; or, for the matter they regard with dislike, another matter of which they approve; or if it be desirable to substitute a person for a thing, or a thing for a person, in order that the mind of the hearer may be led away from that which he hates to that which he loves; and if your object is to conceal from view the fact that you are about to defend that person or action which you are supposed to be going to defend; and then, when the hearer has been rendered more propitious, to enter gradually on the defence, and to say that those things at which the opposite party is indignant appear scandalous to you also; and then, when you have propitiated him who is to listen to you, to show that none of all those things at all concern you, and to deny that you are going to say anything whatever respecting the opposite party whether it be good or bad; so as not openly to attack those men who are loved by your hearers, and yet doing it secretly as far as you can to alienate from them the favourable disposition of your hearers; and at the same time to mention the judgment of some other judges in a similar case, or to quote the authority of some others as worthy of imitation; and then to show that it is the very same point, or one very like it, or one of greater or less importance, (as the case may make it expedient,) which is in question at present.

If the speech of your adversaries appears to have made an impression on your hearers, which is a thing which will be very easily ascertained by a man who understands what are the topics by which an impression is made; then it is requisite to promise that you will speak first of all on that point which the opposite party consider their especial stronghold, or else to begin with a reference to what has been said by the adversary, and especially to what he said last; or else to appear to doubt, and to feel some perplexity

Page 197

and astonishment as to what you had best say first, or what argument it is desirable to reply to first—for when a hearer sees the man whom the opposite party believe to be thrown into perplexity by their speech prepared with unshaken firmness to reply to it, he is generally apt to think that he has assented to what has been said without sufficient consideration, rather than that the present speaker is confident without due grounds. But if fatigue has alienated the mind of the hearer from your cause, then it is advantageous to promise to speak more briefly than you had been prepared to speak; and that you will not imitate your adversary.

If the case admit of it, it is not disadvantageous to begin with some new topic, or with some one which may excite laughter; or with some argument which has arisen from the present moment; of which kind are any sudden noise or exclamation; or with something which you have already prepared, which may embrace some apologue, or fable, or other laughable circumstance. Or, if the dignity of the subject shall seem inconsistent with jesting, in that case it is not disadvantageous to throw in something sad, or novel, or terrible. For as satiety of food and disgust is either relieved by some rather bitter taste, or is at times appeased by a sweet taste; so a mind weary with listening is either reinstated in its strength by astonishment, or else is refreshed by laughter.

XVIII. And these are pretty nearly the main things which it appeared desirable to say separately concerning the exordium of a speech, and the topics which an orator should use for the purpose of insinuating himself into the good grace of his hearers. And now it seems desirable to lay down some brief rules which may apply to both in common.

An exordium ought to have a great deal of sententiousness and gravity in it, and altogether to embrace all things which have a reference to dignity; because that is the most desirable effect to be produced which in the greatest degree recommends the speaker to his hearer. It should contain very little brilliancy, or wit, or elegance of expression, because from these qualities there always arises a suspicion of preparation and artificial diligence: and that is an idea which, above all others takes away credit from a speech, and authority from a speaker. But the following are the most ordinary faults to be found in an exordium, and those it is above all things desirable to avoid. It must not be vulgar, common, easily changed, long, unconnected, borrowed, nor must it violate received rules. What I mean by vulgar, is one which may be so adapted to numerous causes as to appear to suit them all. That is common, which appears to be able to be adapted no less to one side of the argument than to the other. That is easily changed, which with a slight alteration may be advanced by the adversary on the other side of the question. That is long, which is spun out by a superfluity of words or sentences

Page 198

far beyond what is necessary. That is unconnected, which is not derived from the cause itself, and is not joined to the whole speech as a limb is to the body. That is borrowed, which effects some other end than that which the kind of cause under discussion requires; as if a man were to occupy himself in rendering his hearer inclined to receive information, when the cause requires him only to be well disposed towards the speaker: or, if a man uses a formal beginning of a speech, when what the subject requires is an address by which the speaker may insinuate himself into the good graces of his hearer. That is contrary to received rules, which effects no one of those objects for the sake of which the rules concerning exordiums have been handed down. This is the sort of blunder which renders him who hears it neither well disposed to one, nor inclined to receive information, nor attentive; or (and that indeed is the most disastrous effect of all) renders him of a totally contrary disposition. And now we have said enough about the exordium.

XIX. Narration is an explanation of acts that have been done, or of acts as if they have been done. There are three kinds of narration. One kind is that in which the cause itself and the whole principle of the dispute is contained. Another is that in which some digression, unconnected with the immediate argument, is interposed, either for the sake of criminating another, or of instituting a comparison, or of provoking some mirth not altogether unsuitable to the business under discussion, or else for the sake of amplification. The third kind is altogether foreign to civil causes, and is uttered or written for the sake of entertainment, combined with its giving practice, which is not altogether useless. Of this last there are two divisions, the one of which is chiefly conversant about things, and the other about persons. That which is concerned in the discussion and explanation of things has three parts, fable, history, and argument. Fable is that in which statements are expressed which are neither true nor probable, as is this—

“Huge winged snakes, join’d by one common yoke.”

History is an account of exploits which have been performed, removed from the recollection of our own age; of which sort is the statement, “Appius declared war against the Carthaginians.” Argument is an imaginary case, which still might have happened. Such is this in Terence—

“For after Sosia became a man.”

But that sort of narration which is conversant about persons, is of such a sort that in it not only the facts themselves, but also the conversations of the persons concerned and their very minds can be thoroughly seen, in this way—



“And oft he came to me with mournful voice,
What is your aim, your conduct what? Oh why
Do you this youth with these sad arts destroy?
Why does he fall in love? Why seeks he wine,
And why do you from time to time supply
The means for such excess? You study dress
And folly of all kinds; while he, if left
To his own natural bent, is stern and strict,
Almost beyond the claims of virtue.”

Page 199

In this kind of narration there ought to be a great deal of cheerfulness wrought up out of the variety of circumstances; out of the dissimilarity of dispositions; out of gravity, lenity, hope, fear, suspicion, regret, dissimulation, error, pity, the changes of fortune, unexpected disaster, sudden joy, and happy results. But these embellishments may be derived from the precepts which will hereafter be laid down about elocution.

At present it seems best to speak of that kind of narration which contains an explanation of the cause under discussion.

XX. It is desirable then that it should have three qualities; that it should be brief, open, and probable. It will be brief, if the beginning of it is derived from the quarter from which it ought to be; and if it is not endeavoured to be extracted from what has been last said, and if the speaker forbears to enumerate all the parts of a subject of which it is quite sufficient to state the total result;—for it is often sufficient to say what has been done, and there is no necessity for his relating how it was done;—and if the speaker does not in his narration go on at a greater length than there is any occasion for, as far as the mere imparting of knowledge is concerned; and if he does not make a digression to any other topic; and if he states his case in such a way, that sometimes that which has not been said may be understood from that which has been said; and if he passes over not only such topics as may be injurious, but those too which are neither injurious nor profitable; and if he repeats nothing more than once; and if he does not at once begin with that topic which was last mentioned;—and the imitation of brevity takes in many people, so that, when they think that they are being brief, they are exceedingly prolix, while they are taking pains to say many things with brevity, not absolutely to say but few things and no more than are necessary. For to many men a man appears to speak with brevity who says, “I went to the house; I called out the servant; he answered me; I asked for his master; he said that he was not at home.” Here, although he could not have enumerated so many particulars more concisely, yet, because it would have been enough to say, “He said that he was not at home,” he is prolix on account of the multitude of circumstances which he mentions. Wherefore, in this kind of narration also it is necessary to avoid the imitation of brevity, and we must no less carefully avoid a heap of unnecessary circumstances than a multitude of words.

But a narration will be able to be open, if those actions are explained first which have been done first, and if the order of transactions and times is preserved, so that the things are related as they have been done, or as it shall seem that they may have been done. And in framing this narration it will be proper to take care that nothing be said in a confused or distorted manner; that no digression be made to any other subject;

Page 200

that the affair may not be traced too far back, nor carried too far forward; that nothing be passed over which is connected with the business in hand; and altogether the precepts which have been laid down about brevity, must be attended to in this particular also. For it often happens that the truth is but little understood, more by reason of the prolixity of the speaker, than of the obscurity of the statement. And it is desirable to use clear language, which is a point to be dwelt upon when we come to precepts for elocution.

XXI. A narration will be probable, if in it those characteristics are visible which are usually apparent in truth; if the dignity of the persons mentioned is preserved; if the causes of the actions performed are made plain; if it shall appear that there were facilities for performing them; if the time was suitable; if there was plenty of room; if the place is shown to have been suitable for the transaction which is the subject of the narration; if the whole business, in short, be adapted to the nature of those who plead, and to the reports bruited about among the common people, and to the preconceived opinions of those who hear. And if these principles be observed, the narration will appear like the truth.

But besides all this, it will be necessary to take care that such a narration be not introduced when it will be a hindrance, or when it will be of no advantage; and that it be not related in an unseasonable place, or in a manner which the cause does not require. It is a hindrance, when the very narration of what has been done comes at a time that the hearer has conceived great displeasure at something, which it will be expedient to mitigate by argument, and by pleading the whole cause carefully. And when this is the case, it will be desirable rather to scatter the different portions of the transactions limb by limb as it were over the cause, and, as promptly as may be, to adapt them to each separate argument, in order that there may be a remedy at hand for the wound, and that the defence advanced may at once mitigate the hatred which has arisen.

Again, a narration is of no advantage when, after our case has once been set forth by the opposite party, it is of no importance to relate it a second time or in another manner; or when the whole affair is so clearly comprehended by the hearers, as they believe at least that it can do us no good to give them information respecting it in another fashion. And when this is the case, it is best to abstain from any narration altogether. It is uttered in an unseasonable place, when it is not arranged in that part of the speech in which the case requires it, and concerning this kind of blunder we will speak when we come to mention the arrangement of the speech. For it is the general arrangement of the whole that this affects. It is not related in the manner which the cause requires, when either that point which is advantageous to the opposite party is explained in a clear and elegant

Page 201

manner, or when that which may be of benefit to the speaker is stated in an obscure or careless way. Wherefore, in order that this fault may be avoided, everything ought to be converted by the speaker to the advantage of his own cause by passing over all things which make against it which can be passed over, by touching lightly on those points which are beneficial to the adversary, and by relating those which are advantageous to himself carefully and clearly. And now we seem to have said enough about narration. Let us now pass on in regular order to the arrangement of the different topics.

XXII An arrangement of the subjects to be mentioned in an argument, when properly made, renders the whole oration clear and intelligible. There are two parts in such a division, each of which is especially connected with the opening of the cause, and with the arrangement of the whole discussion. One part is that which points out what are the particulars as to which one is in agreement with the opposite party, and also what remains in dispute; and from this there is a certain definite thing pointed out to the hearer, as that to which he should direct his attention. The other part is that in which the explanation of those matters on which we are about to speak, is briefly arranged and pointed out. And this causes the hearer to retain certain things in his mind, so as to understand that when they have been discussed the speech will be ended. At present it seems desirable to mention briefly how it is proper to use each kind of arrangement. And this arrangement points out what is suitable and what is not suitable; its duty is to turn that which is suitable to the advantage of its own side, in this way—"I agree with the opposite party as to the fact, that a mother has been put to death by her son." Again, on the other side.—"We are both agreed that Agamemnon was slain by Clytaemnestra" For in saying this each speaker has laid down that proposition which was suitable, and nevertheless has consulted the advantage of his own side.

In the next place, what the matter in dispute is must be explained, when we come to mention the examination into the excuses which are alleged. And how that is managed has been already stated.

But the arrangement which embraces the properly distributed explanation of the facts, ought to have brevity, completeness, conciseness. Brevity is when no word is introduced which is not necessary. This is useful in this sort of speaking, because it is desirable to arrest the attention of the hearer by the facts themselves and the real divisions of the case, and not by words or extraneous embellishments of diction. Completeness is that quality by which we embrace every sort of argument which can have any connexion with the case concerning which we have got to speak, and in this division we must take care not to omit any useful topic, not to introduce any such too late, out of its natural place, for that is the most pernicious and

Page 202

discreditable error of all. Conciseness in arrangement is preserved if the general classes of facts are clearly laid down, and are not entangled in a promiscuous manner with the subordinate divisions. For a class is that which embraces many subordinate divisions as, “an animal.” A subordinate division is that which is contained in the class as “a horse.” But very often the same thing may be a class to one person, and a subordinate division to another. For “man” is a subordinate division of “animal,” but a class as to “Theban,” or “Trojan.”

XXIII And I have been more careful in laying down this definition, in order that after it has been clearly comprehended with reference to the general arrangement, a conciseness as to classes or genera may be preserved throughout the arrangement. For he who arranges his oration in this manner—“I will prove that by means of the covetousness and audacity and avarice of our adversaries, all sorts of evils have fallen on the republic,” fails to perceive that in this arrangement of his, when he intended to mention only classes, he has joined also a mention of a subordinate division. For covetousness is the general class under which all desires are comprehended, and beyond all question avarice is a subordinate division of that class.

We must therefore avoid, after having mentioned a universal class, then, in the same arrangement, to mention along with it any one of its subordinate divisions, as if it were something different and dissimilar. And if there are many subordinate divisions to any particular class, after that has been simply explained in the first arrangement of the oration, it will be more easily and conveniently arranged when we come to the subsequent explanation in the general statement of the case after the division. And this, too, concerns the subject of conciseness, that we should not undertake to prove more things than there is any occasion for, in this way—“I will prove that the opposite party were able to do what we accuse them of, and had the inclination to do it, and did it.” It is quite enough to prove that they did it. Or when there is no natural division at all in a cause, and when it is a simple question that is under discussion, though that is a thing which cannot be of frequent occurrence, still we must use careful arrangement. And these other precepts also, with respect to the division of subjects which have no such great connexion with the practice of orators, precepts which come into use in treatises in philosophy, from which we have transferred, hither those which appeared to be suitable to our purpose, of which we found nothing in the other arts. And in all these precepts about the division of our subjects, it will throughout our whole speech be found that every portion of them must be discussed in the same order as that in which it has been originally stated, and then, when everything has been properly explained, let the whole be summed up, and summed up so that nothing be introduced subsequently besides the conclusion. The old man in the *Andria* of Terence arranges briefly and conveniently the subjects with which he wishes his freedman to become acquainted—

Page 203

"And thus the life and habits of my son
And my designs respecting his career,
And what I wish your course towards both to be,
Will be quite plain to you."

And accordingly, as he has proposed in his original arrangement, he proceeds to relate, first the life of his son—

"For when, O Sosia, he became a man,
He was allow'd more liberty"

Then comes his own design—

"And now I take great care"

After that, what he wishes Sosia to do; that he put last in his original arrangement he now mentions last—

"And now the part is yours" ...

As, therefore, in this instance, he came first to the portion which he had mentioned first, and so, when he had discussed them all, made an end of speaking, we too ought to advance to each separate portion of our subject, and when we had finished every part, to sum up. Now it appears desirable to proceed in regular order to lay down some precepts concerning the confirmation of our arguments, as the regular order of the subject requires.

XXIV Confirmation is that by means of which our speech proceeding in argument adds belief, and authority, and corroboration to our cause. As to this part there are certain fixed rules which will be divided among each separate class of causes. But it appeals to be not an inconvenient course to disentangle what is not unlike a wood, or a vast promiscuous mass of materials all jumbled together, and after that to point out how it may be suitable to corroborate each separate kind of cause, after we have drawn all our principles of argumentation from this source. All statements are confirmed by some argument or other, either by that which is derived from persons, or by that which is deduced from circumstances. Now we consider that these different things belong to persons, a name, nature, a way of life, fortune, custom, affection, pursuits, intentions, actions, accidents, orations. A name is that which is given to each separate person, so that each is called by his own proper and fixed appellation. To define nature itself is difficult, but to enumerate those parts of it which we require for the laying down of these precepts is more easy.

And these refer partly to that portion of things which is divine, and partly to that which is mortal. Now of things which are mortal one part is classed among the race of men, and



one among the race of brutes: and the race of men is distinguished by sex, whether they be male or female and with respect to their nation, and country, and kindred, and age, with respect to their nation, whether a man be a Greek or a barbarian; with respect to their country, whether a man be an Athenian or a Lacedaemonian; with respect to their kindred, from what ancestors a man is descended, and who are his relations; with respect to his age, whether he is a boy, or a youth, or a full grown man, or an old man. Besides these things, those advantages

Page 204

or disadvantages which come to a man by nature, whether in respect of his mind or his body, are taken into consideration, in this manner:—whether he be strong or weak; whether he be tall or short; whether he be handsome or ugly; whether he be quick in his motions or slow; whether he be clever or stupid; whether he have a good memory, or whether he be forgetful; whether he be courteous, fond of doing kindnesses, modest, patient, or the contrary. And altogether all these things which are considered to be qualities conferred by nature on men's minds or bodies, must be taken into consideration when defining nature. For those qualities which are acquired by industry relate to a man's condition, concerning which we must speak hereafter.

XXV. With reference to a man's way of life it is proper to consider among what men, and in what manner, and according to whose direction he has been brought up; what teachers of the liberal sciences he has had; what admonitors to encourage him to a proper course of life; with what friends he is intimate; in what business, or employment, or gainful pursuit he is occupied; in what manner he manages his estate, and what are his domestic habits. With reference to his fortune we inquire whether he is a slave or a free man; whether he is wealthy or poor; whether he is a private individual or a man in office; if he be in office, whether he has become so properly or improperly; whether he is prosperous, illustrious, or the contrary; what sort of children he has. And if we are inquiring about one who is no longer alive, then we must consider also by what death he died.

But when we speak of a man's habitual condition, we mean his constant and absolute completeness of mind or body, in some particular point—as for instance, his perception of virtue, or of some art, or else some science or other. And we include also some personal advantages not given to him by nature, but procured by study and industry. By affection, we mean a sudden alteration of mind or body, arising from some particular cause, as joy, desire, fear, annoyance, illness, weakness and other things which are found under the same class. But study is the assiduous and earnest application of the mind, applied to some particular object with great good-will, as to philosophy, poetry, geometry, or literature. By counsel, we mean a carefully considered resolution to do or not to do something. But actions, and accidents, and speeches will be considered with reference to three different times; what a man has done, what has happened to him, or what he has said; or what he is doing, or what is happening to him, or what he is saying; or what he is going to do, what is about to happen to him, or what speech he is about to deliver. And all these things appear to be attributable to persons.

Page 205

XXVI. But of the considerations which belong to things, some are connected with the thing itself which is the subject of discussion; some are considered in the performance of the thing; some are united with the thing itself; some follow in the accomplishment of the thing. Those things are connected with the thing itself which appear always to be attached to the thing and which cannot be separated from it. The first of such things is a brief exposition of the whole business, which contains the sum of the entire matter, in this way—"The slaying of a parent;" "the betrayal of a country." Then comes the cause of this general fact; and we inquire by what means, and in what manner, and with what view such and such a thing has been done. After that we inquire what was done before this action under consideration was done, and all the steps which preceded this action. After that, what was done in the very execution of this action. And last of all, what has been done since.

But with reference to the performance of an action, which was the second topic of those which were attributed to things, the place, and the time, and the manner, and the opportunity, and the facilities will be inquired into. The place is taken into consideration in which the thing was done; with reference to the opportunity which the doer seems to have had of executing the business; and that opportunity is measured by the importance of the action, by the interval which has elapsed, by the distance, by the nearness, by the solitude of the place, or by the frequented character of it, by the nature of the spot itself and by the neighbourhood of the whole region. And it is estimated also with reference to these characteristics, whether the place be sacred or not, public or private, whether it belongs or has belonged to some one else, or to the man whose conduct is under consideration.

But the time is, that, I mean, which we are speaking of at the present moment, (for it is difficult to define it in a general view of it with any exactness,) a certain portion of eternity with some fixed limitation of annual or monthly, or daily or nightly space. In reference to this we take into consideration the things which are passed, and those things which, by reason of the time which has elapsed since, have become so obsolete as to be considered incredible, and to be already classed among the number of fables, and those things also which, having been performed a long time ago and at a time remote from our recollection, still affect us with a belief that they have been handed down truly, because certain memorials of those facts are extant in written documents, and those things which have been done lately, so that most people are able to be acquainted with them. And also those things which exist at the present moment, and which are actually taking place now, and which are the consequences of former actions. And with reference to those things it is open to us to consider which will happen

Page 206

sooner, and which later. And also generally in considering questions of time, the distance or proximity of the time is to be taken into account: for it is often proper to measure the business done with the time occupied in doing it, and to consider whether a business of such and such magnitude, or whether such and such a multitude of things, can be performed in that time. And we should take into consideration the time of year, and of the month, and of the day, and of the night, and the watches, and the hours, and each separate portion of any one of these times.

XXVII. An occasion is a portion of time having in it a suitable opportunity for doing or avoiding to do some particular thing. Wherefore there is this difference between it and time. For, as to genus, indeed, they are both understood to be identical; but in time some space is expressed in some manner or other, which is regarded with reference to years, or to a year, or to some portion of a year, but in an occasion, besides the space of time implied in the word, there is indicated an especial opportunity of doing something. As therefore the two are identical in genus it is some portion and species as it were, in which the one differs, as we have said, from the other.

Now occasion is distributed into three classes, public, common and singular. That is a public occasion, which the whole city avails itself of for some particular cause, as games, a day of festival, or war. That is a common occasion which happens to all men at nearly the same time, as the harvest, the vintage, summer, or winter. That is a singular occasion, which, on account of some special cause, happens at times to some private individuals, as for instance, a wedding, a sacrifice, a funeral, a feast, sleep.

But the manner, also, is inquired into, in what manner, how, and with what design the action was done? Its parts are, the doer knowing what he was about, and not knowing. But the degree of his knowledge is measured by these circumstances whether the doer did his action secretly, openly, under compulsion or through persuasion. The fact of the absence of knowledge is brought forward as an excuse, and its parts are actual ignorance, accident, necessity. It is also attributed to agitation of mind, that is, to annoyance, to passion to love, and to other feelings of a similar class. Facilities, are those circumstances owing to which a thing is done more easily, or without which a thing cannot be done at all.

XXVIII. And it is understood that there is added to the general consideration of the whole matter, the consideration what is greater than and what is less than, and what is like the affair which is under discussion, and what is equally important with it, and what is contrary to it, and what is negatively opposed to it, and the whole classification of the affair, and the divisions of it, and the ultimate result. The cases of greater, and less and equally important, are considered with reference to the power, and number and form of the business, as if we were regarding the stature of a human body.

Page 207

Now what is similar arises out of a species admitting of comparisons. Now what admits of comparisons is estimated by a nature which may be compared with it, and likened to it. What is contrary, is what is placed in a different class and is as distant as possible from that thing to which it is called contrary, as cold is from heat and death from life. But that is negatively opposed to a thing which is separated from the thing by an opposition which is limited to a denial of the quality; in this way, "to be wise," and "not to be wise." That is a genus which embraces several species, as "Cupidity." That is a species which is subordinate to a genus, as "Love," "Avarice." The Result is the ultimate termination of any business; in which it is a common inquiry, what has resulted from each separate fact; what is resulting from it; what is likely to result from it. Wherefore, in order that that which is likely to happen may be more conveniently comprehended in the mind with respect to this genus, we ought first to consider what is accustomed to result from every separate circumstance; in this manner:—From arrogance, hatred usually results; and from insolence, arrogance.

The fourth division is a natural consequence from those qualities, which we said were usually attributed to things in distinction from persons. And with respect to this, those circumstances are sought for which ensue from a thing being done. In the first place, by what name it is proper that that which has been done should be called. In the next place, who have been the chief agents in, or originators of that action; and last of all, who have been the approvers and the imitators of that precedent and of that discovery. In the next place, whether there is any regular usage established with regard to that case, or whether there is any regular rule bearing on that case, or any regular course of proceeding, any formal decision, any science reduced to rules, any artificial system. In the next place, whether its nature is in the habit of being ordinarily displayed, or whether it is so very rarely, and whether it is quite unaccustomed to be so. After that, whether men are accustomed to approve of such a case with their authority, or to be offended at such actions; and with what eyes they look upon the other circumstances which are in the habit of following any similar conduct, either immediately or after an interval. And in the very last place, we must take notice whether any of those circumstances which are rightly classed under honesty or utility ensue. But as to these matters it will be necessary to speak more clearly when we come to mention the deliberative kind of argument. And the circumstances which we have now mentioned are those which are usually attributed to things as opposed to persons.

Page 208

XXIX. But all argumentation, which can be derived from those topics which we have mentioned, ought to be either probable or unavoidable. Indeed, to define it in a few words, argumentation appears to be an invention of some sort, which either shows something or other in a probable manner, or demonstrates it in an irrefutable one. Those things are demonstrated irrefutably which can neither be done nor proved in any other manner whatever than that in which they are stated; in this manner:—"If she has had a child, she has lain with a man." This sort of arguing, which is conversant with irrefutable demonstration, is especially used in speaking in the way of dilemma, or enumeration, or simple inference.

Dilemma is a case in which, whichever admission you make, you are found fault with. For example:—"If he is a worthless fellow, why are you intimate with him? If he is an excellent man, why do you accuse him?" Enumeration is a statement in which, when many matters have been stated and all other arguments invalidated, the one which remains is inevitably proved; in this manner:—"It is quite plain that he was slain by this man, either because of his enmity to him, or some fear, or hope, which he had conceived, or in order to gratify some friend of his; or, if none of these alternatives are true, then that he was not slain by him at all; for a great crime cannot be undertaken without a motive. But he had no quarrel with him, nor fear of him, nor hope of any advantage to be gained by his death, nor did his death in the least concern any friend of his. It remains, therefore, that he was not slain by him at all." But a simple inference is declared from a necessary consequence, in this way:—"If you say that I did that at that time, at that time I was beyond the sea; it follows, that I not only did not do what you say I did, but that it was not even possible for me to have done it." And it will be desirable to look to this very carefully, in order that this sort of inference may not be refuted in any manner, so that the proof may not only have some sort of argument in it, and some resemblance to an unavoidable conclusion, but that the very argument itself may proceed on irrefutable reasons.

But that is probable which is accustomed generally to take place, or which depends upon the opinion of men, or which contains some resemblance to these properties, whether it be false or true. In that description of subject the most usual probable argument is something of this sort:—"If she is his mother, she loves her son." "If he is an avaricious man, he neglects his oath." But in the case which depends mainly on opinion, probable arguments are such as this: "That there are punishments prepared in the shades below for impious men."—"That those men who give their attention to philosophy do not think that there are gods."

XXX. But resemblance is chiefly seen in things which are contrary to one another, or equal to one another, and in those things which fall under the same principle. In things contrary to one another, in this manner:—"For if it is right that those men should be pardoned who have injured me unintentionally, it is also fitting that one should feel no gratitude towards those who have benefited me because they could not help it."

Page 209

In things equal to one another, in this way:—"For as a place without a harbour cannot be safe for ships, so a mind without integrity cannot be trustworthy for a man's friends." In those things which fall under the same principle a probable argument is considered in this way:—"For if it be not discreditable to the Rhodians to let out their port dues, then it is not discreditable even to Hermacreon to rent them." Then these arguments are true, in this manner:—"Since there is a scar, there has been a wound." Then they are probable, in in this way:—"If there was a great deal of dust on his shoes, he must have come off a journey." But (in order that we may arrange this matter in certain definite divisions) every probable argument which is assumed for the purpose of discussion, is either a proof, or something credible, or something already determined; or something which may be compared with something else.

That is a proof which falls under some particular sense, and which indicates something which appears to have proceeded from it, which either existed previously, or was in the thing itself, or has ensued since, and, nevertheless, requires the evidence of testimony, and a more authoritative confirmation,—as blood, flight, dust, paleness, and other tokens like these. That is a credible statement which, without any witness being heard, is confirmed in the opinion of the hearer; in this way:—There is no one who does not wish his children to be free from injury, and happy. A case decided beforehand, is a matter approved of by the assent, or authority, or judgment of some person or persons. It is seen in three kinds of decision;—the religious one, the common one, the one depending on sanction. That is a religious one, which men on their oaths have decided in accordance with the laws. That is a common one, which all men have almost in a body approved of and adopted; in this manner:—"That all men should rise up on the appearance of their elders; That all men should pity suppliants." That depends on sanction, which, as it was a doubtful point what ought to be considered its character, men have established of their own authority; as, for instance, the conduct of the father of Gracchus, whom the Roman people made consul after his censorship, because he had done nothing in his censorship without the knowledge of his colleague.

But that is a decision admitting of comparisons, which in a multitude of different circumstances contains some principle which is alike in all. Its parts are three,—representation, collation, example. A Representation is a statement demonstrating some resemblance of bodies or natures; Collation is a statement comparing one thing with another, because of their likeness to one another; Example is that which confirms or invalidates a case by some authority, or by what has happened to some man, or under some especial circumstances. Instances of these things, and descriptions of them, will be given amid the precepts for oratory.

Page 210

And the source of all confirmations has been already explained as occasion offered, and has been demonstrated no less clearly than the nature of the case required. But how each separate statement, and each part of a statement, and every dispute ought to be handled,—whether we refer to verbal discussion or to writings,—and what arguments are suitable for each kind of discussion, we will mention, speaking separately of each kind, in the second book. At present we have only dropped hints about the numbers, and moods, and parts of arguing in an irregular and promiscuous manner; hereafter we will digest (making careful distinctions between and selections from each kind of cause) what is suitable for each kind of discussion, culling it out of this abundance which we have already displayed.

And indeed every sort of argument can be discovered from among these topics; and that, when discovered, it should be embellished, and separated in certain divisions, is very agreeable, and highly necessary, and is also a thing which has been greatly neglected by writers on this art. Wherefore at this present time it is desirable for us to speak of that sort of instruction, in order that perfection of arguing may be added to the discovery of proper arguments. And all this topic requires to be considered with great care and diligence, because there is not only great usefulness in this matter, but there is also extreme difficulty in giving precepts.

XXXI. All argumentation, therefore, is to be carried on either by induction, or by ratiocination. Induction is a manner of speaking which, by means of facts which are not doubtful, forces the assent of the person to whom it is addressed. By which assent it causes him even to approve of some points which are doubtful, on account of their resemblance to those things to which he has assented; as in the Aeschines of Socrates, Socrates shows that Aspasia used to argue with Xenophon's wife, and with Xenophon himself. "Tell me, I beg of you, O you wife of Xenophon, if your neighbour has better gold than you have, whether you prefer her gold or your own?" "Hers," says she. "Suppose she has dresses and other ornaments suited to women, of more value than those which you have, should you prefer your own or hers?" "Hers, to be sure," answered she. "Come, then," says Aspasia, "suppose she has a better husband than you have, should you then prefer your own husband or hers?" On this the woman blushed.

But Aspasia began a discourse with Xenophon himself. "I ask you, O Xenophon," says she, "if your neighbour has a better horse than yours is, whether you would prefer your own horse or his?" "His," says he. "Suppose he has a better farm than you have, which farm, I should like to know, would you prefer to possess?" "Beyond all doubt," says he, "that which is the best." "Suppose he has a better wife than you have, would you prefer his wife?" And on this Xenophon himself was silent. Then spake Aspasia,—“Since

Page 211

each of you avoids answering me that question alone which was the only one which I wished to have answered, I will tell you what each of you are thinking of; for both you, O woman, wish to have the best husband, and you, O Xenophon, most exceedingly desire to have the most excellent wife. Wherefore, unless you both so contrive matters that there shall not be on the whole earth a more excellent man or a more admirable woman, then in truth you will at all times desire above all things that which you think to be the best thing in the world, namely, that you, O Xenophon, may be the husband of the best possible wife; and you, O woman, that you may be married to the most excellent husband possible." After they had declared their assent to these far from doubtful propositions, it followed, on account of the resemblance of the cases, that if any one had separately asked them about some doubtful point, that also would have been admitted as certain, on account of the method employed in putting the question.

This was a method of instruction which Socrates used to a great extent, because he himself preferred bringing forward no arguments for the purpose of persuasion, but wished rather that the person with whom he was disputing should form his own conclusions from arguments with which he had furnished himself, and which he was unavoidably compelled to approve of from the grounds which he had already assented to.

XXXII. And with reference to this kind of persuasion, it appears to me desirable to lay down a rule, in the first place, that the argument which we bring forward by way of simile, should be such that it is impossible to avoid admitting it. For the premiss on account of which we intend to demand that that point which is doubtful shall be conceded to us, ought not to be doubtful itself. In the next place, we must take care that that point, for the sake of establishing which the induction is made, shall be really like those things which we have adduced before as matters admitting of no question. For it will be of no service to us that something has been already admitted, if that for the sake of which we were desirous to get that statement admitted be unlike it; so that the hearer may not understand what is the use of those original inductions, or to what result they tend.

For the man who sees that, if he is correct in giving his assent to the thing about which he is first asked, that thing also to which he does not agree must unavoidably be admitted by him, very often will not allow the examination to proceed any further, either by not answering at all, or by answering wrongly. Wherefore it is necessary that he should, by the method in which the inquiry is conducted, be led on without perceiving it, from the admissions which he has already made, to admit that which he is not inclined to admit, and at last he must either decline to give an answer, or he must admit what is wanted, or he must deny it. If the proposition be denied, then we must either show its resemblance to those things which have been already admitted or we must employ some other induction. If it be granted, then the argumentation may be brought to a

close. If he keeps silence, then an answer must be extracted, or, since silence is very like a confession, it may be as well to bring the discussion to a close, taking the silence to be equivalent to an admission.

Page 212

And so this kind of argumentation is threefold. The first part consists of one simile, or of several, the second, of that which we desire to have admitted, for the sake of which the similes have been employed, the third proceeds from the conclusion which either establishes the admissions which have been made or points out what may be established from it.

XXXIII But because it will not appear to some people to have been explained with sufficient clearness, unless we submit some instance taken from the civil class of causes, it seems desirable to employ some example of this sort, not because the rules to be laid down differ, or because it is expedient to employ such differently in this sort of discussion from what we should in ordinary discourse, but in order to satisfy the desire of those men, who, though they may have seen something in one place, are unable to recognise it in another unless it be proved. Therefore in this cause which is very notorious among the Greeks, that of Epaminondas, the general of the Thebans, who did not give up his army to the magistrate who succeeded him in due course of law, and when he himself had retained his army a few days contrary to law, he utterly defeated the Lacedaemonians, the accuser might employ an argumentation by means of induction, while defending the letter of the law in opposition to its spirit, in this way:—

“If, O judges, the framer of the law had added to his law what Epaminondas says that he intended, and had subjoined the exception ‘except where any one has omitted to deliver up his army for the advantage of the republic,’ would you have endured it? I think not. And if you yourselves, (though, such a proceeding is very far from your religious habits and from your wisdom,) for the sake of doing honour to this man, were to order the same exception to be subjoined to the law, would the Theban people endure that such a thing should be done? Beyond all question it would not endure it. Can it possibly then appear to you that that which would be scandalous if it were added to a law, should be proper to be done just as if it had been added to the law? I know your acuteness well; it cannot seem so to you, O judges. But if the intention of the framer of the law cannot be altered as to its expressions either by him or by you, then beware lest it should be a much more scandalous thing that that should be altered in fact, and by your decision, which cannot be altered in one single word.”

And we seem now to have said enough for the present respecting induction. Next, let us consider the power and nature of ratiocination.

XXXIV. Ratiocination is a sort of speaking, eliciting something probable from the fact under consideration itself, which being explained and known of itself, confirms itself by its own power and principles.

Page 213

Those who have thought it profitable to pay diligent attention to this kind of reasoning, have differed a little in the manner in which they have laid down rules, though they were aiming at the same end as far as the practice of speaking went. For some of them have said that there are five divisions of it, and some have thought that it had no more parts than could be arranged under three divisions. And it would seem not useless to explain the dispute which exists between these parties, with the reasons which each allege for it; for it is a short one, and not such that either party appears to be talking nonsense. And this topic also appears to us to be one that it is not at all right to omit in speaking.

Those who think that it ought to be arranged in five divisions, say that first of all it is desirable to explain the sum of the discussion, in this way:—Those things are better managed which are done on some deliberate plan, than those which are conducted without any steady design. This they call the first division. And then they think it right that it should be further proved by various arguments, and by as copious statements as possible; in this way:—“That house which is governed by reason is better appointed in all things, and more completely furnished, than that which is conducted at random, and on no settled plan;—that army which is commanded by a wise and skilful general, is governed more suitably in all particulars than that which is managed by the folly and rashness of any one. The same principle prevails with respect to sailing; for that ship performs its voyage best which has the most experienced pilot.”

When the proposition has been proved in this manner, and when two parts of the ratiocination have proceeded, they say in the third part, that it is desirable to assume, from the mere intrinsic force of the proposition, what you wish to prove; in this way:—“But none of all those things is managed better than the entire world.” In the fourth division they adduce besides another argument in proof of this assumption, in this manner:—“For both the rising and setting of the stars preserve some definite order, and their annual commutations do not only always take place in the same manner by some express necessity, but they are also adapted to the service of everything, and their daily and nightly changes have never injured anything in any particular from being altered capriciously.” And all these things are a token that the nature of the world has been arranged by no ordinary wisdom. In the fifth division they bring forward that sort of statement, which either adduces that sort of fact alone which is compelled in every possible manner, in this way:—“The world, therefore, is governed on some settled plan;” or else, when it has briefly united both the proposition and the assumption, it adds this which is derived from both of them together, in this way:—“But if those things are managed better which are conducted on a settled plan, than those which are conducted without such settled plan; and if nothing whatever is managed better than the entire world; therefore it follows that the world is managed on a settled plan.” And in this way they think that such argumentation has five divisions.

Page 214

XXXV. But those who affirm that it has only three divisions, do not think that the argumentation ought to be conducted in any other way, but they find fault with this arrangement of the divisions. For they say that neither the proposition nor the assumption ought to be separated from their proofs; and that a proposition does not appear to be complete, nor an assumption perfect, which is not corroborated by proof. Therefore, they say that what those other men divide into two parts, proposition and proof, appears to them one part only, namely proposition. For if it be not proved, the proposition has no business to make part of the argumentation. In the same way they say that that which those other men call the assumption, and the proof of the assumption, appears to them to be assumption only. And the result is, that the whole argumentation being treated in the same way, appears to some susceptible of five divisions, and to others of only three; so that the difference does not so much affect the practice of speaking, as the principles on which the rules are to be laid down.

But to us that arrangement appears to be more convenient which divides it under five heads; and that is the one which all those who come from the school of Aristotle, or of Theophrastus, have chiefly followed. For as it is chiefly Socrates and the disciples of Socrates who have employed that former sort of argumentation which goes on induction, so this which is wrought up by ratiocination has been exceedingly practised by Aristotle, and the Peripatetics, and Theophrastus; and after them by those rhetoricians who are accounted the most elegant and the most skilful. And it seems desirable to explain why that arrangement is more approved of by us, that we may not appear to have adopted it capriciously; at the same time we must be brief in the explanation, that we may not appear to dwell on such subjects longer than the general manner of laying down rules requires.

XXXVI. If in any sort of argumentation it is sufficient to use a proposition by itself, and if it is not requisite to add proof to the proposition; but if in any sort of argumentation a proposition is of no power unless proof be added to it; then proof is something distinct from the proposition. For that which can be joined to a thing or separated from it, cannot possibly be the same thing with that to which it is joined or from which it is separated. But there is a certain kind of argumentation in which the proposition does not require confirmatory proof, and also another kind in which it is of no use at all without such proof, as we shall show. Proof, then, is a thing different from a proposition. And we will demonstrate that point which we have promised to show in this way:—The proposition which contains in itself something manifest, because it is unavoidable that that should be admitted by all men, has no necessity for our desiring to prove and corroborate it.

Page 215

It is a sort of statement like this:—"If on the day on which that murder was committed at Rome, I was at Athens, I could not have been present at that murder." Because this is manifestly true, there is no need to adduce proof of it; wherefore, it is proper at once to assume the fact, in this way:—"But I was at Athens on that day." If this is not notorious, it requires proof; and when the proof is furnished the conclusion must follow:—"Therefore I could not have been present at the murder." There is, therefore, a certain kind of proposition which does not require proof. For why need one waste time in proving that there is a kind which does require proof; for that is easily visible to all men. And if this be the case, from this fact, and from that statement which we have established, it follows that proof is something distinct from a proposition. And if it is so, it is evidently false that argumentation is susceptible of only three divisions.

In the same manner it is plain that there is another sort of proof also which is distinct from assumption. For if in some sort of argumentation it is sufficient to use assumption, and if it is not requisite to add proof to the assumption; and if, again, in some sort of argumentation assumption is invalid unless proof be added to it; then proof is something separate and distinct from assumption. But there is a kind of argumentation in which assumption does not require proof; and a certain other kind in which it is of no use without proof; as we shall show. Proof, then, is a thing distinct from assumption. And we will demonstrate that which we have promised to in this manner.

That assumption which contains a truth evident to all men has no need of proof. That is an assumption of this sort:—"If it be desirable to be wise, it is proper to pay attention to philosophy." This proposition requires proof. For it is not self-evident. Nor is it notorious to all men, because many think that philosophy is of no service at all, and some think that it is even a disservice. A self-evident assumption is such as this:—"But it is desirable to be wise." And because this is of itself evident from the simple fact, and is at once perceived to be true, there is no need that it be proved. Wherefore, the argumentation may be at once terminated:—"Therefore it is proper to pay attention to philosophy." There is, therefore, a certain kind of assumption which does not stand in need of proof; for it is evident that is a kind which does. Therefore, it is false that argumentation is susceptible of only a threefold division.

Page 216

XXXVII. And from these considerations that also is evident, that there is a certain kind of argumentation in which neither proposition nor assumption stands in need of proof, of this sort, that we may adduce something undoubted and concise, for the sake of example. “If wisdom is above all things to be desired, then folly is above all things to be avoided; but wisdom is to be desired above all things, therefore folly is above all things to be avoided.” Here both the assumption and the proposition are self-evident, on which account neither of them stands in need of proof. And from all these facts it is manifest that proof is at times added, and at times is not added. From which it is palpable that proof is not contained in a proposition, nor in an assumption, but that each being placed in its proper place, has its own peculiar force fixed and belonging to itself. And if that is the case, then those men have made a convenient arrangement who have divided argumentation into five parts.

Are there five parts of that argumentation which is carried on by ratiocination? First of all, proposition, by which that topic is briefly explained from which all the force of the ratiocination ought to proceed. Then the proof of the proposition, by which that which has been briefly set forth being corroborated by reasons, is made more probable and evident. Then assumption, by which that is assumed which, proceeding from the proposition, has its effect on proving the case. Then the proof of the assumption, by which that which has been assumed is confirmed by reasons. Lastly, the summing up, in which that which results from the entire argumentation is briefly explained. So the argumentation which has the greatest number of divisions consists of these five parts.

The second sort of argumentation has four divisions; the third has three. Then there is one which has two; which, however, is a disputed point. And about each separate division it is possible that some people may think that there is room for a discussion.

XXXVIII. Let us then bring forward some examples of those matters which are agreed upon. And in favour of those which are doubtful, let us bring forward some reasons. Now the argumentation which is divided into five divisions is of this sort:—It is desirable, O judges, to refer all laws to the advantage of the republic, and to interpret them with reference to the general advantage, and according to the strict wording according to which they are drawn up. For our ancestors were men of such virtue and such wisdom, that when they were drawing up laws, they proposed to themselves no other object than the safety and advantage of the republic; for they were neither willing themselves to draw up any law which could be injurious; and if they had drawn up one of such a character, they were sure that it would be rejected when its tendency was perceived. For no one wishes to preserve the laws for the sake of the laws, but

Page 217

for the sake of the republic; because all men believe that the republic is best managed by means of laws. It is desirable, therefore, to interpret all written laws with reference to that cause for the sake of which it is desirable that the laws should be preserved. That is to say, since we are servants of the republic, let us interpret the laws with reference to the advantage and benefit of the republic. For as it is not right to think that anything results from medicine except what has reference to the advantage of the body, since it is for the sake of the body that the science of medicine has been established; so it is desirable to think that nothing proceeds from the laws except what is for the advantage of the republic, since it is for the sake of the republic that laws were instituted.

Therefore, while deciding on this point, cease to inquire about the strict letter of the law, and consider the law (as it is reasonable to do) with reference to the advantage of the republic. For what was more advantageous for the Thebans than for the Lacedaemonians to be put down? What object was Epaminondas, the Theban general, more bound to aim at than the victory of the Thebans? What had he any right to consider more precious or more dear to him, than the great glory then acquired by the Thebans, than such an illustrious and magnificent trophy? Surely, disregarding the letter of the law, it became him to consider the intention of the framer of the law. And this now has been sufficiently insisted on, namely, that no law has ever been drawn up by any one, that had not for its object the benefit of the commonwealth. He then thought that it was the very extremity of madness, not to interpret with reference to the advantage of the republic, that which had been framed for the sake of the safety of the republic. And it is right to interpret all laws with reference to the safety of the republic; and if he was a great instrument of the safety of the republic, certainly it is quite impossible that he by one and the same action should have consulted the general welfare, and yet should have violated the laws.

XXXIX. But argumentation consists of four parts, when we either advance a proposition, or claim an assumption without proof. That it is proper to do when either the proposition is understood by its own merits, or when the assumption is self-evident and is in need of no proof. If we pass over the proof of the proposition, the argumentation then consists of four parts, and is conducted in this manner:—"O judges, you who are deciding on your oaths, in accordance with the law, ought to obey the laws; but you cannot obey the laws unless you follow that which is written in the law. For what more certain evidence of his intention could the framer of a law leave behind him, than that which he himself wrote with great care and diligence? But if there were no written documents, then we should be very anxious for them, in order that the intention of the framer of the law might be

Page 218

ascertained; nor should we permit Epaminondas, not even if he were beyond the power of this tribunal, to interpret to us the meaning of the law; much less will we now permit him, when, the law is at hand, to interpret the intention of the lawgiver, not from that which is most clearly written, but from that which is convenient for his own cause. But if you, O judges, are bound to obey the laws, and if you are unable to do so unless you follow what is written in the law; what can hinder your deciding that he has acted contrary to the laws?"

But if we pass over the proof of the assumption, again the argumentation will be arranged under four heads, in this manner:—"When men have repeatedly deceived us, having pledged their faith to us, we ought not to give credit to anything that they say for if we receive any injury; in consequence of their perfidy, there will be no one except ourselves whom we shall have any right to accuse. And in the first place, it is inconvenient to be deceived, in the next place, it is foolish, thirdly, it is disgraceful. But the Carthaginians have before this deceived us over and over again. It is therefore the greatest insanity to rest any hopes on their good faith, when you have been so often deceived by their treachery."

When the proof both of the proposition and of the assumption is passed over, the argumentation becomes threefold only, in this way—"We must either live in fear of the Carthaginians if we leave them with their power undiminished, or we must destroy their city. And certainly it is not desirable to live in fear of them. The only remaining alternative then is to destroy their city."

XL But some people think that it is both possible and advisable at times to pass over the summing up altogether, when it is quite evident what is effected by ratiocination. And then if that be done they consider that the argumentation is limited to two divisions, in this way—"If she has had a child she is not a virgin. But she has had a child." In this case they say it is quite sufficient to state the proposition and assumption, since it is quite plain that the matter which is here stated is such as does not stand in need of summing up. But to us it seems that all ratiocination ought to be terminated in proper form and that that defect which offends them is above all things to be avoided namely, that of introducing what is self evident into the summing up.

But this will be possible to be effected if we come to a right understanding of the different kinds of summing up. For we shall either sum up in such a way as to unite together the proposition and the assumption, in this way—"But if it is right for all laws to be referred to the general advantage of the republic, and if this man ensured the safety of the republic, undoubtedly he cannot by one and the same action have consulted the general safety and yet have violated the laws,"—or thus, in order that the opinion we advocate may be

Page 219

established by arguments drawn from contraries, in this manner—"It is then the very greatest madness to build hopes on the good faith of those men by whose treachery you have been so repeatedly deceived,"—or so that that inference alone be drawn which is already announced, in this manner—"Let us then destroy their city,"—or so that the conclusion which is desired must necessarily follow from the assertion which has been established, in this way—"If she has had a child, she has laid with a man. But she has had a child." This then is established. "Therefore she has lain with a man." If you are unwilling to draw this inference, and prefer inferring what follows, "Therefore she has committed incest," you will have terminated your argumentation but you will have missed an evident and natural summing up.

Wherefore in long argumentations it is often desirable to draw influences from combinations of circumstances, or from contraries. And briefly to explain that point alone which is established, and in those in which the result is evident, to employ arguments drawn from consequences. But if there are any people who think that argumentation ever consists of one part alone they will be able to say that it is often sufficient to carry-on an argumentation in this way.—"Since she has had a child, she has lain with a man." For they say that this assertion requires no proof, nor assumption, nor proof of an assumption, nor summing up. But it seems to us that they are misled by the ambiguity of the name. For argumentation signifies two things under one name, because any discussion respecting anything which is either probable or necessary is called argumentation, and so also is the systematic polishing of such a discussion.

When then they bring forward any statement of this kind,—"Since she has had a child, she has lain, with a man," they bring forward a plain assertion, not a highly worked up argument, but we are speaking of the parts of a highly worked up argument.

XLI. That principle then has nothing to do with this matter. And with the help of this distinction we will remove other obstacles which seem to be in the way of this classification, if any people think that it is possible that at times the assumption may be omitted, and at other times the proposition, and if this idea has in it anything probable or necessary, it is quite inevitable that it must affect the hearer in some great degree. And if it were the only object in view, and if it made no difference in what manner that argument which had been projected was handled, it would be a great mistake to suppose that there is such a vast difference between the greatest orators and ordinary ones.

Page 220

But it will be exceedingly desirable to infuse variety into our speech, for in all cases sameness is the mother of satiety. That will be able to be managed if we not always enter upon our argumentation in a similar manner. For in the first place it is desirable to distinguish our orations as to their kinds, that is to say, at one time to employ induction, and at another ratiocination. In the next place, in the argumentation itself, it is best not always to begin with the proposition, nor in every case to employ all the five divisions, nor always to work up the different parts in the same manner, but it is permissible sometimes to begin with the assumption, sometimes with one or other of the proofs, sometimes with both, sometimes to employ one kind of summing up, and sometimes another. And in order that this variety may be seen, let us either write, or in any example whatever let us exercise this same principle with respect to those things which we endeavour to prove, that our task may be as easy as possible.

And concerning the parts of the argumentation it seems to us that enough has been said. But we wish to have it understood that we hold the doctrine that argumentations are handled in philosophy in many other manners, and those too at times obscure ones, concerning which, however, there is still some definite system laid down. But still those methods appear to us to be inconsistent with the practice of an orator. But as to those things which we think belong to orators, we do not indeed undertake to say that we have attended to them more carefully than others have, but we do assert that we have written on them with more accuracy and diligence. At present let us go on in regular order to the other points, as we originally proposed.

XLII. Reprehension is that by means of which the proof adduced by the opposite party is invalidated by arguing, or is disparaged, or is reduced to nothing. And this sort of argument proceeds from the same source of invention which confirmation employs, because whatever the topics may be by means of which any statement can be confirmed, the very same may be used in order to invalidate it. For nothing is to be considered in all these inventions, except that which has been attributed to persons or to things. Wherefore it will be necessary that the invention and the high polish which ought to be given to argumentation must be transferred to this part of our oration also from those rules which have been already laid down. But in order that we may give some precepts with reference to this part also, we will explain the different methods of reprehension, and those who observe them will more easily be able to do away with or invalidate those statements which are made on the opposite side.

Page 221

All argumentation is reprehended when anything, whether it be one thing only, or more than one of those positions which are assumed, is not granted, or if, though they are granted, it is denied that the conclusion legitimately follows from them, or if it is shown that the very kind of argumentation is faulty, or if in opposition to one form and reliable sort of argumentation another is employed which is equally firm and convincing. Something of those positions which have been assumed is not granted when either that thing which the opposite party says is credible is denied to be such, or when what they think admits of a comparison with the present case is shown to be unlike it, or when what has been already decided is either turned aside as referring to something else, or is impeached as having been erroneously decided, or when that which the opposite party have called a proof is denied to be such, or if the summing up is denied in some one point or in every particular, or if it is shown that the enumeration of matters stated and proved is incorrect, or if the simple conclusion is proved to contain something false. For everything which is assumed for the purpose of arguing on, whether as necessary or as only probable, must inevitably be assumed from these topics, as we have already pointed out.

XLIII. What is assumed as something credible is invalidated, if it is either manifestly false, in this way:—"There is the one who would not prefer riches to wisdom." Or on the opposite side something credible may be brought against it, in this manner—"Who is there who is not more desirous of doing his duty than of acquiring money?" Or it may be utterly and absolutely incredible, as if some one, who it is notorious is a miser, were to say that he had neglected the acquisition of some large sum of money for the sake of performing some inconsiderable duty. Or if that which happens in some circumstances, and to some persons, were asserted to happen habitually in all cases and to everybody, in this way.—'Those men who are poor have a greater regard for money than for duty.' 'It is very natural that a murder should have been committed in that which is a desert place.' How could a man be murdered in a much frequented place? Or if a thing which is done seldom is asserted never to be done at all, as Curius asserts in his speech in behalf of Fulvius, where he says, "No one can fall in love at a single glance, or as he is passing by."

But that which is assumed as a proof may be invalidated by a recurrence to the same topics as those by which it is sought to be established. For in a proof the first thing to be shown is that it is true, and in the next place, that it is one especially affecting the matter which is under discussion, as blood is a proof of murder in the next place, that that has been done which ought not to have been, or that has not been done which ought to have been and last of all, that the person accused was acquainted with the

Page 222

law and usages affecting the matter which is the subject of inquiry. For all these circumstance are matters requiring proof, and we will explain them more carefully, when we come to speak about conjectural statements separately. Therefore, each of these points in a reprehension of the statement of the adversary must be laboured, and it must be shown either that such and such a thing is no proof, or that it is an unimportant proof, or that it is favourable to oneself rather than to the adversary, or that it is altogether erroneously alleged, or that it may be diverted so as to give grounds to an entirely different suspicion.

XLIV. But when anything is alleged as a proper object of comparison, since that is a class of argument which turns principally on resemblance, in reprehending the adversity it will be advisable to deny that there is any resemblance at all to the case with which it is attempted to institute the comparison. And that may be done if it be proved to be different in genus or in nature, or in power, or in magnitude, or in time or place, or with reference to the person affected, or to the opinions generally entertained of it. And if it be shown also in what classification that which is brought forward on account of the alleged resemblance and in what place too the whole genus with reference to which it is brought forward, ought to be placed. After that it will be pointed out how the one thing differs from the other, from which we shall proceed to show that a different opinion ought to be entertained of that which is brought forward by way of comparison, and of that to which it is sought to be compared. And this sort of argument we especially require when that particular argumentation which is carried on by means of induction is to be reprehended. If any previous decision be alleged, since these are the topics by which it is principally established, the praise of those who have delivered such decision, the resemblance of the matter which is at present under discussion to that which has already been the subject of the decision referred to, that not only the decision is not found fault with because it is mentioned, but that it is approved of by every one, and by showing too, that the case which has been already decided is a more difficult and a more important one than that which is under consideration now. It will be desirable also to invalidate it by arguments drawn from the contrary topics, if either truth or probability will allow us to do so. And it will be necessary to take care and notice whether the matter which has been decided has any real connexion with that which is the present subject of discussion, and we must also take care that no case is adduced in which any error has been committed, so that it should seem that we are passing judgment on the man himself who has delivered the decision referred to.

It is desirable further to take care that they do not bring forward some solitary or unusual decision when there have been many decisions given the other way. For by such means as this the authority of the decision alleged can be best invalidated. And it is desirable that those arguments which are assumed as probable should be handled in this way.

Page 223

XLV. But those which are brought forward as necessary, if they are only imitations of a necessary kind of argumentation and are not so in reality, may be reprehended in this manner. In the first place, the summing up, which ought to take away the force of the admissions you have made if it be a correct one, will never be reprehended, if it be an incorrect one it may be attacked by two methods, either by conversion or by the invalidating one portion of it. By conversion, in this way.

“For if the man be modest, why should you
Attack so good a man? And if his heart
And face be seats of shameless impudence,
Then what avails your accusation
Of one who views all fame with careless eye?”

In this case, whether you say that he is a modest man or that he is not, he thinks that the unavoidable inference is that you should not accuse him. But that may be reprehended by conversion thus—“But indeed, he ought to be accused, for if he be modest, accuse him, for he will not treat your imputations against him lightly, but if he has a shameless disposition of mind, still accuse him, for in that case he is not a respectable man.”

And again, the argument may be reprehended by an invalidating of the other part of it —“But if he is a modest man, when he has been corrected by your accusation he will abandon his error.” An enumeration of particulars is understood to be faulty if we either say that something has been passed over which we are willing to admit, or if some weak point has been included in it which can be contradicted, or if there is no reason why we may not honestly admit it. Something is passed over in such an enumeration as this.—“Since you have that horse, you must either have bought it, or have acquired it by inheritance, or have received it as a gift, or he must have been born on your estate, or, if none of these alternatives of the case, you must have stolen it. But you did not buy it, nor did it come to you by inheritance, nor was it foaled on your estate, nor was it given to you as a present, therefore you must certainly have stolen it.”

This enumeration is fairly reprehended, if it can be alleged that the horse was taken from the enemy, as that description of booty is not sold. And if that be alleged, the enumeration is disproved, since that matter has been stated which was passed over in such enumeration.

XLVI. But it will also be reprehended in another manner, if any contradictory statement is advanced; that is to say, just by way of example, if, to continue arguing from the previous case, it can be shown that the horse did come to one by inheritance, or if it should not be discreditable to admit the last alternative, as if a person, when his adversaries said,—“You were either laying an ambush against the owner, or you were influenced by a friend, or you were carried away by covetousness,” were to confess that he was complying with the entreaties of his friend.

Page 224

But a simple conclusion is reprehended if that which follows does not appear of necessity to cohere with that which has gone before. For this very proposition, "If he breathes, he is alive," "If it is day, it is light," is a proposition of such a nature that the latter statement appears of necessity to cohere with the preceding one. But this inference, "If she is his mother, she loves him," "If he has ever done wrong, he will never be chastised," ought to be reprehended in such a manner as to show that the latter proposition does not of necessity cohere with the former.

Inferences of this kind, and all other unavoidable conclusions, and indeed all argumentation whatever, and its reprehension too, contains some greater power and has a more extensive operation than is here explained. But the knowledge of this system is such that it cannot be added to any portion of this art, not that it does of itself separately stand in need of a long time, and of deep and arduous consideration. Wherefore those things shall be explained by us at another time, and when we are dealing with another subject, if opportunity be afforded us. At present we ought to be contented with these precepts of the rhetoricians given for the use of orators. When, therefore, any one of these points which are assumed is not granted, the whole statement is invalidated by these means.

XLVII. But when, though these things are admitted, a conclusion is not derived from them, we must consider these points too, whether any other conclusion is obtained, or whether anything else is meant, in this way,—If, when any one says that he is gone to the army, and any one chooses to use this mode of arguing against him, "If you had come to the army you would have been seen by the military tribunes, but you were not seen by them, therefore you did not go to the army." On this case, when you have admitted the proposition, and the assumption, you have got to invalidate the conclusion, for some other inference has been drawn, and not the one which was inevitable.

And at present, indeed, in order that the case might be more easily understood, we have brought forward an example pregnant with a manifest and an enormous error; but it often happens that an error when stated obscurely is taken for a truth; when either you do not recollect exactly what admissions you have made, or perhaps you have granted something as certain which is extremely doubtful. If you have granted something which is doubtful on that side of the question which you yourself understand, then if the adversary should wish to adapt that part to the other part by means of inference, it will be desirable to show, not from the admission which you have made, but from what he has assumed, that an inference is really established; in this manner:—"If you are in need of money, you have not got money. If you have not got money, you are poor. But you are in need of money, for if it were not so you would not pay

Page 225

attention to commerce; therefore you are poor.” This is refuted in this way:—“When you said, if you are in need of money you have not got money, I understood you to mean, ‘If you are in need of money from poverty, then you have not got money;’ and therefore I admitted the argument. But when you assumed, ‘But you are in need of money,’ I understood you to mean, ‘But you wish to have more money.’ But from these admissions this result, ‘Therefore you are poor,’ does not follow. But it would follow if I had made this admission to you in the first instance, that any one who wished to have more money, had no money at all.”

XLVIII. But many often think that you have forgotten what admissions you made, and therefore an inference which does not follow legitimately is introduced into the summing up as if it did follow; in this way:—“If the inheritance came to him, it is probable that he was murdered by him.” Then they prove this at considerable length. Afterwards they assume, But the inheritance did come to him. Then the inference is deduced; Therefore he did murder him. But that does not necessarily follow from what they had assumed. Wherefore it is necessary to take great care to notice both what is assumed, and what necessarily follows from those assumptions. But the whole description of argumentation will be proved to be faulty on these accounts; if either there is any defect in the argumentation itself, or if it is not adapted to the original intention. And there will be a defect in the argumentation itself, if the whole of it is entirely false, or common, or ordinary, or trifling, or made up of remote suppositions; if the definition contained in it be faulty, if it be controverted, if it be too evident, if it be one which is not admitted, or discreditable, or objected to, or contrary, or inconstant, or adverse to one’s object.

That is false in which there is evidently a lie; in this manner:—“That man cannot be wise who neglects money. But Socrates neglected money; therefore he was not wise.” That is common which does not make more in favour of our adversaries than of ourselves; in this manner:—“Therefore, O judges, I have summed up in a few words, because I had truth on my side.” That is ordinary which, if the admission be now made, can be transferred also to some other case which is not easily proved; in this manner:—“If he had not truth on his side, O judges, he would never have risked committing himself to your decision.” That is trifling which is either uttered after the proposition, in this way:—“If it had occurred to him, he would not have done so;” or if a man wishes to conceal a matter manifestly disgraceful under a trifling defence, in this manner:—

“Then when all sought your favour, when your hand
Wielded a mighty sceptre, I forsook you;
But now when all fly from you, I prepare
Alone, despising danger, to restore you.”

XLIX. That is remote which is sought to a superfluous extent, in this manner:—“But if Publius Scipio had not given his daughter Cornelia in marriage to Tiberius Gracchus,

and if he had not had the two Gracchi by her, such terrible seditions would never have arisen. So that all this distress appears attributable to Scipio.” And like this is that celebrated complaint—

Page 226

"Oh that the woodman's axe had spared the pine
That long on Pelion's lofty summit grew." [57]

For the cause is sought further back than is at all necessary. That is a bad definition, when it either describes common things in this manner:—"He is seditious who is a bad and useless citizen;" for this does not describe the character of a seditious man more than of an ambitious one,—of a calumniator, than of any wicked man whatever, in short. Or when it says anything which is false; in this manner:—"Wisdom is a knowledge how to acquire money." Or when it contains something which is neither dignified nor important; in this way:—"Folly is a desire of inordinate glory." That, indeed, is one folly; but this is defining folly by a species, not by its whole genus. It is controvertible when a doubtful cause is alleged, for the sake of proving a doubtful point; in this manner:—

"See how the gods who rule the realms above
And shades below, and all their motions sway,
Themselves are all in tranquil concord found."

That is self-evident, about which there is no dispute at all. As if any one while accusing Orestes were to make it quite plain that his mother had been put to death by him. That is a disputable definition, when the very thing which we are amplifying is a matter in dispute. As if any one, while accusing Ulysses, were to dwell on this point particularly, that it is a scandalous thing that the bravest of men, Ajax, should have been slain by a most inactive man. That is discreditable which either with respect to the place in which it is spoken, or to the man who utters it, or to the time at which it is uttered, or to those who hear it, or to the matter which is the subject of discussion, appears scandalous on account of the subject being a discreditable one. That is an offensive one, which offends the inclinations of those who hear it; as if any one were to praise the judiciary law of Caepio before the Roman knights, who are themselves desirous of acting as judges.

L. That is a contrary definition, which is laid down in opposition to the actions which those who are the hearers of the speech have done; as if any one were to be speaking before Alexander the Great against some stormer of a city, and were to say that nothing was more inhuman than to destroy cities, when Alexander himself had destroyed Thebes. That is an inconsistent one, which is asserted by the same man in different senses concerning the same case; as if any one, after he has said that the man who has virtue is in need of nothing whatever for the purpose of living well, were afterwards to deny that any one could live well without good health; or that he would stand by a friend in difficulty out of good-will towards him, for that then he would hope that some good would accrue to himself by so doing.

Page 227

That is an adverse definition, which in some particular is an actual injury to one's own cause; as if any one were to extol the power, and resources, and prosperity of the enemy, while encouraging his own soldiers to fight. If some part of the argumentation is not adapted to the object which is or ought to be proposed to one, it will be found to be owing to some one of these defects. If a man has promised a great many points and proved only a few; or if, when he is bound to prove the whole, he speaks only of some portion; in this way:—The race of women is avaricious; for Eriphyle sold the life of her husband for gold. Or if he does not speak in defence of that particular point which is urged in accusation; as if any one when accused of corruption were to defend himself by the statement that he was brave; as Amphion does in Euripides, and so too in Pacuvius, who, when his musical knowledge is found fault with, praises his knowledge of philosophy. Or if a part of conduct be found fault with on account of the bad character of the man; as if any one were to blame learning on account of the vices of some learned men. Or if any one while wishing to praise somebody were to speak of his good fortune, and not of his virtue; or if any one were to compare one thing with another in such a manner as to think that he was not praising the one unless he was blaming the other; or if he were to praise the one in such a manner as to omit all mention of the other.

Or if, when an inquiry is being carried on respecting one particular point, the speech is addressed to common topics; as if any one, while men are deliberating whether war shall be waged or not, were to devote himself wholly to the praises of peace, and not to proving that that particular war is inexpedient. Or if a false reason for anything be alleged, in this way:—Money is good because it is the thing which, above all others, makes life happy. Or if one is alleged which is invalid, as Plautus says:—

“Sure to reprove a friend for evident faults Is but a thankless office; still 'tis useful, And wholesome for a youth of such an age, And so this day I will reprove my friend, Whose fault is palpable.”—*Plautus, Frinummus*, Act i. sc. 2, l.1.

Or in this manner, if a man were to say, “Avarice is the greatest evil; for the desire of money causes great distress to numbers of people.” Or it is unsuitable, in this manner:—“Friendship is the greatest good for there are many pleasures in friendship.”

LI. The fourth manner of reprehension was stated to be that by which, in opposition to a solid argumentation, one equally, or still more solid, has been advanced. And this kind of argumentation is especially employed in deliberations when we admit that something which is said in opposition to us is reasonable, but still prove that that conduct which we are defending is necessary; or when we confess that the line of conduct which they are advocating is useful, and prove that what we ourselves are contending for is honourable. And we have thought it necessary to say thus much about reprehension; now we will lay down some rules respecting the conclusion.

Page 228

Hermagoras places digression next in order, and then the ultimate conclusion. But in this digression he considers it proper to introduce some inferential topics, unconnected with the cause and with the decision itself, which contain some praise of the speaker himself, or some vituperation of the adversary, or else may lead to some other topic from which he may derive some confirmation or reprehension, not by arguing, but by expanding the subject by some amplification or other. If any one thinks that this is a proper part of an oration, he may follow Hermagoras. For precepts for embellishing, and praising, and blaming, have partly been already given by us, and partly will be given hereafter in their proper place. But we do not think it right that this part should be classed among the regular divisions of a speech, because it appears improper that there should be digressions, except to some common topics, concerning which subject we must speak subsequently. But it does not seem desirable to handle praise and vituperation separately, but it seems better that they should be considered as forming part of the argumentation itself. At present we will treat of the conclusion of an oration.

LII. The conclusion is the end and terminating of the whole oration. It has three parts, —enumeration, indignation, and complaint. Enumeration is that by which matters which have been related in a scattered and diffuse manner are collected together, and, for the sake of recollecting them, are brought under our view. If this is always treated in the same manner, it will be completely evident to every one that it is being handled according to some artificial system; but if it be done in many various ways, the orator will be able to escape this suspicion, and will not cause such weariness. Wherefore it will be desirable to act in the way which most people adopt, on account of its easiness; that is, to touch on each topic separately, and in that manner briefly to run over all sorts of argumentation; and also (which is, however, more difficult) to recount what portions of the subject you previously mentioned in the arrangement of the subject, as those which you promised to explain; and also to bring to the recollection of your hearers the reasonings by which you established each separate point, and then to ask of those who are hearing you what it is which they ought to wish to be proved to them; in this way:—“We proved this; we made that plain;” and by this means the hearer will recover his recollection of it, and will think that there is nothing besides which he ought to require.

Page 229

And in these kinds of conclusions, as has been said before, it will be serviceable both to run over the arguments which you yourself have employed separately, and also (which is a matter requiring still greater art) to unite the opposite arguments with your own; and to show how completely you have done away with the arguments which were brought against you. And so, by a brief comparison, the recollection of the hearer will be refreshed both as to the confirmation which you adduced, and as to the reprehension which you employed. And it will be useful to vary these proceedings by other methods of pleading also. But you may carry on the enumeration in your own person, so as to remind your hearers of what you said, and in what part of your speech you said each thing; and also you may bring on the stage some other character, or some different circumstance, and then make your whole enumeration with reference to that. If it is a person, in this way:—"For if the framer of the law were to appear, and were to inquire of you why you doubted, what could you say after this, and this, and this has been proved to you?" And in this case, as also in our own character, it will be in our power to run over all kinds of argumentation separately: and at one time to refer all separate genera to different classes of the division, and at another to ask of the hearer what he requires, and at another to adopt a similar course by a comparison of one's own arguments and those of the opposite party.

But a different class of circumstance will be introduced if an enumerative oration be connected with any subject of this sort,—law, place, city, or monument, in this manner. —"What if the laws themselves could speak? Would not they also address this complaint to you? What more do you require, O judges when this, and this, and this has been already made plain to you?" And in this kind of argument it is allowable to use all these same methods. But this is given as a common precept to guide one in framing an enumeration, that out of every part of the argument, since the whole cannot be repeated over again, that is to be selected which is of the greatest weight, and that each point is to be run over as briefly as possible, so that it shall appear to be only a refreshing of the recollection of the hearers, not a repetition of the speech.

LIII. Indignation is a kind of speech by which the effect produced is, that great hatred is excited against a man, or great dislike of some proceeding is originated. In an address of this kind we wish to have this understood first, that it is possible to give vent to indignation from all those topics which we have suggested in laying down precepts for the confirmation of a speech. For any amplifications whatever, and every sort of indignation may be expressed, derived from those circumstances which are attributed to persons and to things, but still we had better consider those precepts which can be laid down separately with respect to indignation.

Page 230

The first topic is derived from authority, when we relate what a great subject of anxiety that affair has been to the immortal gods, or to those whose authority ought to carry the greatest weight with it. And that topic will be derived from prophecies, from oracles, from prophets, from tokens, from prodigies, from answers, and from other things like these. Also from our ancestors, from kings, from states, from nations from the wisest men, from the senate, the people, the framers of laws. The second topic is that by which it is shown with amplification, by means of indignation, whom that affair concerns, —whether it concerns all men or the greater part of men, (which is a most serious business,) or whether it concerns the higher classes, such as those men are on whose authority the indignation which we are professing is grounded, (which is most scandalous,) or whether it affects those men who are one's equals in courage, and fortune, and personal advantages, (which is most iniquitous,) or whether it affects our inferiors, (which is most arrogant).

The third topic is that which we employ when we are inquiring what is likely to happen, if every one else acts in the same manner. And at the same time we point out if this man is permitted to act thus, that there will be many imitators of the same audacity, and then from that we shall be able to point out how much evil will follow.

The fourth topic is one by the use of which we show that many men are eagerly looking out to see what is decided, in order that they may be able to see by the precedent of what is allowed to one, what will be allowed to themselves also in similar circumstances.

The fifth topic is one by the use of which we show that everything else which has been badly managed, as soon as the truth concerning them is ascertained, may be all set right, that this thing, however, is one which, if it be once decided wrongly, cannot be altered by any decision, nor set right by any power.

The sixth topic is one by which the action spoken of is proved to have been done designedly and on purpose, and then we add this argument, that pardon ought not to be granted to an intentional crime.

The seventh topic is one which we employ when we say that any deed is foul, and cruel, and nefarious, and tyrannical; that it has been effected by violence or by the influence of riches—a thing which is as remote as possible from the laws and from all ideas of equal justice.

LIV. An eighth topic is one of which we avail ourselves to demonstrate that the crime which is the present subject of discussion is not a common one,—not one such as is often perpetrated. And, that is foreign to the nature of even men in a savage state, of the most barbarous nations, or even of brute beasts. Actions of this nature are such as are wrought with cruelty towards one's parents, or wife, or husband, or children, or relations, or suppliants; next to them,

Page 231

if anything has been done with inhumanity towards a man's elders,—towards those connected with one by ties of hospitality, —towards one's neighbours or one's friends, —to those with whom one has been in the habit of passing one's life,—to those by whom one has been brought up,—to those by whom one has been taught,—to the dead,—to those who are miserable and deserving of pity,—to men who are illustrious, noble, and who have been invested with honours and offices,—to those who have neither had power to injure another nor to defend themselves, such as boys, old men, women: by all which circumstances indignation is violently excited, and will be able to awaken the greatest hatred against a man who has injured any of these persons.

The ninth topic is one by which the action which is the subject of the present discussion is compared with others which are admitted on all hands to be offences. And in that way it is shown by comparison how much more atrocious and scandalous is the action which is the present subject of discussion.

The tenth topic is one by which we collect all the circumstances which have taken place in the performance of this action, and which have followed since that action, with great indignation at and reproach of each separate item, and by our description we bring the case as far as possible before the eyes of the judge before whom we are speaking, so that that which is scandalous may appear quite as scandalous to him as if he himself had been present to see what was done.

The eleventh topic is one which we avail ourselves of when we are desirous to show that the action has been done by him whom of all men in the world it least became to do it, and by whom indeed it ought to have been prevented if any one else had endeavoured to do it.

The twelfth topic is one by means of which we express our indignation that we should be the first people to whom this has happened, and that it has never occurred in any other instance.

The thirteenth topic is when insult is shown to have been added to injury, and by this topic we awaken hatred against pride and arrogance.

The fourteenth topic is one which we avail ourselves of to entreat those who hear us to consider our injuries as if they affected themselves; if they concern our children, to think of their own, if our wives have been injured, to recollect their own wives, if it is our aged relations who have suffered, to remember their own fathers or ancestors.

The fifteenth topic is one by which we say that those things which have happened to us appear scandalous even to foes and enemies, and as a general rule, indignation is derived from one or other of these topics.

Page 232

LV. But complaint will usually take its origin from things of this kind. Complaint is a speech seeking to move the pity of the hearers. In this it is necessary in the first place to render the disposition of the hearer gentle and merciful, in order that it may the more easily be influenced by pity. And it will be desirable to produce that effect by common topics, such as those by which the power of fortune over all men is shown, and the weakness of men too is displayed, and if such an argument is argued with dignity and with impressive language, then the minds of men are greatly softened, and prepared to feel pity, while they consider their own weakness in the contemplation of the misfortunes of another.

Then the first topic to raise pity is that by which we show how great the prosperity of our clients was, and how great their present misery is.

The second is one which is divided according to different periods, according to which it is shown in what miseries they have been, and still are, and are likely to be hereafter.

The third topic is that by which each separate inconvenience is deplored, as, for instance, in speaking of the death of a man's son, the delight which the father took in his childhood, his love for him, his hope of him, the comfort he derived from him, the pains he took in his bringing up, and all other instances of the same sort, may be mentioned so as to exaggerate the complaint.

The fourth topic is one in which all circumstances which are discreditable or low or mean are brought forward, all circumstances which are unworthy of a man's age, or both, or fortune, or former honours or services, all the disasters which they have suffered or are liable to suffer.

The fifth topic is that by using which all disadvantages we brought separately before the eyes of the hearer, so that he who hears of them may seem to see them, and by the very facts themselves, and not only by the description of them, may be moved to pity as if he had been actually present.

The sixth topic is one by which the person spoken of is shown to be miserable, when he had no reason to expect any such fate; and that when he was expecting something else, he not only failed to obtain it, but fell into the most terrible misfortunes.

The seventh is one by which we suppose the fact of a similar mischance befalling the men who are listening to us, and require of them when they behold us to call to mind their own children, or their parents, or some one for whom they are bound to entertain affections.

The eighth is one by which something is said to have been done which ought not to have been done; or not to have been done which ought to have been. In this manner: —“I was not present, I did not see him, I did not hear his last words, I did not receive his

last breath. Moreover, he died amid his enemies, he lay shamefully unburied in an enemy's country, being torn to pieces by wild beasts, and was deprived in death of even that honour which is the due of all men."

Page 233

The ninth is one by which our speech is made to refer to things which are void both of language and sense; as if you were to adapt your discourse to a horse, a house, or a garment; by which topics the minds of those who are hearing, and who have been attached to any one, are greatly moved.

The tenth is one by which want, or weakness, or the desolate condition of any one is pointed out.

The eleventh is one in which is contained a recommendation to bury one's children, or one's parents, or one's own body, or to do any other such thing.

The twelfth is one in which a separation is lamented when you are separated from any one with whom you have lived most pleasantly,—as from a parent, a son, a brother, an intimate friend.

The thirteenth is one used when we complain with great indignation that we are ill-treated by those by whom above all others we least ought to be so,—as by our relations, or by friends whom we have served, and whom we have expected to be assistants to us; or by whom it is a shameful thing to be ill-treated,—as by slaves, or freedmen, or clients, or suppliants.

The fourteenth is one which is taken as an entreaty, in which those who hear us are entreated, in a humble and suppliant oration, to have pity on us.

The fifteenth is one in which we show that we are complaining not only of our own fortunes, but of those who ought to be dear to us.

The sixteenth is one by using which we show that our hearts are full of pity for others; and yet give tokens at the same time that it will be a great and lofty mind, and one able to endure disaster if any such should befall us. For often virtue and splendour, in which there is naturally great influence and authority, have more effect in exciting pity than humility and entreaties. And when men's minds are moved it will not be right to dwell longer on complaints; for, as Apollonius the rhetorician said, "Nothing dries quicker than a tear."

But since we have already, as it seems, said enough of all the different parts of a speech, and since this volume has swelled to a great size, what follows next shall be stated in the second book.

* * * * *

THE SECOND BOOK OF THE RHETORIC, OR OF THE TREATISE ON RHETORICAL INVENTION, OF M.T. CICERO.

I. Some men of Crotona, when they were rich in all kinds of resources, and when they were considered among the most prosperous people in Italy, were desirous to enrich the temple of Juno, which they regarded with the most religious veneration, with splendid pictures. Therefore they hired Zeuxis of Heraclea at a vast price, who was at that time considered to be far superior to all other painters, and employed him in that business. He painted many other pictures, of which some portion, on account of the great respect in which the temple is held, has remained to within our recollection;

Page 234

and in order that one of his mute representations might contain the preeminent beauty of the female form, he said that he wished to paint a likeness of Helen. And the men of Crotona, who had frequently heard that he excelled all other men in painting women, were very glad to hear this; for they thought that if he took the greatest pains in that class of work in which he had the greatest skill, he would leave them a most noble work in that temple.

Nor were they deceived in that expectation: for Zeuxis immediately asked of them what beautiful virgins they had; and they immediately led him into the palaestra, and there showed him numbers of boys of the highest birth and of the greatest beauty. For indeed, there was a time when the people of Crotona were far superior to all other cities in the strength and beauty of their persons; and they brought home the most honourable victories from the gymnastic contests, with the greatest credit. While, therefore, he was admiring the figures of the boys and their personal perfection very greatly; "The sisters," say they, "of these boys are virgins in our city, so that how great their beauty is you may infer from these boys." "Give me, then," said he, "I beg you, the most beautiful of these virgins, while I paint the picture which I promised you, so that the reality may be transferred from the breathing model to the mute likeness." Then the citizens of Crotona, in accordance with a public vote, collected the virgins into one place, and gave the painter the opportunity of selecting whom he chose. But he selected five, whose names many poets have handed down to tradition, because they had been approved by the judgment of the man who was bound to have the most accurate judgment respecting beauty. For he did not think that he could find all the component parts of perfect beauty in one person, because nature has made nothing of any class absolutely perfect in every part. Therefore, as if nature would not have enough to give to everybody if it had given everything to one, it balances one advantage bestowed upon a person by another disadvantage.

II. But since the inclination has arisen in my mind to write a treatise on the art of speaking, we have not put forth any single model of which every portion was necessarily to be copied by us, of whatever sort they might be; but, having collected together all the writers on the subject into one place, we have selected what each appears to have recommended which may be most serviceable, and we have thus culled the flower from various geniuses. For of those who are worthy of fame or recollection, there is no one who appears either to have said nothing well, or everything admirably. So that it seemed folly either to forsake the sensible maxims brought forward by any one, merely because we are offended at some other blunder of his, or, on the other hand, to embrace his faults because we have been tempted by some sensible precept which he has also delivered.

Page 235

But if in other pursuits also men would select all that was found most sensible from many sources, instead of devoting themselves to one fixed leader, they would err less on the side of arrogance; they would not persist so much in error, and they would make less enormous mistakes through ignorance. And if we had as deep an acquaintance with this art as he had with that of painting, perhaps this work of ours might appear as admirable in its kind as his picture did. For we have had an opportunity of selecting from a much more copious store of models than he had. He was able to make his selection from one city, and from that number of virgins only which existed at that time and place; but we have had opportunity of making our selection from all the men who have ever lived from the very first beginning of this science, being reduced to a system up to the present day, and taking whatever we thought worth while from all the stores which lay open before us.

And Aristotle, indeed, has collected together all the ancient writers on this art, from the first writer on the subject and inventor of it, Tisias, and has compiled with great perspicuity the precepts of each of them, mentioning them by name, after having sought them out with exceeding care; and he has disentangled them with great diligence and explained their difficulties; and he has so greatly excelled the original writers themselves in suavity and brevity of diction, that no one is acquainted with their precepts from their own writings, but all who wish to know what maxims they have laid down, come back to him as to a far more agreeable expounder of their meaning.

And he himself has set before us himself and those too who had lived before his time, in order that we might be acquainted with the method of others, and with his own. And those who have followed him, although they have expended a great deal of labour on the most profound and important portions of philosophy, as he himself also, whose example they were following, had done, have still left us many precepts on the subject of speaking. And other masters of this science have also come forward, taking their rise, as it were in other springs, who have also been of great assistance in eloquence, as far at least as artificial rules can do any good. For there lived at the same time as Aristotle, a great and illustrious rhetorician, named Isocrates, though we have not entirely discovered what his system was.

But we have found many lessons respecting their art from his pupils and from those who proceeded immediately afterwards from this school.

III. From these two different families, as it were, the one of which, while it was chiefly occupied with philosophy, still devoted some portion of its attention to the rhetorical science, and the other was wholly absorbed in the study and teaching of eloquence, but both kinds of study were united by their successors, who brought to the aid of their own pursuits those things which appeared to have been profitably said by either of them, and those and the others their predecessors are the men whom we and all our countrymen have proposed to ourselves as models, as far as we were able to make them so, and we have also contributed something from our own stores to the common stock.

Page 236

But if the things which are set forth in these books deserved to be selected with such great eagerness and care as they were, then certainly, neither we ourselves nor others will repent of our industry. But if we appear either rashly to have passed over some doctrine of some one worth noticing, or to have adopted it without sufficient elegance, in that case when we are taught better by some one, we will easily and cheerfully change our opinion. For what is discreditable is, not the knowing little, but the persisting foolishly and long in what one does not understand, because the one thing is attributed to the common infirmity of man, but the other to the especial fault of the individual.

Wherefore we, without affirming anything positively, but making inquiry at the same time, will advance each position with some doubt, lest while we gain this trifling point of being supposed to have written this treatise with tolerable neatness, we should lose that which is of the greater importance, the credit, namely, of not adopting any idea rashly and arrogantly. But this we shall endeavour to gain both at present and during the whole course of our life with great care, as far as our abilities will enable us to do so. But at present, lest we should appear to be too prolix, we will speak of the other points which it seems desirable to insist on.

Therefore, while we were explaining the proper classification of this art, and its duties, and its object, and its subject matter, and its divisions, the first book contained an account of the different kinds of disputes, and inventions, and statements of cases, and decisions. After that, the parts of a speech were described, and all necessary precepts for all of them were laid down. So that we not only discussed other topics in that book with tolerable distinctness, we spoke at that same time in a more scattered manner of the topics of confirmation and reprehension; and at present we think it best to give certain topics for confirming and reprehending, suited to every class of causes. And because it has been explained with some diligence in the former book, in what manner argumentations ought to be handled, in this book it will be sufficient to set forth the arguments which have been discovered for each kind of subject simply, and without any embellishment, so that, in this book, the arguments themselves may be found, and in the former, the proper method of polishing them. So that the reader must refer the precepts which are now laid down, to the topics of confirmation and reprehension.

IV. Every discussion, whether demonstrative, or deliberative, or judicial, must be conversant with some kind or other of statement of the case which has been explained in the former book; sometimes with one, sometimes with several. And though this is the case, still as some things can be laid down in a general way respecting everything, there are also other rules and different methods separately laid down

Page 237

for each particular kind of discussion. For praise, or blame, or the statement of an opinion, or accusation, or denial, ought all to effect different ends. In judicial investigations the object of inquiry is, what is just, in demonstrative discussion the question is what is honourable, in deliberations, in our opinion, what we inquire is, what is honourable and at the same time expedient. For the other writers on this subject have thought it right to limit the consideration of expediency to speeches directed to persuasion or dissuasion.

Those kinds of discussions then whose objects and results are different, cannot be governed by the same precepts. Not that we are saying now that the same statement of the case is not admissible in all of them, but some kinds of speech arise from the object and kind of the discussion, if it refers to the demonstration of some kind of life, or to the delivery of some opinion. Wherefore now, in explaining controversies, we shall have to deal with causes and precepts of a judicial kind, from which many precepts also which concern similar disputes will be transferred to other kinds of causes without much difficulty. But hereafter we will speak separately of each kind.

At present we will begin with the conjectural statement of a case of which this example may be sufficient to be given—A man overtook another on his journey as he was going on some commercial expedition, and carrying a sum of money with him, he, as men often do entered into conversation with him on the way, the result of which was, that they both proceeded together with some degree of friendship, so that when they had arrived at the same inn, they proposed to sup together and to sleep in the same apartment. Having supped, they retired to rest in the same place. But when the innkeeper (for that is what is said to have been discovered since, after the man had been detected in another crime) had taken notice of one of them, that is to say, of him who had the money, he came by night, after he had ascertained that they were both sound asleep, as men usually are when tired, and took from its sheath the sword of the one who had not the money, and which sword he had lying by his side and slew the other man with it and took away his money, and replaced the bloody sword in the sheath, and returned himself to his bed.

But the man with whose sword the murder had been committed, rose long before dawn and called over and over again on his companion; he thought that he did not answer because he was overcome with sleep; and so he took his sword and the rest of the things which he had with him, and departed on his journey alone. The innkeeper not long afterwards raised an outcry that the man was murdered, and in company with some of his lodgers pursued the man who had gone away. They arrest him on his journey, draw his sword out of its sheath, and find it bloody, the man is brought back to the city by them, and put on his trial. On this comes the allegation of the crime, "You murdered him," and the denial, "I did not murder him," and from this is collected the

statement of the case. The question in the conjectural examination is the same as that submitted to the judges, "Did he murder him, or not?"

Page 238

V. Now we will set forth the topics one portion of which applies to all conjectural discussion. But it will be desirable to take notice of this in the exposition of these topics and of all the others, and to observe that they do not all apply to every discussion. For as every man's name is made up of some letters, and not of every letter, so it is not every store of arguments which applies to every argumentation, but some portion which is necessary applies to each. All conjecture, then, must be derived either from the cause of an action, or from the person, or from the case itself.

The cause of an action is divided into impulsion and ratiocination. Impulsion is that which without thought encourages a man to act in such and such a manner, by means of producing some affection of the mind, as love, anger, melancholy, fondness for wine, or indeed anything by which the mind appears to be so affected as to be unable to examine anything with deliberation and care, and to do what it does owing to some impulse of the mind, rather than in consequence of any deliberate purpose.

But ratiocination is a diligent and careful consideration of whether we shall do anything or not do it. And it is said to have been in operation, when the mind appears for some particular definite reason to have avoided something which ought not to have been done, or to have adopted something which ought to have been done, so that if anything is said to have been done for the sake of friendship, or of chastising an enemy, or under the influence of fear, or of a desire for glory or for money, or in short, to comprise everything under one brief general head, for the sake of retaining, or increasing, or obtaining any advantage; or, on the other hand, for the purpose of repelling, or diminishing, or avoiding any disadvantage;—for those former things must fall under one or other of those heads, if either any inconvenience is submitted to for the purpose of avoiding any greater inconvenience, or of obtaining any more important advantage; or if any advantage is passed by for the sake of obtaining some other still greater advantage, or of avoiding some more important disadvantage.

This topic is as it were a sort of foundation of this statement of the case; for nothing that is done is approved of by any one unless some reason be shown why it has been done. Therefore the accuser, when he says that anything has been done in compliance with some impulse, ought to exaggerate that impulse, and any other agitation or affection of the mind, with all the power of language and variety of sentiments of which he is master, and to show how great the power of love is, how great the agitation of mind which arises from anger, or from any one of those causes which he says was that which impelled any one to do anything. And here we must take care, by an enumeration of examples of men who have done anything under the influence of similar impulse, and by a collation of similar cases, and by an explanation of the way in which the mind itself is affected, to hinder its appearing marvellous if the mind of a man has been instigated by such influence to some pernicious or criminal action.

Page 239

Vi. But when the orator says that any one has done such and such an action, not through impulse, but in consequence of deliberate reasoning, he will then point out what advantage he has aimed at, or what inconvenience he has avoided, and he will exaggerate the influence of those motives as much as he can, so that as far as possible the cause which led the person spoken of to do wrong, may appear to have been an adequate one. If it was for the sake of glory that he did so and so, then he will point out what glory he thought would result from it; again, if he was influenced by desire of power, or riches, or by friendship, or by enmity; and altogether whatever the motive was, which he says was his inducement to the action, he will exaggerate as much as possible.

And he is bound to give great attention to this point, not only what the effect would have been in reality, but still more what it would have been in the opinion of the man whom he is accusing. For it makes no difference that there really was or was not any advantage or disadvantage, if the man who is accused believed that there would or would not be such. For opinion deceives men in two ways, when either the matter itself is of a different kind from that which it is believed to be, or when the result is not such as they thought it would be. The matter itself is of a different sort when they think that which is good bad, or, on the other hand, when they think that good which is bad. Or when they think that good or bad which is neither good nor bad, or when they think that which is good or bad neither bad nor good.

Now that this is understood, if any one denies that there is any money more precious or sweeter to a man than his brother's or his friend's life, or even than his own duty, the accuser is not to deny that; for then the blame and the chief part of the hatred will be transferred to him who denies that which is said so truly and so piously. But what he ought to say is, that the man did not think so; and that assertion must be derived from those topics which relate to the person, concerning whom we must speak hereafter.

VII. But the result deceives a person, when a thing has a different result from that which the persons who are accused are said to have thought it would have. As when a man is said to have slain a different person from him whom he intended to slay, either because he was deceived by the likeness or by some suspicion, or by some false indication; or that he slew a man who had not left him his heir in his will, because he believed that he had left him his heir. For it is not right to judge of a man's belief by the result, but rather to consider with what expectation, and intention, and hope he proceeded to such a crime; and to recollect that the matter of real importance is to consider with what intention a man does a thing, and not what the consequence of his action turns out to be.

Page 240

And in this topic this will be the great point for the accuser, if he is able to show that no one else had any reason for doing so at all. And the thing next in importance will be to show that no one else had such great or sufficient reason for doing so. But if others appear also to have had a motive for doing so, then we must show that they had either no power, or no opportunity, or no inclination to do it. They had no power if it can be said that they did not know it, or were not in the place, or were unable to have accomplished it; they had no opportunity, if it can be proved that any plan, any assistants, any instruments, and all other things which relate to such an action, were wanting to them. They had no inclination, if their disposition can be said to be entirely alien to such conduct, and unimpeachable. Lastly, whatever arguments we allow a man on his trial to use in his defence, the very same the prosecutor will employ in delivering others from blame. But that must be done with brevity, and many arguments must be compressed into one, in order that he may not appear to be accusing the man on his trial for the sake of defending some one else, but to be defending some one else with a view to strengthen his accusation against him.

VIII. And these are for the most part the things which must be done and considered by an accuser. But the advocate for the defence will say, on the other hand, either that there was no motive at all, or, if he admits that there was, he will make light of it, and show that it was a very slight one, or that such conduct does not often proceed from such a motive. And with reference to this topic it will be necessary to point out what is the power and character of that motive, by which the person on his trial is said to have been induced to commit any action; and in doing this it is requisite to adduce instances and examples of similar cases, and the actual nature of such a motive is to be explained as gently as possible, so that the circumstance which is the subject of the discussion may be explained away, and instead of being considered as a cruel and disorderly act, may be represented as something more mild and considerate, and still the speech itself may be adapted to the mind of the hearer, and to a sort of inner feeling, as it were, in his mind.

But the orator will weaken the suspicions arising from the ratiocination, if he shall say either that the advantage intimated had no existence, or a very slight one, or that it was a greater one to others, or that it was no greater advantage to himself than to others, or that it was a greater disadvantage than advantage to himself. So that the magnitude of the advantage which is said to have been desired, was not to be compared with the disadvantage which was really sustained, or with the danger which was incurred. And all those topics will be handled in the same manner in speaking of the avoiding of disadvantage.

Page 241

But if the prosecutor has said that the man on his trial was pursuing what appeared to him to be an advantage, or was avoiding that which appeared to him to be a disadvantage, even though he was mistaken in that opinion, then the advocate for the defence must show that no one can be so foolish as to be ignorant of the truth in such an affair. And if that be granted, then the other position cannot be granted, that the man ever doubted at all what the case was, but that he, without the least hesitation, considered what was false as false, and what was true as true. But if he doubted, then it was a proof of absolute insanity for a man under the influence of a doubtful hope to incur a certain danger.

But as the accuser when he is seeking to remove the guilt from others must use the topics proper to an advocate for the defence; so the man on his trial must use those topics which have been allotted to an accuser, when he wishes to transfer an accusation from his own shoulders to those of others.

IX. But conjectures will be derived from the person, if those things which have been attributed to persons are diligently considered, all of which we have mentioned in the first book; for sometimes some suspicion arises from the name. But when we say the name, we mean also the surname. For the question is about the particular and peculiar name of a man, as if we were to say that a man is called Calvus because he is a man of a hasty and sudden disposition; or that ignorant Greeks have been deceived by men being called Clodius, or Caecilius, or Marcus.

And we may also derive some suspicious circumstances from nature; for all these questions, whether it is a man or a woman, whether he is of this state or that one, of what ancestors a man is descended, who are his relations, what is his age, what is his disposition, what bodily strength, or figure, or constitution he has, which are all portions of a man's nature, have much influence in leading men to form conjectures.

Many suspicions also are engendered by men's way of life, when the inquiry is how, and by whom, and among whom a man was brought up and educated, and with whom he associates, and what system and habits of domestic life he is devoted to.

Moreover, argumentation often arises from fortune; when we consider whether a man is a slave or a free man, rich or poor, noble or ignoble, prosperous or unfortunate; whether he now is, or has been, or is likely to be a private individual or a magistrate; or, in fact, when any one of those circumstances is sought to be ascertained which are attributable to fortune. But as habit consists in some perfect and consistent formation of mind or body, of which kind are virtue, knowledge, and their contraries; the fact itself, when the whole circumstances are stated, will show whether this topic affords any ground for suspicion. For the consideration of the state of a man's mind is apt to give good grounds for conjecture, as of his affectionate or passionate disposition, or of any annoyance to which he has been exposed; because the power of all such feelings and

circumstances is well understood, and what results ensue after any one of them is very easy to be known.

Page 242

But since study is an assiduous and earnest application of the mind to any particular object with intense desire, that argument which the case itself requires will easily be deduced from it. And again, some suspicion will be able to be inferred from the intention; for intention is a deliberate determination of doing or not doing something. And after this it will be easy to see with respect to facts, and events, and speeches, which are divided into three separate times, whether they contribute anything to confirming the conjectures already formed in the way of suspicion.

X. And those things indeed are attributed to persons, which when they are all collected together in one place, it will be the business of the accuser to use them as inducing a disapprobation of the person; for the fact itself has but little force unless the disposition of the man who is accused can be brought under such suspicion as to appear not to be inconsistent with such a fault. For although there is no great advantage in expressing disapprobation of any one's disposition, when there is no cause why he should have done wrong, still it is but a trifling thing that there should be a motive for an offence, if the man's disposition is proved to be inclined to no line of conduct which is at all discreditable. Therefore the accuser ought to bring into discredit the life of the man whom he is accusing, by reference to his previous actions, and to show whether he has ever been previously convicted of a similar offence. And if he cannot show that, he must show whether he has ever incurred the suspicion of any similar guilt; and especially, if possible, that he has committed some offence or other of some kind under the influence of some similar motive to this which is in existence here, in some similar case, or in an equally important case, or in one more important, or in one less important. As, if with respect to a man who he says has been induced by money to act in such and such a manner, he were able to show that any other action of his in any case had been prompted by avarice.

And again it will be desirable in every cause to mention the nature, or the manner of life, or the pursuits, or the fortune, or some one of those circumstances which are attributed to persons, in connexion with that cause which the speaker says was the motive which induced the man on his trial to do wrong; and also, if one cannot impute anything to him in respect of an exactly corresponding class of faults, to bring the disposition of one's adversary into discredit by reference to some very dissimilar class. As, if you were to accuse him of having done so and so, because he was instigated by avarice; and yet, if you are unable to show that the man whom you accuse is avaricious, you must show that other vices are not wholly foreign to his nature, and that on that account it is no great wonder if a man who in any affair has behaved basely, or covetously, or petulantly, should have erred in this business also. For in proportion as you can detract from the honesty and authority of the man who is accused, in the same proportion has the force of the whole defence been weakened.

Page 243

If it cannot be shown that the person on his trial has been ever before implicated in any previous guilt, then that topic will come into play which we are to use for the purpose of encouraging the judges to think that the former character of the man has no bearing on the present question; for that he has formerly concealed his wickedness, but that he is now manifestly convicted; so that it is not proper that this case should be looked at with reference to his former life, but that his former life should now be reproved by this conduct of his, and that formerly he had either no opportunity of doing wrong, or no motive to do so. Or if this cannot be said, then we must have recourse to this last assertion,—that it is no wonder if he now does wrong for the first time, for that it is necessary that a man who wishes to commit sin, must some time or other commit it for the first time. If nothing whatever is known of his previous life, then it is best to pass over this topic, and to state the reason why it is passed over, and then to proceed at once to corroborate the accusation by arguments.

XI. But the advocate for the defence ought in the first place to show, if he can, that the life of the person who is accused has always been as honourable as possible. And he will do this best by recounting any well known services which he has rendered to the state in general, or any that he has done to his parents, or relations, or friends, or kinsmen, or associates, or even any which are more remarkable or more unusual, especially if they have been done with any extraordinary labour, or danger, or both, or when there was no absolute necessity, purely because it was his duty, or if he has done any great benefit to the republic, or to his parents, or to any other of the people whom I have just mentioned, and if, too, he can show that he has never been so influenced by any covetousness as to abandon his duty, or to commit any error of any description. And this statement will be the more confirmed, if when it is said that he had an opportunity of doing something which was not quite creditable with impunity, it can be shown at the same time that he had no inclination to do it.

But this very kind of argument will be all the stronger if the person on his trial can be shown to have been unimpeachable previously in that particular sort of conduct of which he is now accused, as, for instance, if he be accused of having done so and so for the sake of avarice, and can be proved to have been all his life utterly indifferent to the acquisition of money. On this indignation may be expressed with great weight, united with a complaint that it is a most miserable thing, and it may be argued that it is a most scandalous thing, to think that that was the man's motive, when his disposition during the whole of his life has been as unlike it as possible. Such a motive often harries audacious men into guilt, but it has no power to impel an upright man to sin. It is

Page 244

unjust, moreover, and injurious to every virtuous man, that a previously well-spent life should not be of the greatest possible advantage to a man at such a time, but that a decision should be come to with reference only to a sudden accusation which can be got up in a hurry, and with no reference to a man's previous course of life, which cannot be extemporised to suit an occasion, and which cannot be altered by any means.

But if there have been any acts of baseness in his previous life, or if they be said to have undeservedly acquired such a reputation, or if his actions are to be attributed by the envy, or love of detraction, or mistaken opinion of some people, either to ignorance, or necessity, or to the persuasion of young men, or to any other affection of mind in which there is no vice, or if he has been tainted with errors of a different kind, so that his disposition appears not entirely faultless, but still far remote from such a fault, and if his disgraceful or infamous course of life cannot possibly be mitigated by any speech,—then it will be proper to say that the inquiry does not concern his life and habits, but is about that crime for which he is now prosecuted, so that, omitting all former actions, it is proper that the matter which is in hand should be attended to.

XII. But suspicions may be derived from the fact itself, if the administration of the whole matter is examined into in all its parts; and these suspicions will arise partly from the affair itself when viewed separately, and partly from the persons and the affairs taken together. They will be able to be derived from the affair, if we diligently consider those circumstances which have been attributed to such affairs. And from them all the different genera, and most subordinate species, will appear to be collected together in this statement of the case.

It will therefore be desirable to consider in the first place what circumstances there are which are united to the affair itself,—that is to say, which cannot be separated from it, and with reference to this topic it will be sufficient to consider what was done before the affair in question took place from which a hope arose of accomplishing it, and an opportunity was sought of doing it, what happened with respect to the affair itself, and what ensued afterwards. In the next place, the execution of the whole affair must be dealt with for this class of circumstances which have been attributed to the affair has been discussed in the second topic.

So with reference to this class of circumstances we must have a regard to time, place, occasion, and opportunity, the force of each particular of which has been already carefully explained when we were laying down precepts for the confirmation of an argument. Wherefore, that we may not appear to have given no rules respecting these things, and that we may not, on the other hand, appear to have repeated the same things twice over, we will briefly point out what it is proper should be considered in each part. In reference to place, then, opportunity is to be considered; and in reference to time, remoteness; and in reference to occasion, the convenience suitable for doing

anything; and with reference to facility, the store and abundance of those things by means of which anything is done more easily, or without which it cannot be done at all.

Page 245

In the next place we must consider what is added to the affair, that is to say, what is greater, what is less, what is equally great, what is similar. And from these topics some conjecture is derived, if proper consideration is given to the question how affairs of greater importance, or of less, or of equal magnitude, or of similar character, are usually transacted. And in this class of subjects the result also ought to be examined into; that is to say, what usually ensues as the consequence of every action must be carefully considered; as, for instance, fear, joy, trepidation.

But the fourth part was a necessary consequence from those circumstances which we said were attendant on affairs. In it those things are examined which follow the accomplishment of an affair, either immediately or after an interval. And in this examination we shall see whether there is any custom, any action, any system, or practice, or habit, any general approval or disapproval on the part of mankind in general, from which circumstance some suspicion at times arises.

XIII. But there are some suspicions which are derived from the circumstances which are attributed to persons and things taken together. For many circumstances arising from fortune, and from nature, and from the way of a man's life, and from his pursuits and actions, and from chance, or from speeches, or from a person's designs, or from his usual habit of mind or body, have reference to the same things which render a statement credible or incredible, and which are combined with a suspicion of the fact.

For it is above all things desirable that inquiry should be made in this way, of stating the case first of all, whether anything could be done; in the next place, whether it could have been done by any one else; then we consider the opportunity, on which we have spoken before; then whether what has been done is a crime which one is bound to repent of; we must inquire too whether he had any hope of concealing it; then whether there was any necessity for his doing so; and as to this we must inquire both whether it was necessary that the thing should be done at all, or that it should be done in that manner. And some portion of these considerations refer to the design, which has been already spoken of as what is attributed to persons; as in the instance of that cause which we have mentioned. These circumstances will be spoken of as before the affair,—the facts, I mean, of his having joined himself to him so intimately on the march, of his having sought occasion to speak with him, of his having lodged with him, and supped with him. These circumstances were a part of the affair,—night, and sleep. These came after the affair,—the fact of his having departed by himself; of his having left his intimate companion with such indifference; of his having a bloody sword.

Page 246

Part of these things refer to the design. For the question is asked, whether the plan of executing this deed appears to have been one carefully devised and considered, or whether it was adopted so hastily that it is not likely that any one should have gone on to crime so rashly. And in this inquiry we ask also whether the deed could have been done with equal ease in any other manner; or whether it could have happened by chance. For very often if there has been a want of money, or means, or assistants, there would not appear to have been any opportunity of doing such a deed. If we take careful notice in this way, we shall see that all these circumstances which are attributed to things, and those too which are attributed to persons, fit one another. In this case it is neither easy nor necessary, as it is in the former divisions, to draw distinctions as to how the accuser and how the advocate for the defence ought to handle each topic. It is not necessary, because, when the case is once stated, the circumstances themselves will teach those men, who do not expect to find everything imaginable in this treatise, what is suitable for each case; and they will apply a reasonable degree of understanding to the rules which are here laid down, in the way of comparing them with the systems of others. And it is not easy, because it would be an endless business to enter into a separate explanation with respect to every portion of every case; and besides, these circumstances are adapted to each part of the case in different manners on different occasions.

XIV. Wherefore it will be desirable to consider what we have now set forth. And our mind will approach invention with more ease, if it often and carefully goes over both its own relation and that of the opposite party, of what has been done; and if, eliciting what suspicions each part gives rise to, it considers why, and with what intention, and with what hopes and plans, each thing was done. Why it was done in this manner rather than in that; why by this man rather than by that; why it was done without any assistant, or why with this one; why no one was privy to it, or why somebody was, or why this particular person was; why this was done before; why this was not done before; why it was done in this particular instance; why it was done afterwards; what was done designedly, or what came as a consequence of the original action; whether the speech is consistent with the facts or with itself; whether this is a token of this thing, or of that thing, or of both this and that, and which it is a token of most; what has been done which ought not to have been done, or what has not been done which ought to have been done.

Page 247

When the mind considers every portion of the whole business with this intention, then the topics which have been reserved, will come into use, which we have already spoken of; and certain arguments will be derived from them both separately and unitedly. Part of which arguments will depend on what is probable, part on what is necessary; there will be added also to conjecture questions, testimony, reports. All of which things each party ought to endeavour by a similar use of these rules to turn to the advantage of his own cause. For it will be desirable to suggest suspicions from questions, from evidence, and from some report or other, in the same manner as they have been derived from the cause, or the person, or the action.

Wherefore those men appear to us to be mistaken who think that this kind of suspicion does not need any regular system, and so do those who think that it is better to give rules in a different manner about the whole method of conjectural argument. For all conjecture must be derived from the same topics; for both the cause of every rumour and the truth of it will be found to arise from the things attributed to him who in his inquiry has made any particular statement, and to him who has done so in his evidence. But in every cause a part of the arguments is joined to that cause alone which is expressed, and it is derived from it in such a manner that it cannot be very conveniently transferred from it to all other causes of the same kind; but part of it is more rambling, and adapted either to all causes of the same kind, or at all events to most of them.

XV. These arguments then which can be transferred to many causes, we call common topics. For a common topic either contains some amplification of a well understood thing,—as if any one were desirous to show that a man who has murdered his father is worthy of the very extremity of punishment; and this topic is not to be used except when the cause has been proved and is being summed up;—or of a doubtful matter which has some probable arguments which can be produced on the other side of the question also; as a man may say that it is right to put confidence in suspicions, and, on the contrary, that it is not right to put confidence in suspicions. And a portion of the common topics is employed in indignation or in complaint, concerning which we have spoken already. A part is used in urging any probable reason on either side.

But an oration is chiefly distinguished and made plain by a sparing introduction of common topics, and by giving the hearers actual information by some topics, and by confirming previously used arguments in the same way. For it is allowable to say something common when any topic peculiar to the cause is introduced with care; and when the mind of the hearer is refreshed so as to be inclined to attend to what follows, or is reawakened by everything which has been already said. For all the embellishments of elocution, in which there is a great deal both of sweetness and gravity, and all things, too, which have any dignity in the invention of words or sentences, are bestowed upon common topics.

Page 248

Wherefore there are not as many common topics for orators as there are for lawyers. For they cannot be handled with elegance and weight, as their nature requires, except by those who have acquired a great flow of words and ideas by constant practice. And this is enough for us to say in a general way concerning the entire class of common topics.

XVI. Now we will proceed to explain what common topics are usually available in a conjectural statement of a case. As for instance—that it is proper to place confidence in suspicions, or that it is not proper, that it is proper to believe witnesses, or that it is not proper, that it is proper to believe examinations, or that it is not proper, that it is proper to pay attention to the previous course of a man's life, or that it is not proper, that it is quite natural that a man who has done so and so should have committed this crime also, or that it is not natural, that it is especially necessary to consider the motive, or that it is not necessary. And all these common topics, and any others which arise out of any argument peculiar to the cause in hand, may be turned either way.

But there is one certain topic for an accuser by which he exaggerates the atrocity of an action, and there is another by which he says that it is not necessary to pity the miserable. That, too, is a topic for an advocate for the defence by which the false accusations of the accusers are shown up with indignation, and that by which pity is endeavoured to be excited by complaints. These and all other common topics are derived from the same rules from which the other systems of arguments proceed, but those are handled in a more delicate, and acute, and subtle manner, and these with more gravity, and more embellishment, and with carefully selected words and ideas. For in them the object is, that that which is stated may appear to be true. In these, although it is desirable to preserve the appearance of truth, still the main object is to give importance to the statement. Now let us pass on to another statement of the case.

XVII. When there is a dispute as to the name of a thing because the meaning of a name is to be defined by words, it is called a definitive statement. By way of giving an example of this, the following case may be adduced. Caius Flaminius, who as consul met with great disasters in the second Punic war, when he was tribune of the people, proposed, in a very seditious manner, an agrarian law to the people, against the consent of the senate, and altogether against the will of all the nobles. While he was holding an assembly of the people, his own father dragged him from the temple. He is impeached of treason. The charge is—"You attacked the majesty of the people in dragging down a tribune of the people from the temple." The denial is—"I did not attack the majesty of the people." The question is—"Whether he attacked the majesty of the people or not?" The argument is—"I only used the power

Page 249

which I legitimately had over my own son.” The denial of this argument is—“But a man who, by the power belonging to him as a father, that is to say, as a private individual, attacks the power of a tribune of the people, that is to say, the power of the people itself, attacks the majesty of the people.” The question for the judges is—“Whether a man attacks the majesty of the people who uses his power as a father in opposition to the power of a tribune?” And all the arguments must be brought to bear on this question.

And, that no one may suppose by any chance that we are not aware that some other statement of the case may perhaps be applicable to this cause, we are taking that portion only for which we are going to give rules. But when all parts have been explained in this book, any one, if he will only attend diligently, will see every sort of statement in every sort of cause, and all their parts, and all the discussions which are incidental to them. For we shall mention them all.

The first topic then for an accuser is a short and plain definition, and one in accordance with the general opinion of men, of that name, the meaning of which is the subject of inquiry. In this manner—“To attack the majesty of the people is to detract from the dignity, or the rank, or the power of the people, or of those men to whom the people has given power.” This definition being thus briefly set forth in words, must be confirmed by many assertions and reasons and must be shown to be such as you have described it. Afterwards it will be desirable to add to the definition which you have given, the action of the man who is accused, and to add it too with reference to the character which you have proved it to have. Take for instance—“to attack the majesty of the people.” You must show that the adversary does attack the majesty of the people, and you must confirm this whole topic by a common topic, by which the atrocity or indignity of the fact, and the whole guilt of it, and also our indignation at it, may be increased.

After that it will be desirable to invalidate the definition of the adversaries, but that will be invalidated if it be proved to be false. This proof must be deduced from the belief of men concerning it, when we consider in what manner and under what circumstances men are accustomed to use that expression in their ordinary writing or talking. It will also be invalidated if the proof of that description be shown to be discreditable or useless, and if it be shown what disadvantages will ensue if that position be once admitted. And it will be derived from the divisions of honour and usefulness, concerning which we will give rules when we lay down a system of deliberations. And if we compare the definition given by our adversaries with our own definition, and prove our own to be true, and honourable, and useful, and theirs to be entirely different. But we shall seek out things like them in an affair of either greater, or less, or equal importance, from which our description will be proved.

Page 250

XVIII Now, if there be more matters to be defined,—as for instance, if we inquire whether he is a thief or a sacrilegious person who has stolen sacred vessels from a private house,—we shall have to employ many definitions, and then the whole cause will have to be dealt with on a similar principle. But it is a common topic to dwell on the wickedness of that man who endeavours to wrest to his own purposes not only the effect of things, but also the meaning of words, in order both to do as he pleases, and to call what he does by whatever name he likes.

Then the first topic to be used by an advocate for the defence, is also a brief and plain definition of a name, adopted in accordance with the opinion of men. In this way—To diminish the majesty of the people is to usurp some of the public powers when you are not invested with any office. And then the confirmation of this definition is derived from similar instances and similar principles. Afterwards comes the separation of one's own action from that definition. Then comes the common topic by which the expediency or honesty of the action is increased.

Then comes the reprehension of the definition of the opposite party, which is also derived from all the same topics as those which we have prescribed to the accuser. And afterwards other arguments will be adduced besides the common topic. But that will be a common topic for the advocate of the defence to use, by which he will express indignation that the accuser not only alters facts in order to bring him into danger, but that he attempts also to alter words. For those common topics which are assumed either for the purpose of demonstrating the falsehood of the accusations of the prosecutor, or for exciting pity, or for expressing indignation at an action, or for the purpose of deterring people from showing pity, are derived from the magnitude of the danger, not from the nature of the cause. Wherefore they are incidental not to every cause, but to every description of cause. We have made mention of them in speaking of the conjectural statement of a case, but we shall use induction when the cause requires.

XIX But when the pleading appears to require some translation, or to need any alteration, either because he is not pleading who ought to do so, or he is not pleading with the man he ought, or before the men whom he ought to have for hearers, or in accordance with the proper law, or under liability to the proper punishment, or in reference to the proper accusation, or at the proper time, it is then called a transferable statement of the case. We should require many examples of this if we were to inquire into every sort of translation, but because the principle on which the rules proceed is similar, we have no need of a superfluity of instances. And in our usual practice it happens from many causes that such translations occur but seldom. For many actions are prevented by the exceptions allowed by the praetors, and we

Page 251

have the civil law established in such a way that that man is sure to lose his cause who does not conduct it as he ought. So that those actions greatly depend on the state of the law. For there the exceptions are demanded, and an opportunity is allowed of conducting the cause in some manner, and every formula of private actions is arranged. But in actual trials they occur less frequently, and yet, if they ever do occur at all, they are such that by themselves they have less strength, but they are confirmed by the assumption of some other statement in addition to them. As in a certain trial which took place "When a certain person had been prosecuted for poisoning, and, because he was also accused of parricide, the trial was ordered to proceed out of its regular order, when in the accusation some charges were corroborated by witnesses and arguments, but the parricide was barely mentioned, it was proper for the advocate for the defence to dwell much and long on this circumstance, as, nothing whatever was proved respecting the death of the accused person's parent, and therefore that it was a scandalous thing to inflict that punishment on him which is inflicted on parricides, but that that must inevitably be the case if he were convicted, since that it is added as one of the counts of the indictment, and since it is on that account that the trial has been ordered to be taken out of its regular order. Therefore if it is not right that that punishment should be inflicted on the criminal, it is also not right that he should be convicted, since that punishment must inevitably follow a conviction." Here the advocate for the defence, by bringing the commutation of the punishment into his speech, according to the transferable class of topics, will invalidate the whole accusation. But he will also confirm the alteration by a conjectural statement of the case when employed in defending his client on the other charges.

XX But we may give an example of translation in a cause, in this way—When certain armed men had come for the purpose of committing violence, and armed men were also prepared on the other side, and when one of the armed men with his sword cut off the hand of a certain Roman knight who resisted his violence, the man whose hand had been cut off brings an action for the injury. The man against whom the action is brought pleads a demurrer before the praetor, without there being any prejudice to a man on trial for his life. The man who brings the action demands a trial on the simple fact, the man against whom the action is brought says that a demurrer ought to be added. The question is—"Shall the demurrer be allowed or not?" The reason is—"No, for it is not desirable in an action for damages that there should be any prejudged decision of a crime, such as is the subject of inquiry when assassins are on their trial." The arguments intended to invalidate this reason are—"The injuries are such that it is a shame that a decision should not be come to as early as possible."

Page 252

The thing to be decided is—"Whether the atrocity of the injuries is a sufficient reason why, while that point is before the tribunal, a previous decision should be given concerning some greater crime, concerning which a tribunal is prepared." And this is the example. But in every cause the question ought to be put to both parties, by whom, and by whose agency, and how, and when it is desirable that the action should be brought, or the decision given; or what ought to be decided concerning that matter.

That ought to be assumed from the divisions of the law, concerning which we must speak hereafter; and we then ought to argue as to what is usually done in similar cases, and to consider whether, in this instance, out of wickedness, one course is really adopted and another pretended; or whether the tribunal has been appointed and the action allowed to proceed through folly or necessity, because it could not be done in any other manner, or owing to an opportunity which offered for acting in such a manner; or whether it has been done rightly without any interruption of any sort. But it is a common topic to urge against the man who seeks to avail himself of a demurrer to an action, that he is fleeing from a decision and from punishment, because he has no confidence in the justice of his cause. And that, owing to the demurrer, everything will be in confusion, if matters are not conducted and brought into court as they ought to be; that is to say, if it is either pleaded against a man it ought not, or with an improper penalty, or with an improper charge, or at an improper time; and this principle applies to any confusion of every sort of tribunal. Those three statements of cases then, which are not susceptible of any decisions, must be treated in this manner. At present let us consider the question and its divisions on general principles.

XXI. When the fact and the name of the action in question is agreed upon, and when there is no dispute as to the character of the action to be commenced; then the effect, and the nature, and the character of the business is inquired into. We have already said, that there appear to be two divisions of this; one which relates to facts and one which relates to law. It is like this: "A certain person made a minor his heir, but the minor died before he had come into the property which was under the care of guardians. A dispute has arisen concerning the inheritance which came to the minor, between those who are the reversionary heirs of the father of the minor,—the possession belongs to the reversionary heirs." The first statement is that of the next of kin—"That money, concerning which he, whose next of kin we are, said nothing in his will, belongs to us." The reply is—"No, it belongs to us who are the reversionary heirs according to the will of his father." The thing to be inquired into is—To whom does it rightfully belong? The argument is—"For the father made a will for himself and for his son

Page 253

as long as the latter was a minor, wherefore it is quite clear that the things which belonged to the son are now ours, according to the will of the father.” The argument to upset this is—“Aye, the father made his own will, and appointed you as reversionary heir, not to his son, but himself. Wherefore, nothing except what belonged to him himself can be yours by his will.” The point to be determined is, whether any one can make a will to affect the property of his son who is a minor, or, whether the reversionary heirs of the father of the family himself, are not the heirs of his son also as long as he is a minor. And it is not foreign to the subject, (in order that I may not, on the one hand, omit to mention it, or, on the other, keep continually repeating it,) to mention a thing here which has a bearing on many questions. There are causes which have many reasons, though the grounds of the cause are simple, and that is the case when what has been done, or what is being defended, may appear right or natural on many different accounts, as in this very cause. For this further reason may be suggested by the heirs —“For there cannot be more heirs than one of one property, for causes quite dissimilar, nor has it ever happened, that one man was heir by will, and another by law, of the same property.” This, again, is what will be replied, in order to invalidate this—“It is not one property only; because one part of it was the adventitious property of the minor, whose heir no one had been appointed by will at that time, in the case of anything happening to the minor, and with respect to the other portion of the property, the inclination of the father, even after he was dead, had the greatest weight, and that, now that the minor is dead, gives the property to his own heirs.”

The question to be decided is, “Whether it was one property?” And then, if they employ this argument by way of invalidating the other, “That there can be many heirs of one property for quite dissimilar causes,” the question to be decided arises out of that argument, namely “Whether there can be more heirs than one, of different classes and character, to one property?”

XXII Therefore, in one statement of the case, it has been understood how there are more reasons than one, more topics than one to invalidate such reasons, and besides that, more questions than one for the decision of the judge. Now let us look to the rules for this class of question. We must consider in what the rights of each party, or of all the parties (if there are many parties to the suit), consist. The beginning, then, appears derived from nature; but some things seem to have become adopted in practice for some consideration of expediency which is either more or less evident to us. But afterwards things which were approved of, or which seemed useful, either through habit, or because of their truth, appeared to have been confirmed by laws, and some things seem to be a law of nature, which it is not any vague opinion,

Page 254

but a sort of innate instinct that implants in us, as religion, piety, revenge for injuries, gratitude, attention to superiors, and truth. They call religion, that which is conversant with the fear of, and ceremonious observance paid to the gods; they call that piety, which warns us to fulfil our duties towards our country, our parents, or others connected with us by ties of blood, gratitude is that which retains a recollection of honours and benefits conferred on one, and acts of friendship done to one, and which shows itself by a requital of good offices, revenge for injuries is that by which we repel violence and insult from ourselves and from those who ought to be dear to us, by defending or avenging ourselves, and by means of which we punish offences, attention to superiors, they call the feeling under the influence of which we feel reverence for and pay respect to those who excel us in wisdom or honour or in any dignity, truth, they style that habit by which we take care that nothing has been or shall be done in any other manner than what we state. And the laws of nature themselves are less inquired into in a controversy of this sort, because they have no particular connexion with the civil law of which we are speaking and also, because they are somewhat remote from ordinary understandings. Still it is often desirable to introduce them for the purpose of some comparison, or with a view to add dignity to the discussion.

But the laws of habit are considered to be those which without any written law, antiquity has sanctioned by the common consent of all men. And with reference to this habit there are some laws which are now quite fixed by their antiquity. Of which sort there are many other laws also, and among them far the greatest part of those laws which the praetors are in the habit of including in their edicts. But some kinds of law have already been established by certain custom, such as those relating to covenants, equity, formal decisions. A covenant is that which is agreed upon between two parties, because it is considered to be so just that it is said to be enforced by justice, equity is that which is equal to all men, a formal decision is that by which something has been established by the declared opinion of some person or persons authorized to pronounce one. As for regular laws, they can only be ascertained from the laws. It is desirable, then, by trying over every part of the law, to take notice of and to extract from these portions of the law whatever shall appear to arise out of the case itself, or out of a similar one, or out of one of greater or less importance. But since, as has been already said, there are two kinds of common topics, one of which contains the amplification of a doubtful matter, and the other of a certain one, we must consider what the case itself suggests, and what can be and ought to be amplified by a common topic. For certain topics to suit every possible case cannot be laid down, and perhaps in most of them it will be necessary at times to rely on the authority of the lawyers, and at times to speak against it. But we must consider, in this case and in all cases, whether the case itself suggests any common topics besides those which we have mentioned.

Page 255

Now let us consider the juridical kind of inquiry and its different divisions. XXIII The juridical inquiry is that in which the nature of justice and injustice, and the principle of reward or punishment, is examined. Its divisions are two, one of which we call the absolute inquiry, and the other the one which is accessory. That is the absolute inquiry which itself contains in itself the question of right and not right, not as the inquiry about facts does, in an overhand and obscure manner, but openly and intelligibly. It is of this sort.—When the Thebans had defeated the Lacedaemonians in war, as it was nearly universal custom among the Greeks, when they were waging war against one another, for those who were victorious to erect some trophy on their borders, for the sake only of declaring their victory at present, not that it might remain for ever as a memorial of the war, they erected a brazen trophy. They are accused before the Amphictyons, that is, before the common council of Greece. The charge is, “They ought not to have done so.” The denial is, “We ought.” The question is, “Whether they ought.” The reason is, “For we gained such glory by our valour in that war, that we wished to leave an everlasting memorial of it to posterity.” The argument adduced to invalidate this is, “But still it is not right for Greeks to erect an eternal memorial of then enmity to Greeks.” The question to be decided is, “As for the sake of celebrating their own excessive valour Greeks have erected an imperishable monument of their enmity to Greeks, whether they have done well or ill?” We, therefore, have now put this reason in the mouth of the Thebans, in order that this class of cause which we are now considering might be thoroughly understood. For if we had furnished them with that argument which is perhaps the one which they actually used, “We did so because our enemies warred against us without any considerations of justice and piety,” we should then be digressing to the subject of retorting an accusation, of which we will speak hereafter. But it is manifest that both kinds of question are incidental to this controversy. And arguments must be derived for it from the same topics as those which are applicable to the cause depending on matters of fact, which has been all ready treated of. But to take many weighty common topics both from the cause itself, if there is any opportunity for employing the language of indignation or complaint, and also from the advantage and general character of the law, will be not only allowable, but proper, if the dignity of the cause appears to require such expedients.

XXIV. At present let us consider the assumptive portion of the juridical inquiry. But it is then called assumptive, when the fact cannot be proved by its own intrinsic evidence, but is defended by some argument brought from extraneous circumstances. Its divisions are four in number: comparison, the retort of the accusation, the refutation of it as far as regards oneself, and concession.

Page 256

Comparison is when any action which intrinsically cannot be approved, is defended by reference to that for the sake of which it was done. It is something of this sort:—"A certain general, when he was blockaded by the enemy and could not escape by any possible means, made a covenant with them to leave behind his arms and his baggage, on condition of being allowed to lead away his soldiers in safety. And he did so. Having lost his arms and his baggage, he saved his men, beyond the hopes of any one. He is prosecuted for treason." Then comes the definition of treason. But let us consider the topic which we are at present discussing.

The charge is, "He had no business to leave behind the arms and baggage." The denial is, "Yes, he had." The question is, "Whether he had any right to do so?" The reason for doing so is, "For else he would have lost all his soldiers." The argument brought to invalidate this is either the conjectural one, "They would not have been lost," or the other conjectural one, "That was not your reason for doing so." And from this arise the questions for decision: "Whether they would have been lost?" and, "Whether that was the reason why he did so?" Or else, this comparative reason which we want at this minute: "But it was better to lose his soldiers than to surrender the arms and baggage to the enemy." And from this arises the question for the decision of the judges: "As all the soldiers must have been lost unless they had come into this covenant, whether it was better to lose the soldiers, or to agree to these conditions?"

It will be proper to deal with this kind of cause by reference to these topics, and to employ the principles of, and rules for the other statements of cases also. And especially to employ conjectures for the purpose of invalidating that which those who are accused will compare with the act which is alleged against them as a crime. And that will be done if either that result which the advocates for the defence say would have happened unless that action had been performed which is now brought before the court, be denied to have been likely to ensue; or if it can be proved that it was done with a different object and in a different manner from that stated by the man who is on his trial. The confirmation of that statement, and also the argument used by the opposite party to invalidate it, must both be derived from the conjectural statement of the case. But if the accused person is brought before the court, because of his action coming under the name of some particular crime, (as is the case in this instance, for the man is prosecuted for treason), it will be desirable to employ a definition and the rules for a definition.

XXV. And this usually takes place in this kind of examination, so that it is desirable to employ both conjecture and definition. But if any other kind of inquiry arises, it will be allowable on similar principles to transfer to it the rules for that kind of inquiry. For the accuser must of all things take pains to invalidate, by as many reasons as possible, the very fact on account of which the person on his trial thinks that it is granted to him that he was right. And it is easy to do so, if he attempts to overturn that argument by as many statements of the case as he can employ.

Page 257

But comparison itself, when separated from the other kinds of discussion, will be considered according to its own intrinsic power, if that which is mentioned in the comparison is shown, either not to have been honourable, or not to have been useful, or not to have been necessary, or not so greatly useful, or not so very honourable, or not so exceedingly necessary.

In the next place it is desirable for the accuser to separate the action which he himself is accusing, from that which the advocate for the defence compares with it. And he will do that if he shows that it is not usually done in such a manner, and that it ought not to be done so, and that there is no reason why this thing should be done on this account; for instance, that those things which have been provided for the sake of safety, should be surrendered to the enemy for the sake of safety. Afterwards it will be desirable to compare the injury with the benefit, and altogether to compare the action which is impeached with that which is praised by the advocate for the defence or which is attempted to be proved as what must inevitably have ensued, and then, by disparaging the one at the same time to exaggerate the importance of the mischief caused by the other. That will be effected if it be shown that that which the person on his trial avoided was more honourable, more advantageous, and more necessary than that which he did. But the influence and character of what is honourable, and useful, and necessary, will be ascertained in the rules given for deliberation.

In the next place, it will be desirable to explain that comparative kind of judicial decision as if it were a deliberative cause and then afterwards to discuss it by the light thrown on it by rules for deliberation. For let this be the question for judicial decision which we have already mentioned—"As all the soldiers would have been lost if they had not come to this agreement, was it better for the soldiers to be lost, or to come to this agreement?" It will be desirable that this should be dealt with with reference to the topics concerning deliberation, as if the matter were to come to some consultation.

XXVI. But the advocate for the defence will take the topics in accordance with which other statements of the case are made by the accuser, and will prepare his own defence from those topics with reference to the same statements. But all other topics which belong to the comparison, he will deal with in the contrary manner.

The common topics will be these,—the accuser will press his charges against the man who confesses some discreditable or pernicious action, or both, but still seeks to make some defence, and will allege the mischievous or discreditable nature of his conduct with great indignation. The advocate for the defence will insist upon it, that no action ought to be considered pernicious or discreditable, or, on the other hand, advantageous or creditable, unless it is ascertained with what intention, at what time,

Page 258

and on what account it was done. And this topic is so common, that if it is well handled in this cause it is likely to be of great weight in convincing the hearers. And there is another topic, by means of which the magnitude of the service done is demonstrated with very great amplification, by reference to the usefulness, or honourableness, or necessity of the action. And there is a third topic, by means of which the matter which is expressed in words is placed before the eyes of those men who are the hearers, so that they think that they themselves also would have done the same things, if the same circumstances and the same cause for doing so had happened to them at the same time.

The retorting of a charge takes place, when the accused person, having confessed that of which he is accused, says that he did it justifiably, being induced by the sin committed against him by the other party. As in this case—"Horatius, when he had slain the three Curiatii and lost his two brothers, returned home victorious. He saw his sister not troubled about the death of her brothers, but at the same time calling on the name of Curatius, who had been betrothed to her, with groans and lamentation. Being indignant, he slew the maid". He is prosecuted.

The charge is, "You slew your sister wrongfully". The refutation is "I slew her lawfully". The question is, "Whether he slew her lawfully". The reason is, "Yes, for she was lamenting the death of enemies, and was indifferent to that of her brothers, she was grieved that I and the Roman people were victorious". The argument to invalidate this reason is, "Still she ought not to have been put to death by her brother without being convicted". On this the question for the decision of the judges is, "Whether when Horatia was showing her indifference to the death of her brothers, and lamenting that of the enemy, and not rejoicing at the victory of her brother and of the Roman people, she deserved to be put to death by her brother without being condemned".

XXVII For this kind of cause, in the first place, whatever is given out of the other statements of cases ought to be taken, as has been already enjoined when speaking of comparison. After that, if there is any opportunity of doing so, some statement of the case ought to be employed by which he to whom the crime is imputed may be defended. In the next place, we ought to argue that the fault which the accused person is imputing to another, is a lighter one than that which he himself committed; in the next place, we ought to employ some portion of a demurrer, and to show by whom, and through whose agency, and how, and when that matter ought to have been tried, or adjudged, or decided. And at the same time, we ought to show that it was not proper that punishment should have been inflicted before any judgment was pronounced. Then we must also point out the laws and the course of judicial proceeding by which that offence which the accused person punished of his own accord, might

Page 259

have been chastised according to precedent, and by the regular course of justice. In the next place, it will be right to deny that it is proper to listen to the charge which is brought by the accused person against his victim, when he who brings it did not choose to submit it to the decision of the judges, and it may be urged that one ought to consider that on which no decision has been pronounced, as if it had not been done, and after that to point out the impudence of those men who are now before the judges accusing the man whom they themselves condemned without consulting the judges, and are now bringing him to trial on whom they have already inflicted punishment. After this we may say that it is bringing irregularity into the courts of justice, and that the judges will be advancing further than their power authorizes them, if they pronounce judgment at the same time in the case of the accused person, and of him whom the accused person impeaches. And in the next place, we may point out if this rule is established, and if men avenge one offence by another offence, and one injury by another injury, what vast inconvenience will ensue from such conduct, and that if the person who is now the prosecutor had chosen to do so too, there would have been no need of this trial at all, and that if every one else were to do so, there would be an end of all courts of justice.

After that it may be pointed out, that even if the maiden who is now accused by him of this crime had been convicted, he would not himself have had any right to inflict punishment on her, so that it is a shameful thing that the man who would have had no right to punish her, even if she had been convicted, should have punished her without her being even brought to trial at all. And then the accused person may be called upon to produce the law which he says justifies his having acted in such a manner.

After that, as we have enjoined when speaking of comparison, that that which is mentioned in comparison should be disparaged by the accuser as much as possible, so, too, in this kind of argument, it will be advantageous to compare the fault of the party on whom the accusation is retorted with the crime of the accused person who justified his action as having been lawfully done. And after that it is necessary to point out that that is not an action of such a sort, that on account of it this other crime ought to have been committed. The last point, as in the case of comparison, is the assumption of a judicial decision, and the dilating upon it in the way of amplification, in accordance with the rules given respecting deliberation.

Page 260

XXVIII But the advocate for the defence will invalidate what is urged by means of other statements from those topics which have already been given. But the demurrer itself he will prove first of all, by dwelling on the guilt and audacity of the man to whom he imputes the crime, and by bringing it before the eyes of the judges with as much indignation as possible if the case admits of it, and also with vehement complaint, and afterwards by proving that the accused person chastised the offence more lightly than the offender deserved, by comparing the punishment inflicted with the injury done. In the next place, it will be desirable to invalidate by opposite arguments those topics which are handled by the prosecutor in such a way that they are capable of being refuted and retorted, of which kind are the three last topics which I have mentioned. But that most vehement attack of the prosecutors, by which they attempt to prove that irregularity will be introduced into all the courts of justice if power is given to any man of inflicting punishment on a person who has not been convicted, will have its force much weakened, first of all, if the injury be shown to be such as appears intolerable not only to a good man but absolutely to any freeman, and in the next place to be so manifest that it could not have been denied even by the person who had done it, and moreover, of such a kind that the person who did chastise it was the person who above all others was bound to chastise it. So that it was not so proper nor so honourable for that matter to be brought before a court of justice as for it to be chastised in that manner in which, and by that person by whom it was chastised, and lastly, that the case was so notorious that there was no occasion whatever for a judicial investigation into it. And here it will be proper to show, by arguments and by other similar means, that there are very many things so atrocious and so notorious, that it is not only not necessary, but that it is not even desirable to wait for the slow proceedings of a judicial trial.

There is a common topic for an accuser to employ against a person, who, when he cannot deny the fact of which he is accused, still derives some hope from his attempt to show that irregularity will be introduced into all courts of justice by such proceedings. And here there will come in the demonstration of the usefulness of judicial proceedings, and the complaint of the misfortune of that person who has been punished without being condemned; and the indignation to be expressed against the audacity and cruelty of the man who has inflicted the punishment. There is also a topic for the advocate for the defence to employ, in complaining of the audacity of the person whom he chastised; and in urging that the case ought to be judged of, not by the name of the action itself, but with reference to the intention of the person who committed it, and the cause for which, and the time at which it was committed. And in pointing out what great mischief will ensue either from the injurious conduct, or the wickedness of some one, unless such excessive and undisguised audacity were chastised by him whose reputation, or parents, or children, or something else which either necessarily is, or at least ought to be dear to every one, is affected, by such conduct.

Page 261

XXIX. The transference of an accusation takes place when the accusation of that crime which is imputed to one by the opposite party is transferred to some other person or circumstance. And that is done in two ways. For sometimes the motive itself is transferred, and sometimes the act. We may employ this as an instance of the transference of the motive:—"The Rhodians sent some men as ambassadors to Athens. The quaestors did not give the ambassadors the money for their expenses which they ought to have given them. The ambassadors consequently did not go. They are impeached." The charge brought against them is, "They ought to have gone." The denial is, "They ought not." The question is, "Whether they ought." The reason alleged is, "Because the money for their expenses, which is usually given to ambassadors from the public treasury, was not given to them by the quaestor." The argument brought to invalidate that reason is, "Still you ought to have discharged the duty which was entrusted to you by the public authority." The question for the decision of the judges is, "Whether, as the money which ought to have been supplied from the public treasury was not furnished to those men who were appointed ambassadors, they were nevertheless bound to discharge the duties of their embassy." In this class of inquiry, as in all the other kinds, it will be desirable to see if anything can be assumed, either from a conjectural statement of the case, or from any other kind of statement. And after that, many arguments can be brought to bear on this question, both from comparison, and from the transference of the guilt to other parties.

But the prosecutor will, in the first place, if he can, defend the man through whose fault the accused person says that that action was done; and if he cannot, he will declare that the fault of the other party has nothing to do with this trial, but only the fault of this man whom he himself is accusing. Afterwards he will say that it is proper for every one to consider only what is his own duty; and that if the one party did wrong, that was no reason for the other doing wrong too. And in the next place, that if the other man has committed a fault, he ought to be accused separately as this man is, and that the accusation of the one is not to be mixed up with the defence of the other.

But when the advocate for the defence has dealt with the other arguments, if any arise out of other statements of the case, he will argue in this way with reference to the transference of the charge to other parties. In the first place, he will point out to whose fault it was owing that the thing happened; and in the next place, as it happened in consequence of the fault of some one else, he will point out that he either could not or ought not to have done what the prosecutor says he ought: that he could not, will be considered with reference to the particulars of expediency, in which the force of necessity is involved; that he

Page 262

ought not, with reference to the honourableness of the proceeding. We will consider each part more minutely when talking of the deliberative kind of argument. Then he will say, that everything was done by the accused person which depended on his own power; that less was done than ought to have been, was the consequence of the fault of another person. After that, in pointing out the criminality of that other person, it will be requisite to show how great the good will and zeal of the accused person himself was. And that must be established by proofs of this sort—by his diligence in all the rest of the affair, by his previous actions, or by his previous expressions. And it may be well to show that it would have been advantageous to the man himself to have done this, and disadvantageous not to have done it, and that to have done it would have been more in accordance with the rest of his life, than the not having done it, which, was owing to the fault of the other party.

XXX But if the criminality is not to be transferred to some particular person, but to some circumstance, as in this very case—"If the quaestor had been dead, and on that account the money had not been given to the ambassadors," then, as the accusation of the other party, and the denial of the fault is removed, it will be desirable to employ the other topics in a similar manner, and to assume whatever is suitable to one's purpose from the divisions of admitted facts. But common topics are usually nearly the same to both parties, and then, after the previous topics are taken for granted, will suit either to the greatest certainty. The accuser will use the topic of indignation at the fact, the defender, when the guilt belongs to another and does not attach to himself, will urge that he does not deserve to have any punishment inflicted on him.

But the removal of the criminality from oneself is effected when the accused person declares, that what is attributed to him as a crime did not affect him or his duty, and asserts that if there was any criminality in it, it ought not to be attributed to him. That kind of dispute is of this sort—"In the treaty which was formerly made with the Samnites, a certain young man of noble birth held the pig which was to be sacrificed, by the command of the general. But when the treaty was disavowed by the senate, and the general surrendered to the Samnites, one of the senators asserted that the man who held the pig ought also to be given up." The charge is, "He ought to be given up." The denial is, "He ought not." The question is, "Whether he ought or not." The reason is, "For it was no particular duty of mine, nor did it depend on my power, being as young as I was, and only a private individual, and while the general was present with the supreme authority and command, to take care that the treaty was solemnised with all the regular formalities." The argument to invalidate this reason is, "But since you became an accomplice in a most infamous

Page 263

treaty, sanctioned with the most formal solemnities of religion, you ought to be surrendered.” The question for the judges to decide is “Whether, since a man who had no official authority was present, by the command of the general, aiding and abetting in the adopting of the treaty, and in that important religious ceremony, he ought to be surrendered to the enemy or not.” This kind of question is so far different from the previous one, because in that the accused person admits that he ought to have done what the prosecutor says ought to have been done, but he attributes the cause to some particular circumstance or person, which was a hindrance to his own intention, without having recourse to any admission. For that has greater force, which will be understood presently. But in this case a man ought not to accuse the opposite party, nor to attempt to transfer the criminality to another, but he ought to show that that has not and never has had any reference whatever to himself, either in respect of power or duty. And in this kind of cause there is this new circumstance, that the prosecutor often works up a fresh accusation out of the topics employed, to remove the guilt from the accused person. As for instance,—“If any one accuses a man who, while he was praetor, summoned the people to take up arms for an expedition, at a time when the consuls were in the city.” For as in the previous instance the accused person showed that the matter in question had no connexion with his duty or his power, so in this case also, the prosecutor himself, by removing the action done from the duty and power of the person who is put on his trial, confirms the accusation by this very argument. And in this case it will be proper for each party to examine, by means of all the divisions of honour and expediency, by examples, and tokens, and by arguing what is the duty, or right, or power of each individual, and whether he had that right, and duty, and power which is the subject of the present discussion, or not. But it will be desirable for common topics to be assumed from the case itself, if there is any room in it for expressions of indignation or complaint.

XXI. The admission of the fact takes place, when the accused person does not justify the fact itself, but demands to be pardoned for it. And the parts of this division of the case are two: purgation and deprecation. Purgation is that by which (not the action, but) the intention of the person who is accused, is defended. That has three subdivisions,—ignorance, accident, necessity.

Ignorance is when the person who is accused declares that he did not know something or other. As, “There was a law in a certain nation that no one should sacrifice a calf to Diana. Some sailors, when in a terrible tempest they were being tossed about in the open sea, made a vow that if they reached the harbour which they were in sight of, they would sacrifice a calf to the god who presided over that place. Being ignorant of the law, when they landed,

Page 264

they sacrificed a calf." They are prosecuted. The accusation is, "You sacrificed a calf to a god to whom it was unlawful to sacrifice a calf." The denial consists in the admission which has been already stated. The reason is, "I was not aware that it was unlawful." The argument brought to invalidate that reason is, "Nevertheless, since you have done what was not lawful, you are according to the law deserving of punishment." The question for the decision of the judge is, "Whether, as he did what he ought not to have done, and was not aware that he ought not to have done so, he is worthy of punishment or not."

But accident is introduced into the admission when it is proved that some power of fortune interfered with his intention; as in this case:—"There was a law among the Lacedaemonians, that if the contractor failed to supply victims for a certain sacrifice, he should be accounted guilty of a capital offence; and accordingly, the man who had contracted to supply them, when the day of the sacrifice was at hand, began to drive in cattle from the country into the city. It happened on a sudden that the river Eurotus, which flows by Lacedaemon, was raised by some violent storms, and became so great and furious that the victims could not by any possibility be conveyed across. The contractor, for the sake of showing his own willingness, placed all the victims on the bank of the river, in order that every one on the other side of the river might be able to see them. But though, everyone was aware that it was the unexpected rise of the river which hindered him from giving effect to his zeal, still some people prosecuted him on the capital charge." The charge was, "The victims which you were bound to furnish for the sacrifice were not furnished." The reply was an admission of the fact. The reason alleged was, "For the river rose on a sudden, and on that account it was impossible to convey them across." The argument used to invalidate that reason was, "Nevertheless, since what the law enjoins was not done, you are deserving of punishment." The question for the decision of the judges was, "Whether, as in that respect the contractor did not comply with the law, being prevented by the unexpected rise of the river which hindered his giving effect to his zeal, he is deserving of punishment."

XXXII. But the plea of necessity is introduced when the accused person is defended as having done what he is accused of having done under the influence of compulsion. In this way:—"There is a law among the Rhodians, that if any vessel with a beak is caught in their harbour, it shall be confiscated. There was a violent storm at sea; the violence of the winds compelled a vessel, against the will of her crew, to take refuge in the harbour of the Rhodians. On this the quaestor claims the vessel for the people. The captain of the ship declared that it was not just that it should be confiscated." The charge is, "A ship with a beak was caught in the harbour."

Page 265

The reply is an admission of the fact. The reason given is, "We were driven into the harbour by violence and necessity." The argument brought to invalidate that reason is, "Nevertheless, according to the law that ship ought to become the property of the people." The question for the decision of the judge is, "Whether, as the law confiscates every ship with a beak which is found in the harbour, and as this ship, in spite of the endeavours of her crew, was driven into the harbour by the violence of the tempest, it ought to be confiscated."

We have collected these examples of these three kinds of cases into one place, because a similar rule for the arguments required for these prevails in all of them. For in all of them, in the first place, it is desirable, if the case itself affords any opportunity of doing so, that a conjecture should be introduced by the accuser, in order that that which it will be stated was not done intentionally, may be demonstrated by some suspicious circumstances, to have been done intentionally. In the next place, it will be well to introduce a definition of necessity, or of accident, or of ignorance, and to add instances to that definition, in which ignorance, or accident, or necessity appear to have operated, and to distinguish between such instances and the allegations put forward by the accused person, (that is to say, to show that there is no resemblance between them,) because this was a lighter or an easier matter, or one which did not admit of any one's being ignorant respecting it, or one which gave no room for accident or necessity. After that it must be shown that it might have been avoided, and, that the accused person might have prevented it if he had done this thing, or that thing, or that he might have guarded against being forced to act in such a manner. And it is desirable to prove by definitions that this conduct of his ought not to be called imprudence, or accident, or necessity, but indolence, indifference, or fatuity.

And if any necessity alleged appears to have in it anything discreditable, it will be desirable for the opponent, by a chain of common topics, to prove that it would have been better to suffer anything, or even to die, rather than to submit to a necessity of the sort. And then, from these topics, which have been already discussed when we spoke of the question of fact, it will be desirable to inquire into the nature of law and equity, and, as if we were dealing with an absolute juridical question, to consider this point by itself separately from all other points. And in this place, if there should be an opportunity, it will be desirable to employ instances in which there can be no room for any similar excuse, and also to institute a comparison, showing that there would have been more reason to allow it in them, and by reference to the divisions of deliberation, it may be shown that it is admitted that that action which was committed by the adversary is confessed to have been discreditable and useless, that it is a matter of great importance, and one likely to cause great mischief, if such conduct is overlooked by those who have authority to punish it.

Page 266

XXXIII. But the advocate for the defence will be able to convert all these arguments, and then to use them for his own purposes. And he will especially dwell on the defence of his intentions, and in exaggerating the importance of that which was an obstacle to his intentions, and he will show that he could not have done more than he did do, and he will urge that in all things the will of the doer ought to be regarded, and that it is quite impossible that he should be justly convicted of not being free from guilt, and that under his name the common powerlessness of mankind is sought to be convicted. Then, too, he will say that nothing can be more scandalous than for a man who is free from guilt, not also to be free from punishment. But the common topics for the prosecutor to employ are these, one resting on the confession of the accused person, and the other pointing out what great licence for the violation of the law will follow, if it is once laid down that the thing to be inquired into is not the action but the cause of the action. The common topics for the advocate for the defence to employ are, a complaint of that calamity which has taken place by no fault of his, but in consequence of some overruling power, and a complaint also of the power of fortune and the powerless state of men, and an entreaty that the judges should consider his intentions, and not the result. And in the employment of all these topics it will be desirable that there should be inserted a complaint of his own unhappy condition, and indignation at the cruelty of his adversaries.

And no one ought to marvel, if in these or other instances he sees a dispute concerning the letter of the law added to the rest of the discussion. And we shall have hereafter to speak of this subject separately, because some kinds of causes will have to be considered by themselves, and with reference to their own independent merits, and some connect with themselves some other kind of question also. Wherefore, when everything is cleared up, it will not be difficult to transfer to each cause whatever is suitable to that particular kind of inquiry, as in all these instances of admission of the fact, there is involved that dispute as to the law, which is called the question as to the letter and spirit of the law. But as we were speaking of the admission of the fact we gave rules for it. But in another place we will discuss the letter and the spirit of the law. At present we will limit our consideration to the other division of the admission of the fact.

XXXIV. Deprecation is when it is not attempted to defend the action in question, but entreaties to be pardoned are employed. This kind of topic can hardly be approved of in a court of justice, because, when the offence is admitted, it is difficult to prevail on the man who is bound to be the chastiser of offences to pardon it. So that it is allowable to employ that kind of address only when you do not rest the whole cause on it. As for instance, if you were

Page 267

speaking in behalf of some illustrious or gallant man, who has done great services to the republic, you might, without appearing to have recourse to deprecation, still employ it in this manner:—"But if, O judges, this man, in return for the services which he has done you, and the zeal which he has displayed in your cause at all times, were now, when he himself is in such peril, to entreat you, in consideration of his many good actions, to pardon this one error, it would only be what is due both to your own character for clemency, and to his virtue, O judges, for you to grant him this indulgence at his request." Then it will be allowable to dwell upon the services which he has done, and by the use of some common topic to lead the judges to feel an inclination to pardon him.

Wherefore, although this kind of address has no proper place in judicial proceedings, except to a certain limited extent; still, because both the portion which is allowable must be employed at times, and because it is often to be employed in all its force in the senate or in the council, we will give rules for it also. For there was a long deliberation in the senate and in the council about Syphax; and there was a long discussion before Lucius Opimius and his bench of assessors respecting Quintus Numitorius Pullus; and in this case the entreaty for pardon had more influence than the strict inquiry into the case. For he did not find it so easy to prove that he had always been well affected towards the Roman people, by employing the statement of the case founded on conjecture, as to show that it was reasonable to pardon him on account of his subsequent services, when he added the topics of deprecation to the rest of his defence.

XXXV. It will be desirable, therefore, for the man who entreats to be pardoned for what he admits that he has done, to enumerate whatever services of his he is able to, and, if possible, to show that they are greater than those offences which he has committed, so that it may appear that more good than evil has proceeded from him; and then to put forward also the services done by his ancestors, if there are any such; and also to show that he did what he did, not out of hatred, or out of cruelty, but either through folly, or owing to the instigation of some one, or for some other honourable or probable cause; and after that to promise and undertake that he has been taught by this error of his, and confirmed in his resolution also by the kindness of those who pardon him, to avoid all such conduct in future. And besides this, he may hold out a hope that he will hereafter be able, in some respect or other, to be of great use to those who pardon him now; he will find it serviceable to point out that he is either related to the judges, or that he has been as far back as possible an hereditary friend of theirs; and to express to them the earnestness of his good-will towards them, and the nobility of the blood and dignity of those men who are anxious for his safety. And all other qualities and circumstances which, when attributable to persons, confer honour and dignity on them, he, using no complaint, and avoiding all arrogance, will point out as existing in himself, so that he may appear to deserve some honour rather than any kind of punishment; and after that

it will be wise of him to mention other men who have been pardoned for greater offences.

Page 268

And he will do himself a great deal of good if he shows that he himself, when in power, was merciful and inclined to pardon others. And the offence of which he is now accused must be extenuated and made to appear as trifling as possible; and it must be shown to be discreditable, or at all events inexpedient, to punish such a man as he is. After that it will be advisable to seek to move pity by use of common topics, according to those rules which have been laid down in the first book.

XXXVI. But the adversary will exaggerate the offences; he will say that nothing was done ignorantly, but that everything was the result of deliberate wickedness and cruelty. He will show that the accused person has been pitiless, arrogant, and (if he possibly can) at all times disaffected, and that he cannot by any possibility be rendered friendly. If he mentions any services done by him, he will prove that they were done for some private object, and not out of any good will; or else he will prove that he has conceived hatred since or else that all those services have been effaced by his frequent offences, or else that his services are of less importance than his injuries, or that, as he has already received adequate honours for his services, he ought also to have punishment inflicted on him for the injuries which he has committed. In the next place, he will urge that it is discreditable or pernicious that he should be pardoned. And besides that, it will be the very extremity of folly not to avail oneself of one's power over a man, over whom one has often wished to have power, and that it is proper to consider what feelings, or rather what hatred they ought to entertain towards him. But one common topic to be employed will be indignation at his offence, and another will be the argument, that it is right to pity those who are in distress, owing to misfortune, and not those who are in such a plight through their own wickedness.

Since, then, we have been dwelling so long on the general statement of the case, on account of the great number of its divisions, in order to prevent any one's mind from being so distracted by the variety and dissimilarity of circumstances, and so led into some errors, it appears right also to remind the reader of what remains to be mentioned of that division of the subject, and why it remains. We have said, that that was the juridical sort of examination in which the nature of right and wrong, and the principles of reward and punishment, were investigated. We have explained the causes in which inquiry into right and wrong is proceeded with. It remains now to explain the principles which regulate the distribution of rewards and punishments.

Page 269

XXXVII. For there are many causes which consist of a demand of some reward. For there is often question before the judges of the rewards to be conferred on prosecutors, and very often some reward is claimed for them from the senate, or from the bench of judges. And it is not advisable that any one should think that, when we are adducing some instance which is under discussion in the senate, we by so doing are abandoning the class of judicial examples. For whatever is said with reference to approving or disapproving of a person, when the consideration of the opinions of the judges is adapted to that form of expression, that, even although it is treated with reference to the language in which the opinion is couched, is a deliberative argument, still, because it has especial reference to some person, it is to be accounted also judicial. And altogether, a man who has diligently investigated the meaning and nature of all causes will perceive that they differ both in character and in form; but in the other divisions he will see them all consistent with each other, and every one connected with the other. At present, let us consider the question of rewards. Lucius Licinius Crassus, the consul, pursued and destroyed a band of people in the province of the Nearer Gaul, who were collected together under no known or regular leader, and who had no name or number of sufficient importance to be entitled enemies of the Roman people; but still they made the province unsafe by their constant sallies and piratical outbreaks. He returns to Rome. He demands a triumph. Here, as also in the case of the employment of deprecation, it does not at all concern us to supply reasons to establish and to invalidate such a claim, and so to come before the judges; because, unless some other statement of the case is also put forth, or some portion of such statement, the matter for the decision of the judges will be a simple one, and will be contained in the question itself. In the case of the employment of deprecation, in this manner: "Whether so and so ought to be punished." In this instance, in such a manner: "Whether he ought to be rewarded."

Now we will furnish some topics suitable for the investigation into the principles of rewards.

XXXVIII. The principle, then, on which rewards are conferred is distributable into four divisions: as to the services done; the person who has done them; the kind of reward which is to be conferred; and the means of conferring it. The services done will be considered with reference to their own intrinsic merits, and to the time, and to the disposition of the man who did them, and to their attendant circumstances. They will be examined with reference to their own intrinsic merits, in this manner:—Whether they are important or unimportant; whether they were difficult or easy; whether they are of a common or extraordinary nature; whether they are considered honourable on true or false principles. And with

Page 270

reference to the time at which they were done:—If they were done at a time when we had need of them; when other men could or would not help them; if they were done when all other hope had failed. With reference to the disposition of the man who did them:—If he did not do them with a view to any advantage of his own, but if he did everything else for the express purpose of being able to do this afterwards. And with reference to the attendant circumstances:—If what was done appears not to have been done by chance, but in consequence of some deliberate design, or if chance appears to have hindered the design.

But, with respect to the man who did the service in question, it will be requisite to consider in what manner he has lived, and what expense or labour he has devoted to that object; whether he has at any time done any other similar action; whether he is claiming a reward for himself for what is in reality the result of another person's exertions, or of the kindness of the gods. Whether he has ever, in the case of any one else, pronounced that he ought not to be rewarded for such a reason; or, whether he has already had sufficient honour paid to him for what he has done; or, whether what has been done is an action of such a sort that, if he had not done it, he would have been deserving of punishment; but that he does not deserve reward for having done it; or, whether he is premature in his demand for a reward, and is proposing to sell an uncertain hope for a certain reward; or, whether he claims the reward in order to avoid some punishment, by its appearing as if the case had already been decided in his favour.

XXXIX. But as to the question of the reward, it will be necessary to consider what reward, how great a reward is claimed, and why it is claimed; and also, to what reward, and to how great a reward, the conduct in question is entitled. And in the next place, it will be requisite to inquire what men had such honours paid them in the time of our ancestors, and for what causes those honours were paid. And, in the next place, it will be urged that they ought not to be made too common. And this will be one common topic for any one who speaks in opposition to a person who claims a reward;—that rewards for virtue and eminent services ought to be considered serious and holy things, and that they ought not to be conferred on worthless men, or to be made common by being bestowed on men of no particular eminence. And another will be, to urge that men will become less eager to practise virtue when the reward of virtue has been made common; for those things which are scarce and difficult of attainment appear honourable and acceptable to men. And a third topic is, to put the question, whether, if there are any instances of men who, in the times of our ancestors, were thought worthy of such honours on account of their eminent virtue, they will not be likely to think it some diminution of their own glory, when they see that such men as

Page 271

these have such rewards conferred on them. And then comes the enumeration of those men, and the comparison of them with those against whom the orator is speaking. But the topics to be used by the man who is claiming the reward are, first of all, the exaggeration of his own action; and next, the comparison of the actions of those men who have had rewards conferred on them with his own; and lastly, he will urge that other men will be repelled from the pursuit of virtue if he himself is denied the reward to which he is entitled.

But the means of conferring the rewards are taken into consideration when any pecuniary reward is asked for; for then it is necessary to consider whether there is an abundance of land, and revenue, and money, or a dearth of them. The common topics are,—that it is desirable to increase the resources of the state, not to diminish them; and that he is a shameless man who is not content with gratitude in requital of his services, but who demands also solid rewards. But, on the other hand, it may be urged, that it is a sordid thing to argue about money, when the question is about showing gratitude to a benefactor; and that the claimant is not asking wages for a piece of work, but honour such as is due for an important service.

And we have now said enough about the statements of cases; now it seems necessary to speak of those controversies which turn upon the letter of the law.

XL. The controversy turns upon the letter of the law when some doubt arises from the consideration of the exact terms in which it is drawn up. That arises from ambiguity, from the letter of the law, from its intention, from contrary laws, from ratiocination, and definition. But a controversy arises from ambiguity, when it is an obscure point what was the intention of the writer, because the written words mean two or even more different things. In this manner:—"The father of a family, when he was making his son his heir, left a hundredweight of silver plate to his wife, in these terms:

"Let my heir give my wife a hundredweight of silver plate, consisting of such vessels as may be chosen. After he was dead, the mother demands of her son some very magnificent vessels of very valuable carving. He says that he is only bound to give her those vessels which he himself chooses." Here, in the first place, it is necessary to show if possible that the will has not been drawn up in ambiguous terms, because all men in ordinary conversation are accustomed to employ that expression, whether consisting of one word or more, in that meaning in which the speaker hopes to show that this is to be understood. Then it is desirable to prove that from both the preceding and subsequent language of the will, the real meaning which is being sought may be made evident. So that if all the words, or most of them, were considered separately by themselves, they would appear of doubtful meaning. But as for those which can be made intelligible by a consideration of the whole document, these have no business to be thought obscure.

Page 272

In the next place, it will be proper to draw one's conclusion as to the intentions which were entertained by the writer from all his other writings, and actions, and sayings, and his general disposition, and from the usual tenor of his life; and to scrutinise that very document in which this ambiguous phrase is contained which is the subject of the present inquiry, all over, in all its parts, so as to see whether there is anything opposite to that interpretation which we contend for, or contrary to that which the adversary insists on adopting. For it will be easy to consider what it is probable that the man who drew up the document intended, from its whole tenor, and from the character of the writer, and from those other circumstances which are characteristic of the persons concerned. In the next place, it will be desirable to show, if the facts of the case itself afford any opportunity for doing so, that that meaning which the opposite party contends for, is a much more inconvenient one to adopt than that which we have assumed to be the proper one, because there is no possible means of carrying out or complying with that other meaning; but what we contend for can be accomplished with great ease and convenience.

As in this law (for there is no objection to citing an imaginary one for the sake of giving an instance, in order to the more easy comprehension of the matter):—"Let not a prostitute have a golden crown. If such a case exists, it must be confiscated." Now, in opposition to a man who contended that that was to become public property in accordance with this law, it might be argued, "that there could be no way of making a prostitute public property, and there is no intelligible meaning for the law if that is what is to be adopted as its proper construction; but as to the confiscation of anything made of gold, the management and the result is easy, and there is no difficulty in it."

XLI. And it will be desirable also to pay diligent attention to this point, whether if that sense is sanctioned which the opposite party contends for, any more advantageous, or honourable, or necessary object appears to have been omitted by the framer of the document in question. That will be done if we can prove that the object which we are attempting to prove is either honourable, or expedient, or necessary; and if we can also assert that the interpretation which our adversaries insist upon, is not at all entitled to such a character. In the next place, if there is in the law itself any controversy arising from any ambiguity, it will be requisite to take great care to show that the meaning which our adversaries adopt is provided for in some other law. But it will be very serviceable indeed to point out how the testator would have expressed himself, if he had wished the interpretation which the adversary puts upon his words to be carried into execution or understood. As for instance, in this cause, the one, I mean, in which the question is about the silver plate, the woman

Page 273

might argue, "That there was no use in adding the words 'as may be chosen,' if the matter was left to the selection of the heir; for if no such words had been inserted, there could have been no doubt at all that the heir might have given whatever he himself chose. So that it was downright madness, if he wished to take precautions in favour of his heir, to add words which might have been wholly left out without such omission prejudicing his heir's welfare."

Wherefore, it will be exceedingly advisable to employ this species of argument in such causes:—"If he had written with this intention he would not have employed that word; he would not have placed that word in that place;" for it is from such particulars as these that it is easiest to collect the intention of the writer. In the next place, it is necessary to inquire when the document was drawn up, in order that it may be understood what it was likely that he should have wished at such a time. Afterwards it will be advisable to point out, by reference to the topics furnished by the deliberative argument, what is more useful and what more honourable to the testator to write, and to the adversary to prove; and it will be well for both parties to employ common topics, if there is any room for extending either argument.

XLII. A controversy arises with respect to the letter of the document and to its meaning, when one party employs the very words which are set down in the paper; and the other applies all his arguments to that which he affirms that the framer of the document intended. But the intention of the framer of the document must be proved by the man who defends himself, by reference to that intention, to have always the same object in view and the same meaning; and it must also, either by reference to the action or to some result, be adapted to the time which the inquiry concerns. It must be proved always to have the same object in view, in this way:—"The head of a house, at a time when he had no children, but had a wife, inserted this clause in his will: 'If I have a son or sons born to me, he or they is or are to be my heir or heirs.' Then follow the ordinary provisions. After that comes the following clause: 'If my son dies before he comes into the property, which is held in trust for him, then,' says the clause, 'you shall be my reversionary heir.' He never has a son. His next of kin raise a dispute with the man who is named as the heir, in the case of the testator's son dying before he comes into the property which his guardians are holding for him." In this case it cannot be said that the meaning of the testator ought to be made to suit the time or some particular result, because that intention alone is proved on which the man who is arguing against the language of the will relies, in order to defend his own right to the inheritance.

Page 274

There is another class of topics which introduce the question as to the meaning of expressions, in which the mere simple intention of the framer is not endeavoured to be proved, for that has the same weight with reference to every period and every action; but it is argued that it ought to be interpreted with reference to some particular action, or to some event happening at that particular time. And that is especially supported by the divisions of the juridical assumptive mode of investigation. For then the comparison is instituted; as in the case of “a man who, though the law forbade the gates to be opened by night, did open them in a certain war, and admitted some reinforcements into the town, in order to prevent their being overwhelmed by the enemy if they remained outside the gates; because the enemy were encamped close to the walls.” Then comes the retorting of the charge; as in the case of “that soldier who, when the common law of all men forbade any one to kill a man, slew his own military tribune who was attempting to offer violence to him.” Then comes the exculpation; as in the case of “that man who, when the law had appointed some particular days within which he was to proceed on his embassy, did not set out because the quaestor did not furnish him with money for his expenses.” Then comes the admission of the fact by way of purgation, and also by the excuse of ignorance; as “in the case of the sacrificing a calf;” and with reference to compulsion, as “in the case of the beaked ship;” and with reference to accident, as “in the case of the sudden rise of the river Eurotas.” Wherefore, it is best that the meaning should be introduced in such a way, as that the framer of the law should be proved to have intended some one definite thing; else in such a way that he should be proved to have meant this particular thing, under these circumstances, and at this time.

XLIII. He, therefore, who is defending the exact language of the law, will generally be able to use all these topics; and will always be able to use the greater part of them. First of all, he will employ a panegyric of the framer of it, and the common topic that those who are the judges have no business to consider anything except what is expressly stated in the law; and so much the more if any legal document be brought forward, that is to say, either the law itself, or some portion of the law. Afterwards—and this is a point of the greatest importance—he will employ a comparison of the action or of the charge brought by the opposite party with the actual words of the law; he will show what is contained in the law, what has been done, what the judge has sworn. And it will be well to vary this topic in many ways, sometimes professing to wonder in his own mind what can be said against this argument; sometimes recurring to the duty of the judge, and asking of him what more he can think it requisite to hear, or what further he expects; sometimes by bringing forward the adversary

Page 275

himself, as if in the position of a person making an accusation; that is to say, by asking him whether he denies that the law is drawn up in that manner, or whether he denies that he himself has contravened it, or disputed it. If he denies either of these points, then one must avow that one will say no more; if he denies neither of them, and yet continues to urge his arguments in opposition to one, then one must say that it is impossible for any one ever to expect to see a more impudent man. And it will be well to dwell on this point as if nothing besides were to be said, as if nothing could be said in contradiction, by reciting several times over what is written; by often contrasting the conduct of the adversary with what is written; and sometimes by recurring vehemently to the topic of the judge himself; in which one will remind the judge of what oath he has taken, of what his conduct is bound to be; and urge that there are two causes on account of which a judge is bound to hesitate, one if the law be obscurely worded, the other if the adversary denies anything. But as in this instance the wording of the law is plain, and the adversary admits every fact that is alleged, the judge has now nothing to do but to fulfil the law, and not to interpret it.

XLIV. When this point has been sufficiently insisted on, then it will be advisable to do away with the effect of those things which the adversary has been able to urge by way of objection. But such objections will be made if the framer of the law can be absolutely proved to have meant one thing, and written another; as in that dispute concerning the will which we mentioned just now: or some adventitious cause may be alleged why it was not possible or not desirable to obey the written law minutely. If it is stated that the framer of the law meant one thing, and wrote another, then he who appeals to the letter of the law will say that it is our business not to discuss the intention of a man who has left us a plain proof of that intention, to prevent our having any doubt about it; and that many inconveniences must ensue if the principle is laid down that we may depart from the letter of the law. For that then those who frame laws will not think that the laws which they are making will remain firm; and those who are judges will have no certain principle to follow if once they get into the habit of departing from the letter of the law. But if the intention of the framer of the law is what is to be looked at, then it is he, and not his adversaries, who relies on the meaning of the lawgiver. For that that person comes much nearer to the intention of the framer of a law who interprets it from his own writings, than he who does not look at the meaning of the framer of the law by that writing of his own which he has left to be as it were an image of his meaning, but who investigates it under the guidance of some private suspicions of his own.

Page 276

If the party who stands on the meaning of the lawgiver brings forward any reasons, then, in the first place, it will be necessary to reply to those reasons; to urge how absurd it is for a man not to deny that he has acted contrary to the law, but at the same time to give some reason for having acted so. Then one will say too that all things are turned upside down; that formerly prosecutors were in the habit of trying to persuade the judges that the person who was being prosecuted before them was implicated in some fault, and of alleging some reasons which had instigated him to commit this fault; but that now the accused person himself is giving the reasons why he has offended against the laws. Then it will be proper to introduce this division, each portion of which will have many lines of argument suitable to it: in the first place, that there is no law with reference to which it is allowable to allege any reasons contrary to the law; in the next place, that if such a course is admissible in any law, this is such a law that it is not admissible with respect to it; and lastly, that, even if such reasons ever might be alleged, at all events this is not such a reason.

XLV. The first part of the argument is confirmed by pretty nearly the same topics as these: that the framer of the law was not deficient in either ability, or pains, or any faculty requisite to enable him to express plainly what his intention was; that it would not have been either displeasing or difficult to him to insert such an exception as that which the opposite party contends for in his law, if he thought any exception requisite; and in fact, that those people who frame laws often do insert clauses of exceptions. After that it is well to enumerate some of the laws which have exceptional clauses attached to them, and to take especial care to see whether in the law itself which is under discussion there is any exception made in any chapter, or whether the same man who framed this law has made exceptions in other laws, so that it may be more naturally inferred that he would have made exceptions in this one, if he had thought exceptions requisite; and it will be well also to show that to admit of a reason for violating the law is the same thing as abrogating the law, because when once such a reason is taken into consideration it is no use to consider it with reference to the law, inasmuch as it is not stated in the law. And if such a principle is once laid down, then a reason for violating the law, and a licence to do so, is given to every one, as soon as they perceive that you as judges decide the matter in a way which depends on the ability of the man who has violated the law, and not with reference to the law which you have sworn to administer. Then, too, one must point out that all principles on which judges are to judge, and citizens are to live, will be thrown into confusion if the laws are once departed from; for the judges will not have any rules to follow, if they depart from what is set down in the law, and no principles on which they can reprove others for having acted in defiance of the law. And that all the rest of the citizens will be ignorant what they are to do, if each of them regulates all his actions according to his own ideas, and to whatever whim or fancy comes into his head, and not according to the common statute law of the state.

Page 277

After that it will be suitable to ask the judges why they occupy themselves at all with the business of other people;—why they allow themselves to be harassed in discharging the offices of the republic, when they might often spend the time in promoting their own ends and private interests;—why they take an oath in a certain form;—why they assemble at a regular time and go away at a regular time;—why no one of them ever alleges any reason for being less frequent in his discharge of his duty to the republic, except such as is set down in some formal law as an exception. And one may ask, whether they think it right that they should be bound down and exposed to so much inconvenience by the laws, and at the same time allow our adversaries to disregard the laws. After that it will be natural to put the question to the judges whether, when the party accused himself endeavours to set down in the law, as an exception, that particular case in which he admits that he has violated the law, they will consent to it. And to ask also, whether what he has actually done is more scandalous and more shameless than the exception which he wishes to insert in the law;—what indeed can be more shameless? Even if the judges were inclined to make such an addition to the law, would the people permit it? One might also press upon them that this is even a more scandalous measure, when they are unable to make an alteration in the language and letter of the law, to alter it in the actual facts, and to give a decision contrary to it; and besides, that it is a scandalous thing that anything should be taken from the law, or that the law should be abrogated or changed in any part whatever, without the people having any opportunity of knowing, or approving, or disapproving of what is done; that such conduct is calculated to bring the judges themselves into great odium; that it is not the proper time nor opportunity for amending the laws; that this ought only to be brought forward in an assembly of the people, and only to be done by the people; that if they now do so, the speaker would like to know who is the maker of the new law, and who are to obey it; that he sees actions impending, and wishes to prevent them; that as all such proceedings as these are exceedingly useless and abundantly discreditable, the law, whatever it is like, ought, while it exists, to be maintained by the judges, and hereafter, if it is disapproved of, to be amended by the people. Besides this, if there were no written law, we should take great trouble to find one; and we should not place any confidence in that man, not even if he were in no personal danger himself; but now, when there is a written law, it is downright insanity to attend to what that man says who has violated the law, rather than to the language of the law itself. By these and similar arguments it is proved that it is not right to admit any excuse which is contrary to the letter of the law.

Page 278

XLVI. The second part is that in which it is desirable to prove that if such a proceeding is right with respect to other laws, it is not advisable with respect to this one. This will be shown if the law appears to refer to matters of the greatest importance, and usefulness, and honourableness, and sanctity; so that it is disadvantageous, or discreditable, or impious not to obey the law as carefully as possible in such a matter. Or the law may be proved to have been drawn up so carefully, and such great diligence may be shown to have been exercised in framing each separate provision of it, and in making every exception that was allowable, that it is not at all probable that anything proper to be inserted has been omitted in so carefully considered a document.

The third topic is one exceedingly necessary for a man who is arguing in defence of the letter of the law; by which it may be urged, that even if it is decent for an excuse to be admitted contrary to the letter of the law, still that excuse which is alleged by his adversaries is of all others the least proper to be so alleged. And this topic is necessary for him on this account,—because the man who is arguing against the letter of the law ought always to have some point of equity to allege on his side. For it is the greatest possible impudence for a man who wishes to establish some point in opposition to the exact letter of the law, not to attempt to fortify himself in so doing, with the assistance of the law. If therefore the accuser in any respect weakens the defence by this topic, he will appear in every respect to have more justice and probability in favour of his accusation. For all the former part of his speech has had this object,—that the judges should feel it impossible, even if they wished it, to avoid condemning the accused person; but this part has for its object the making them wish to give such a decision, even if it were not inevitable.

And that result will be obtained, if we use those topics by which guilt may be proved not to be in the man who defends himself, by using the topic of comparison, or by getting rid of the accusation, or by recrimination, or by some species of confession, (concerning all which topics we have already written with all the precision of which we were capable,) and if we take those which the case will admit of for the purpose of throwing discredit on the argument of our adversary;—or if reasons and arguments are adduced to show why or with what design those expressions were inserted in the law or will in question, so that our side of the question may appear established by the meaning and intention of the writer, and not only by the language which he has employed. Or the fact may be proved by other statements and arguments.

Page 279

XLVII. But any one who speaks against the letter of the law will first of all introduce that topic by which the equity of the excuse is proved; or he will point out with what feelings, with what design, and on what account he did the action in question. And whatever excuse he alleges he will defend according to some of the rules which I have already given with respect to assumptions. And when he has dwelt on this topic for some time, and set forth the principles of his conduct and the equity of his cause in the most specious manner he can, he will also add, in opposition to the arguments of his adversaries, that it is from these topics for the most part that excuses which are admissible ought to be drawn. He will urge that there is no law which sanctions the doing of any disadvantageous or unjust action; that all punishments which are enacted by the laws have been enacted for the sake of chastising guilt and wickedness; that the very framer of the laws, if he were alive, would approve of this conduct, and would have done the very same thing himself if he had been in similar circumstances. And that it is on this account that the framer of the law appointed judges of a certain rank and age, in order that there might be men, not capable merely of reading out what he had written, which any boy might do, but able also to understand his thoughts and to interpret his intentions. He will add, that that framer of the law, if he had been intrusting the laws which he was drawing up to foolish men and illiterate judges, would have set down everything with the most scrupulous diligence; but, as it is, because he was aware what sort of men were to be the judges, he did not put down many things which appeared to him to be evident; and he expected that you would be not mere readers of his writings, but interpreters of his intentions. Afterwards he will proceed to ask his adversaries—"What would you say if I had done so and so?" "What would you think if so and so had happened?" "Suppose any one of those things had happened which would have had a most unfailing excuse, or a most undeniable necessity, would you then have prosecuted me?" But the law has nowhere made any such exception. It follows, therefore, that it is not every possible circumstance which is mentioned in the written law but that some things which are self-evident are guarded against by unexpressed exceptions. Then he will urge, that nothing could be carried on properly either by the laws or by any written document whatever, or even in daily conversation, or in the commands given in a private household, if every one chose to keep his eyes on the exact language of the order, and not to take into consideration the intentions of him who uttered the order.

Page 280

XLVIII. After that he will be able, by reference to the divisions of usefulness and honour, to point out how inexpedient or how dishonourable that would have been which the opposite party say ought to have been done, or to be done now. And on the other hand, how expedient and how honourable that is which we have done, or demand should be done. In the next place, he will urge that we set a value on our laws not on account of their wording, which is a slight and often obscure indication of their intention, but on account of the usefulness of those things concerning which they are written, and the wisdom and diligence of those men who wrote them. Afterwards he will proceed to describe what the law is, so that it shall appear to consist of meanings, not of words; and that the judge may appear to be obedient to the law, who follows its meaning and not its strict words. After that he will urge how scandalous it is that he should have the same punishment inflicted on him who has violated the law out of some mere wickedness and audacity, as on the man who, on account of some honourable or unavoidable reason, has departed not from the spirit of the law, but from its letter. And by these and similar arguments he will endeavour to prove that the excuse is admissible, and is admissible in this law, and that the excuse which he himself is alleging ought to be admitted.

And, as we said that this would be exceedingly useful to the man who was relying on the letter of the law, to detract in some degree from that equity which appeared to be on the side of the adversary; so also it will be of the greatest advantage to the man who is speaking in opposition to the letter of the law, to convert something of the exact letter of the law to his own side of the argument, or else to show that something has been expressed ambiguously. And afterwards, to take that portion of the doubtful expression which may serve his own purpose, and defend it; or else to introduce some definition of a word, and to bring over the meaning of that word which seems unfavourable to him to the advantage of his own cause, or else, from what is set down in the law to introduce something which is not set down by means of ratiocination, which we will speak of presently. But in whatever matter, however little probable it may be, he defends himself by an appeal to the exact letter of the law, even when his case is full of equity, he will unavoidably gain a great advantage, because if he can withdraw from the cause of the opposite party that point on which it principally relies, he will mitigate and take off the effect of all its violence and energy. But all the rest of the common topics taken from the divisions of assumptive argument will suit each side of the question. It will also be suitable for him whose argument takes its stand on the letter of the law, to urge that laws ought to be looked at, not with reference to the advantage of that man who has violated them, but according to their own intrinsic value, and that nothing ought to be considered more precious than the laws. On the other side, the speaker will urge, that laws depend upon the intention of the framer of them, and upon the general advantage, not upon words, and also, how scandalous it is for equity to be overwhelmed by a heap of letters, and defended in vain by the intention of the man who drew up the law.

Page 281

XLIX. But from contrary laws a controversy arises, when two or more laws appear to be at variance with one another In this manner—There is a law, “That he who has slain a tyrant shall receive the regard of men who conquer at Olympia, and shall also ask whatever he pleases of the magistrate, and the magistrate shall grant it to him.” There is also another law—“When a tyrant is slain, the magistrate shall also put to death his five nearest relations.” Alexander, who was the tyrant of Pherse, a city in Thessaly, was slain by his own wife, whose name was Thebe, at night, when he was in bed with her, she, as a reward, demands the liberty of her son whom she had by the tyrant. Some say that according to this law that son ought to be put to death. The matter is referred to a court of justice. Now in a case of this kind the same topics and the same rules will suit each side of the question, because each party is bound to establish his own law, and to invalidate the one contrary to it. First of all, therefore, it is requisite to show the nature of the laws, by considering which law has reference to more important, that is to say, to more honourable and more necessary matters. From which it results, that if two or more, or ever so many laws cannot all be maintained, because they are at variance with one another, that one ought to be considered the most desirable to be maintained, which appears to have reference to the most important matters. Then comes the question also, which law was passed last; for the newest law is the most important. And also, which law enjoins anything, and which merely allows it; for that which is enjoined is necessary, that which is allowed is optional. Also one must consider by which law a penalty is appointed for the violation of it; or which has the heaviest penalty attached to it; for that law must be the most carefully maintained which is sanctioned by the most severe penalties. Again, one must inquire which law enjoins, and which forbids anything; for it often happens that the law which forbids something appears by some exception as it were to amend the law which commands something. Then, too, it is right to consider which law comprehends the entire class of subjects to which it refers, and which embraces only a part of the question; which may be applied generally to many classes of questions, and which appears to have been framed to apply to some special subject. For that which has been drawn up with reference to some particular division of a subject, or for some special purpose, appears to come nearer to the subject under discussion, and to have more immediate connexion with the present action. Then arises the question, which is the thing which according to the law must be done immediately; which will admit of some delay or slackness in the execution. For it is right that that should be done first which must be done immediately. In the next place, it is well to take pains that the law one is advocating shall appear to depend on its

Page 282

own precise language; and that the law with a contrary sense should appear to be introduced with a doubtful interpretation, or by some ratiocination or definition, in order that that law which is expressed in plain language may appear to be the more solemn and efficient. After that it will be well to add the meaning of the law which is on one's own side according to the strict letter of it; and also to explain the opposite law so as to make it appear to have another meaning, in order that, if possible, they may not seem to be inconsistent with one another. And, last of all, it will be a good thing, if the cause shall afford any opportunity for so doing, to take care that on our principles both the laws may seem to be upheld, but that on the principle contended for by our adversaries one of them must be put aside. It will be well also to consider all the common topics and those which the cause itself furnishes, and to take them from the most highly esteemed divisions of the subjects of expediency and honour, showing by means of amplification which law it is most desirable to adhere to.

L. From ratiocination there arises a controversy when, from what is written somewhere or other, one arrives at what is not written anywhere; in this way:—"If a man is mad, let those of his family and his next of kin have the regulation of himself and of his property." And there is another law—"In whatever manner a head of a family has made his will respecting his family and his property, so let it be." And another law—"If a head of a family dies intestate, his family and property shall belong to his relations and to his next of kin." A certain man was convicted of having murdered his father. Immediately, because he was not able to escape, wooden shoes were put upon his feet, and his mouth was covered with a leathern bag, and bound fast, then he was led away to prison, that he might remain there while a bag was got ready for him to be put into and thrown into a river. In the meantime some of his friends bring tablets to the prison, and introduce witnesses also; they put down those men as his heirs whom he himself desires; the will is sealed; the man is afterwards executed. There is a dispute between those who are set down as his heirs in the will, and his next of kin, about his inheritance. In this instance there is no positive law alleged which takes away the power of making a will from people who are in such a situation. But from other laws, both those which inflict a punishment of this character on a man guilty of such a crime, and those, too, which relate to a man's power of making a will, it is possible to come by means of ratiocination to a conclusion of this sort, that it is proper to inquire whether he had the power of making a will.

Page 283

But we think that these and such as these are the common topics suitable to an argument of this description. In the first place, a panegyric upon, and a confirmation of that writing which you are producing. Then a comparison of the matter which is the subject of discussion, with that which is a settled case, in such a manner that the case which is under investigation may appear to resemble that about which there are settled and notorious rules. After that, one will express admiration, (by way of comparison), how it can happen that a man who admits that this is fair, can deny that other thing, which is either more equitable still, or which rests on exactly similar principles; then, too, one will contend that the reason why there is no precise law drawn up for such a case, is because, as there was one in existence applicable to the other case, the framer of that law thought that no one could possibly entertain a doubt in this case; and afterwards it will be well to urge that there are many cases not provided for in many laws, which beyond all question were passed over merely because the rule as to them could be so easily collected out of the other cases which were provided for; and last of all, it is necessary to point out what the equity of the case requires, as is done in a plain judicial case.

But the speaker who is arguing on the other side is bound to try and invalidate the comparison instituted, which he will do if he can show that that which is compared is different from that with which it is compared in kind, in nature, in effect, in importance, in time, in situation, in character, in the opinion entertained of it; if it is shown also in what class that which is adduced by way of comparison ought to stand, and in what rank that also ought to be considered, for the sake of which the other thing is mentioned. After that, it will be well to point out how one case differs from the other, so that it does not seem that any one ought to have the same opinion of both of them. And if he himself also is able to have recourse to ratiocination, he must use the same ratiocination which has been already spoken of. If he cannot, then he will declare that it is not proper to consider anything except what is written; that all laws are put in danger if comparisons are once allowed to be instituted; that there is hardly anything which does not seem somewhat like something else; that when there are many circumstances wholly dissimilar, still there are separate laws for each individual case; and that all things can be proved to be like or unlike to each other. The common topics derived from ratiocination ought to arrive by conjecture from that which is written to that which is not written; and one may urge that no one can embrace every imaginable case in a written law, but that he frames a law best who takes care to make one thing understood from another. One may urge, too, that in opposition to a ratiocination of this sort, conjecture is no better than a divination, and that it would be a sign of a very stupid framer of laws not to be able to provide for everything which he wished to.

Page 284

LI. Definition is when a word is set down in a written document, whose exact meaning is inquired into, in this manner:—There is a law, “Whoever in a severe tempest desert their ship shall be deprived of all their property; the ship and the cargo shall belong to those men who remain by the ship.” Two men, when they were sailing on the open sea, and when the ship belonged to one of them and the cargo to another, noticed a shipwrecked man swimming and holding out his hands to them. Being moved with pity they directed the ship towards him, and took the man into their vessel. A little afterwards the storm began to toss them also about very violently, to such a degree that the owner of the ship, who was also the pilot, got into a little boat, and from that he guided the ship as well as he could by the rope by which the boat was fastened to the ship, and so towed along; but the man to whom the cargo belonged threw himself on his sword in despair. On this the shipwrecked man took the helm and assisted the ship as far as he could. But after the waves went down and the tempest abated, the ship arrived in harbour. But the man who had fallen on his sword turned out to be but slightly wounded, and easily recovered of his wound. And then every one of these three men claimed the ship and cargo for his own. Every one of them relies on the letter of the law to support their claim, and a dispute arises as to the meaning of the words. For they seek to ascertain by definitions what is the meaning of the expressions “to abandon the ship,” “to stand by the ship,” and even what “the ship” itself is. And the question must be dealt with with reference to all the same topics as are employed in a statement of the case which turns upon a definition.

Now, having explained all those argumentations which are adapted to the judicial class of causes, we will proceed in regular order to give topics and rules for the deliberative and demonstrative class of arguments; not that there is any cause which is not at all times conversant with some statement of the case or other; but because there are nevertheless some topics peculiar to these causes, not separated from the statement of the case, but adapted to the objects which are more especially kept in view by these kinds of argumentation.

For it seems desirable that in the judicial kind the proper end is equity; that is to say, some division of honesty. But in the deliberative kind Aristotle thinks that the proper object is expediency; we ourselves, that it is expediency and honesty combined. In the demonstrative kind it is honesty only. Wherefore, in this kind of cause also, some kinds of argumentation will be handled in a common manner, and in similar ways to one another. Some will be discussed more separately with reference to their object, which is what we must always keep in view in every kind of speech. And we should have no objection to give an example of each kind of statement of the case, if we did not see that, as obscure things are made more plain by speaking of them, so also things which are plain are sometimes made more obscure by a speech. At present let us go on to precepts of deliberation.

Page 285

LII. Of matters to be aimed at there are three classes; and on the other hand there is a corresponding number of things to be avoided. For there is something which of its own intrinsic force draws us to itself, not catching us by any idea of emolument, but alluring us by its own dignity. Of this class are virtue, science, truth. And there is something else which seems desirable, not on account of its own excellence or nature, but on account of its advantage and of the utility to be derived from it—such as money. There are also some things formed of parts of these others in combination, which allure us and draw us after them by their own intrinsic character and dignity, and which also hold out some prospect of advantage to us, to induce us to seek it more eagerly, as friendship, and a fair reputation; and from these their opposites will easily be perceived, without our saying anything about them.

But in order that the principle may be explained in the more simple way, the rules which we have laid down shall be enumerated briefly. For those which belong to the first kind of discussion are called honourable things; those which belong to the second, are called useful things; but this third thing, because it contains some portion of what is honourable, and because the power of what is honourable is the more important part, is perceived to be altogether a compound kind, made up of a twofold division; still it derives its name from its better part, and is called honourable. From this it follows, that there are these parts in things which are desirable,—what is honourable, and what is useful. And these parts in things which are to be avoided,—what is dishonourable, and what is useless. Now to these two things there are two other important circumstances to be added,—necessity and affection: the one of which is considered with reference to force, the other with reference to circumstances and persons. Hereafter we will write more explicitly about each separately. At present we will explain first the principles of what is honourable.

LIII. That which either wholly or in some considerable portion of it is sought for its own sake, we call honourable: and as there are two divisions of it, one of which is simple and the other twofold, let us consider the simple one first. In that kind, then, virtue has embraced all things under one meaning and one name; for virtue is a habit of the mind, consistent with nature, and moderation, and reason. Wherefore, when we have become acquainted with all its divisions, it will be proper to consider the whole force of simple honesty.

Page 286

It has then four divisions—prudence, justice, fortitude, and temperance. Prudence is the knowledge of things which are good, or bad, or neither good nor bad. Its parts are memory, intelligence, and foresight. Memory is that faculty by which the mind recovers the knowledge of things which have been. Intelligence is that by which it perceives what exists at present. Foresight is that by which anything is seen to be about to happen, before it does happen. Justice is a habit of the mind which attributes its proper dignity to everything, preserving a due regard to the general welfare. Its first principles proceed from nature. Subsequently some practices became established by universal custom, from a consideration of their utility; afterwards the fear of the laws and religion sanctioned proceedings which originated in nature, and had been approved of by custom.

Natural law is that which has not had its origin in the opinions of men, but has been implanted by some innate instinct, like religion, affection, gratitude, revenge, attention to one's superiors, truth. Religion is that which causes men to pay attention to, and to respect with fixed ceremonies, a certain superior nature which men call divine nature. Affection is that feeling under the influence of which kindness and careful attention is paid to those who are united to us by ties of blood, or who are devoted to the service of their country. Gratitude is that feeling in which the recollection of friendship, and of the services which we have received from another, and the inclination to requite those services, is contained. Revenge is that disposition by which violence and injury, and altogether everything which can be any injury to us, is repelled by defending oneself from it, or by avenging it. Attention is that feeling by which men obey when they think those who are eminent for worth or dignity, worthy of some special respect and honour. Truth is that by which those things which are, or which have been previously, or which are about to happen, are spoken of without any alteration.

LIV. Conventional law is a principle which has either derived its origin in a slight degree from nature, and then has been strengthened by habit, like religion; or, if we see any one of those things which we have already mentioned as proceeding from nature strengthened by habit; or, if there is anything to which antiquity has given the force of custom with the approbation of everybody: such as covenants, equity, cases already decided. A covenant is that which is agreed upon between two parties; equity is that which is equally just for every one; a case previously decided is one which has been settled by the authoritative decision of some person or persons entitled to pronounce it.

Legal right is that which is contained in that written form which is delivered to the people to be observed by them.

Page 287

Fortitude is a deliberate encountering of danger and enduring of labour. Its parts are magnificence, confidence, patience, and perseverance. Magnificence is the consideration and management of important and sublime matters with a certain wide-seeing and splendid determination of mind. Confidence is that feeling by which the mind embarks in great and honourable courses with a sure hope and trust in itself. Patience is a voluntary and sustained endurance, for the sake of what is honourable or advantageous, of difficult and painful labours. Perseverance is a steady and lasting persistence in a well-considered principle.

Temperance is the form and well-regulated dominion of reason over lust and other improper affections of the mind. Its parts are continence, clemency, and modesty. Continence is that by which cupidity is kept down under the superior influence of wisdom. Clemency is that by which the violence of the mind, when causelessly excited to entertain hatred against some one else, is restrained by courtesy. Modesty is that feeling by which honourable shame acquires a valuable and lasting authority. And all these things are to be sought for themselves, even if no advantage is to be acquired by them. And it neither concerns our present purpose to prove this, nor is it agreeable to our object of being concise in laying down our rules.

But the things which are to be avoided for their own sake, are not those only which are the opposites to these; as indolence is to courage, and injustice to justice; but those also which appear to be near to and related to them, but which, in reality, are very far removed from them. As, for instance, diffidence is the opposite to confidence, and is therefore a vice; audacity is not the opposite of confidence, but is near it and akin to it, and, nevertheless, is also a vice. And in this manner there will be found a vice akin to every virtue, and either already known by some particular name—as audacity, which is akin to confidence; pertinacity, which is bordering on perseverance; superstition, which is very near religion,—or in some cases it has no fixed name. And all these things, as being the opposites of what is good, we class among things to be avoided. And enough has now been said respecting that class of honourable things which is sought in every part of it for itself alone.

LV. At present it appears desirable to speak of that in which advantage is combined with honour, and which still we style simply honourable. There are many things, then, which allure us both by their dignity and also by the advantage which may be derived from them: such as glory, dignity, influence, friendship. Glory is the fact of a person's being repeatedly spoken of to his praise; dignity is the honourable authority of a person, combined with attention and honour and worthy respect paid to him. Influence is a great abundance of power or majesty, or of any sort of resource. Friendship is a desire

Page 288

to do service to any one for the sake of the person himself to whom one is attached, combined with a corresponding inclination on his part towards oneself. At present, because we are speaking of civil causes, we add the consideration of advantage to friendship, so that it appears a thing to be sought for the sake of the advantage also: wishing to prevent those men from blaming us who think that we are including every kind of friendship in our definition.

But although there are some people who think that friendship is only to be desired on account of the advantage to be derived from it; some think it is to be desired for itself alone; and some, that it is to be desired both for its own sake and for the sake of the advantage to be derived from it. And which of these statements is the most true, there will be another time for considering. At present it may be laid down, as far as the orator is concerned, that friendship is a thing to be desired on both accounts. But the consideration of the different kinds of friendship, (since they are partly formed on religious considerations, and partly not; and because some friendships are old, and some new; and because some originated in kindness shown by our friends to us, and some in kindness shown by ourselves to them; and because some are more advantageous, and others less,) must have reference partly to the dignity of the causes in which it originates, partly to the occasion when it arises, and also to the services done, the religious motives entertained, and its antiquity.

LVI. But the advantages consist either in the thing itself, or in extraneous circumstances; of which, however, by far the greater portion is referable to personal advantage; as there are some things in the republic which, so to say, refer to the person of the state,—as lands, harbours, money, fleets, sailors, soldiery, allies; by all which things states preserve their safety and their liberty. There are other things also which make a thing more noble looking, and which still are less necessary; as the splendid decorating and enlarging of a city, or an extraordinary amount of wealth, or a great number of friendships and alliances. And the effect of all these things is not merely to make states safe and free from injury, but also noble and powerful. So that there appears to be two divisions of usefulness,—safety and power. Safety is the secure and unimpaired preservation of a sound state. Power is a possession of things suitable to preserving what is one's own, and to acquiring what belongs to another. And in all those things which have been already mentioned, it is proper to consider what is difficult to be done, and what can be done with ease. We call that a thing easy to be done, which can be done without great labour, or expense, or annoyance, or perhaps without any labour, expense, or annoyance at all, and in the shortest possible time. But that we call difficult to be done which, although it requires labour, expense, trouble and time, and has every possible characteristic of difficulty about it, or, at all events, the most numerous and most important ones, still, when these difficulties are encountered, can be completed and brought to an end.

Page 289

Since, then, we have now discussed what is honourable and what is useful, it remains for us to say a little of those things which we have said are attached to these other things; namely, affection and necessity.

LVII. I think, then, that necessity means that which cannot be resisted by any power; that which cannot be softened nor altered. And that this may be made more plain, let us examine into the meaning of it by the light of examples, so as to see what its character and how great its power is. "It is necessary that anything made of wood must be capable of being burnt with fire. It is necessary that a mortal body should at some time or other die." And it is so necessary, that that power of necessity which we were just now describing requires it; which cannot by any force whatever be either resisted, or weakened, or altered. Necessities of this kind, when they occur in oratory, are properly called necessities; but if any difficult circumstances arise, then we shall consider in the previous examination whether it, the thing in question, be possible to be done. And it seems to me, that I perceive that there are some kinds of necessity which admit of additions, and some which are simple and perfect in themselves. For we say in very different senses:—"It is necessary for the people of Casilinum to surrender themselves to Hannibal;" and, "It is necessary that Casilinum should come into the power of Hannibal." In the one case, that is, in the first case, there is this addition to the proposition:—"Unless they prefer perishing by hunger." For if they prefer that, then it is not necessary for them to surrender. But in the latter proposition such an addition has no place; because whether the people of Casilinum choose to surrender, or prefer enduring hunger and perishing in that manner, still it is necessary that Casilinum must come into the power of Hannibal. What then can be effected by this division of necessity? I might almost say, a great deal, when the topic of necessity appears such as may be easily introduced. For when the necessity is a simple one, there will be no reason for our making long speeches, as we shall not be able by any means to weaken it; but when a thing is only necessary provided we wish to avoid or to obtain something, then it will be necessary to state what advantage or what honour is contained in that addition. For if you will take notice, while inquiring what this contributes to the advantage of the state, you will find that there is nothing which it is necessary to do, except for the sake of some cause which we call the adjunct. And, in like manner, you will find that there are many circumstances of necessity to which a similar addition cannot be made; of such sort are these:—"It is necessary that mortal men should die;" without any addition:—"It is not necessary for men to take food;" with this exception,—"Unless they have an objection to dying of hunger."

Page 290

Therefore, as I said before, it will be always proper to take into consideration the character of that exception which is added to the original proposition. For it will at all times have this influence, that either the necessity must be explained with reference to what is honourable, in this manner:—"It is necessary, if we wish to live with honour;" or with reference to safety, in this manner:—"It is necessary, if we wish to be safe;" or with reference to convenience, in this manner:—"It is necessary, if we are desirous to live without annoyance."

LVIII. And the greatest necessity of all appears to be that which arises from what is honourable; the next to it is that which arises from considerations of safety; the third and least important is that which has ideas of convenience involved in it. But this last can never be put in comparison with the two former. But it is often indispensable to compare these together; so that although honour is more precious than safety, there is still room to deliberate which one is to consult in the greatest degree. And as to this point, it appears possible to give a settled rule which may be of lasting application. For in whatever circumstances it can happen by any possibility that while we are consulting our safety, that slight diminution of honesty which is caused by our conduct may be hereafter repaired by virtue and industry, then it seems proper to have a regard for our safety. But when that does not appear possible, then we must think of nothing but what is honourable. And so in a case of that sort when we appear to be consulting our safety, we shall be able to say with truth that we are also keeping our eyes fixed on what is honourable, since without safety we can never attain to that end. And in these circumstances it will be desirable to yield to another, or to put oneself in another's place, or to keep quiet at present and wait for another opportunity. But when we are considering convenience, it is necessary to consider this point also,—whether the cause, as far as it has reference to usefulness, appears of sufficient importance to justify us in taking anything from splendour or honour. And while speaking on this topic, that appears to me to be the main thing, that we should inquire what that is which, whether we are desirous of obtaining or avoiding it, is something necessary; that is to say, what is the character of the addition; in order that, according as the matter is found to be, so we may exert ourselves, and consider the most important circumstances as being also the most necessary.

Affection is a certain way of looking at circumstances either with reference to the time, or to the result, or management of affairs, or to the desires of men, so that they no longer appear to be such as they were considered previously, or as they are generally in the habit of being considered. "It appears a base thing to go over to the enemy; but not with the view which Ulysses had when he went over.

Page 291

And it is a useless act to throw money into the sea; but not with the design which Aristippus had when he did so.” There are, therefore, some circumstances which may be estimated with reference to the time at which and the intention with which they are done; and not according to their own intrinsic nature. In all which cases we must consider what the times require, or what is worthy of the persons concerned; and we must not think merely what is done, but with what intention, with what companions, and at what time, it is done. And from these divisions of the subject, we think that topics ought to be taken for delivering one’s opinion.

LIX. But praise and blame must be derived from those topics which can be employed with respect to persons, and which we have already discussed. But if any one wishes to consider them in a more separate manner, he may divide them into the intention, and the person of the doer, and extraneous circumstances. The virtue of the mind is that concerning the parts of which we have lately spoken; the virtues of the body are health, dignity, strength, swiftness. Extraneous circumstances are honour, money, relationship, family, friends, country, power, and other things which are understood to be of a similar kind. And in all these, that which is of universal validity ought to prevail here; and the opposites will be easily understood as to their description and character.

But in praising and blaming, it will be desirable to consider not so much the personal character of, or the extraneous circumstances affecting the person of whom one is speaking, as how he has availed himself of his advantages. For to praise his good fortune is folly, and to blame it is arrogance; but the praise of a man’s natural disposition is honourable, and the blame of it is a serious thing.

Now, since the principles of argumentation in every kind of cause have been set forth, it appears that enough has been said about invention, which is the first and most important part of rhetoric. Wherefore, since one portion of my work has been brought down to its end from the former book; and since this book has already run to a great length, what remains shall be discussed in subsequent books.

[The two remaining books are lost.]

THE ORATOR OF M.T. CICERO. ADDRESSED TO MARCUS BRUTUS.

This work was composed by Cicero soon after the battle of Pharsalia, and it was intended by him to contain the plan of what he himself considered to be the most perfect style of eloquence. In his Epistles to his Friends (vi. 18.) he tells Lepta that he firmly believed that he had condensed all his knowledge of the art of oratory in what he had set forth in this book.

Page 292

I. I have, O Brutus, hesitated a long time and often as to whether it was a more difficult and arduous business to refuse you, when constantly requesting the same favour, or to do what you desired me to do. For to refuse a man to whom I was attached above all men, and whom I knew also to be most entirely devoted to me, especially when he was only asking what was reasonable, and desiring what was honourable to me, appeared to me to be very harsh conduct; and to undertake a matter of such importance as was not only difficult for any man to have the ability to execute in an adequate manner, but hard even to think of in a way suited to its importance, appeared to me to be scarcely consistent with the character of a man who stood in awe of the reproof of wise and learned men. For what is there more important than, when the dissimilarity between good orators is so great, to decide which is the best sort and as it were the best form of eloquence?

However, since you repeat your entreaties, I will attempt the task, not so much from any hope that I entertain of accomplishing it, as from my willingness to attempt it. For I had rather that you should find fault with my prudence in thus complying with your eager desire, than with my friendship in refusing to attempt it.

You ask me then, and indeed you are constantly asking me, what kind of eloquence I approve of in the highest degree, and which sort of oratory I consider that to which nothing can be added, and which I therefore think the highest and most perfect kind. And in answering this question I am afraid lest, if I do what you wish, and give you an idea of the orator whom you are asking for, I may check the zeal of many, who, being discouraged by despair, will not make an attempt at what they have no hope of succeeding in. But it is good for all men to try everything, who have ever desired to attain any objects which are of importance and greatly to be desired. But if there be any one who feels that he is deficient either in natural power, or in any eminent force of natural genius, or that he is but inadequately instructed in the knowledge of important sciences, still let him hold on his course as far as he can. For if a man aims at the highest place, it is very honourable to arrive at the second or even the third rank. For in the poets there is room not only for Homer (to confine myself to the Greeks), or for Archilochus, or Sophocles, or Pindar, but there is room also for those who are second to them, or even below the second. Nor, indeed, did the nobleness of Plato in philosophical studies deter Aristotle from writing; nor did Aristotle himself, by his admirable knowledge and eloquence, extinguish the zeal in those pursuits of all other men.

Page 293

II. And it is not only the case that eminent men have not been deterred by such circumstances from the highest class of studies, but even those artists have not renounced their art who have been unable to equal the beauty of the Talysus[58] which we have seen at Rhodes, or of the Coan Venus. Nor have subsequent sculptors been so far alarmed at the statue of the Olympian Jove, or of the Shield-bearer, as to give up trying what they could accomplish, or how far they could advance; and, indeed, there has been so vast a multitude of those men, and each of them has obtained so much credit in his own particular walk, that, while we admire the most perfect models, we have also approbation to spare for those who come short of them.

But in the case of orators—I mean Greek orators—it is a marvellous thing how far one is superior to all the rest. And yet when Demosthenes flourished there were many illustrious orators, and so there were before his time, and the supply has not failed since. So that there is no reason why the hopes of those men, who have devoted themselves to the study of eloquence, should be broken, or why their industry should languish. For even the very highest pitch of excellency ought not to be despaired of; and in perfect things those things are very good which are next to the most perfect.

And I, in depicting a consummate orator, will draw a picture of such an one as perhaps never existed. For I am not asking who he was, but what that is than which nothing can be more excellent. And perhaps the perfection which I am looking for does not often shine forth, (indeed I do not know whether it ever has been seen,) but still in some degree it may at times be discoverable, among some nations more frequently, and among others more sparingly. But I lay down this position, that there is nothing of any kind so beautiful which has not something more beautiful still from which it is copied,—as a portrait is from a person's face,—though it can neither be perceived by the eyes or ears, or by any other of the senses; it is in the mind only, and by our thoughts, that we embrace it. Therefore, though we have never seen anything of any kind more beautiful than the statues of Phidias and than those pictures which I have named, still we can imagine something more beautiful. Nor did that great artist, when he was making the statue of Jupiter or of Minerva, keep in his mind any particular person of whom he was making a likeness; but there dwelt in his mind a certain perfect idea of beauty, which he looked upon, and fixed his eyes upon, and guided his art and his hand with reference to the likeness of that model.

III. As therefore there is in forms and figures something perfect and superexcellent, the appearance of which is stamped in our minds so that we imitate it, and refer to it everything which falls under our eyes; so we keep in our mind an idea of perfect eloquence, and seek for its resemblance with our ears.

Page 294

Now Plato, that greatest of all authors and teachers, not only of understanding, but also of speaking, calls those forms of things ideas; and he affirms that they are not created, but that they exist from everlasting, and are kept in their places by reason and intelligence: that all other things have their rising and setting, their ebb and flow, and cannot continue long in the same condition. Whatever there is, therefore, which can become a subject of discussion as to its principle and method, is to be reduced to the ultimate form and species of its class.

And I see that this first beginning of mine is derived not from the discussions of orators, but from the very heart of philosophy, and that it is old-fashioned and somewhat obscure, and likely to incur some blame, or at all events to provoke some surprise. For men will either wonder what all this has to do with that which is the subject of our inquiry, and they will be satisfied with understanding the nature of the facts, so that it may not seem to be without reason that we have traced their origin so far back; or else they will blame us for hunting out for unaccustomed paths, and abandoning those in ordinary use.

But I am aware that I often appear to say things which are novel, when I am in reality saying what is very old, only not generally known. And I confess that I have been made an orator, (if indeed I am one at all,) or such as I am, not by the workshops of the rhetoricians, but by the walks of the Academy. For that is the school of manifold and various discourses, in which first of all there are imprinted the footsteps of Plato. But the orator is to a great extent trained and assisted by his discussions and those of other philosophers. For all that copiousness, and forest, as it were, of eloquence, is derived from those men, and yet is not sufficient for forensic business; which, as these men themselves used to say, they left to more rustic muses. Accordingly this forensic eloquence, being despised and repudiated by philosophy, has lost many great and substantial helps; but still, as it is embellished with flowery language and well-turned periods, it has had some popularity among the people, and has had no reason to fear the judgment or prejudice of a few. And so popular eloquence has been lost to learned men, and elegant learning to eloquent ones.

IV. Let this then be laid down among the first principles, (and it will be better understood presently,)—that the eloquent man whom we are looking for cannot be rendered such without philosophy. Not indeed that there is everything necessary in philosophy, but that it is of assistance to an orator as the wrestling-school is to an actor; for small things are often compared with great ones. For no one can express wide views, or speak fluently on many and various subjects, without philosophy. Since also, in the *Phaedrus* of Plato, Socrates says that this is what Pericles was superior to all other orators in, that he had been a pupil of Anaxagoras the natural philosopher. And it was owing to him, in his opinion, (though he had learnt also many other splendid and admirable accomplishments,) that he was so copious and imaginative, and so thoroughly aware—which is the main thing in eloquence—by what kinds of speeches the different parts of men's minds are moved.

Page 295

And we may draw the same conclusion from the case of Demosthenes; from whose letters it may be gathered what a constant pupil of Plato's he was. Nor, indeed, without having studied in the schools of philosophers, can we discern the genus and species of everything; nor explain them by proper definitions; nor distribute them into their proper divisions; nor decide what is true and what is false; nor discern consequences, perceive inconsistencies, and distinguish what is doubtful. Why should I speak of the nature of things, the knowledge of which supplies such abundance of topics to oratory? or of life, and duty, and virtue, and manners? for what of all these things can be either spoken of or understood without a long study of those matters?

V. To these numerous and important things there are to be added innumerable ornaments, which at that time were only to be derived from those men who were accounted teachers of oratory. The consequence is, that no one applies himself to that genuine and perfect eloquence, because the study requisite for understanding those matters is different from that which enables me to speak of them; and because it is necessary to go to one class of teachers to understand the things, and to another to learn the proper language for them. Therefore Marcus Antonius, who in the time of our fathers was considered to be the most eminent of all men alive for eloquence, a manly nature very acute and eloquent, in that one treatise which he has left behind him, says that he has seen many fluent speakers, but not one eloquent orator, in truth, he had in his mind a model of eloquence which in his mind he saw, though he could not behold it with his eyes. But he, being a man of the most acute genius, (as indeed he was,) and feeling the want of many things both in himself and other men, saw absolutely no one who had fairly a right to be called eloquent. But if he did not think either himself or Lucius Crassus eloquent, then he certainly must have had in his mind some perfect model of eloquence; and as that had nothing wanting, he felt himself unable to include those who had anything or many things wanting in that class.

Let us then, O Brutus, if we can, investigate the nature of this man whom Antonius never beheld, or who perhaps has never even existed; and if we cannot imitate and copy him exactly, (which indeed Antonius said was scarcely possible for a god to do,) still we may perhaps be able to explain what he ought to be like.

Vi. There are altogether three different kinds of speaking, in each of which there have been some eminent men; but very few (though that is what we are now looking for) who have been equally eminent in all. For some have been grandiloquent men, (if I may use such an expression,) with an abundant dignity of sentiments and majesty of language, —vehement, various, copious, authoritative; well adapted and prepared to make an impression on and effect a change in men's feelings: an effect which some have endeavoured to produce by a rough, morose, uncivilized sort of speaking, not elaborated or wrought up with any care; and others employ a smooth, carefully prepared, and well rounded off style.

Page 296

On the other hand, there are men neat, acute, explaining everything, and making matters clearer, not nobler, polished up with a certain subtle and compressed style of oratory; and in the same class there are others, shrewd, but unpolished, and designedly resembling rough and unskilful speakers; and some who, with the same barrenness and simplicity, are still more elegant, that is to say, are facetious, flowery, and even slightly embellished.

But there is another class, half-way between these two, and as it were compounded of both of them, endowed neither with the acuteness of the last-mentioned orators, nor with the thunder of the former; as a sort of mixture of both, excelling in neither style; partaking of both, or rather indeed (if we would adhere to the exact truth) destitute of all the qualifications of either. Those men go on, as they say, in one uniform tenor of speaking, bringing nothing except their facility and equalness of language; or else they add something, like reliefs on a pedestal, and so they embellish their whole oration, with trifling ornaments of words and ideas.

VII. Now, whoever have by themselves arrived at any power in each of these styles of oratory, have gained a great name among orators; but we must inquire whether they have sufficiently effected what we want. For we see that there have been some men who have been ornate and dignified speakers, being at the same time shrewd and subtle arguers. And I wish that we were able to find a model of such an orator among the Latins. It would be a fine thing not to be forced to have recourse to foreign instances, but to be content with those of our own country. But though in that discourse of mine which I have published in the Brutus, I have attributed much credit to the Latins, —partly to encourage others, and partly out of affection for my own countrymen,—I still recollect that I by far prefer Demosthenes to all other men, inasmuch as he adapted his energy to that eloquence which I myself feel to be such, and not to that which I have ever had any experience of in any actual instance. He was an orator than whom there has never existed one more dignified, nor more wise, nor more temperate. And therefore it is well that we should warn those men whose ignorant conversation is getting to have some notoriety and weight, who wish either to be called Attic speakers, or who really wish to speak in the Attic style, to fix their admiration on this man above all others, than whom I do not think Athens itself more Attic. For by so doing they may learn what Attic means, and may measure eloquence by his power and not by their own weakness; for at present every one praises just that which he thinks that he himself is able to imitate. But still I think it not foreign to my present subject to remind those who are endowed with but a weak judgment, what is the peculiar merit of the Attic writers.

Page 297

VIII. The prudence of the hearers has always been the regulator of the eloquence of the orators. For all men who wish to be approved of, regard the inclination of those men who are their hearers, and form and adapt themselves entirely which of the Greek rhetoricians ever drew any of his rules from Thucydides? Oh, but he is praised universally. I admit that, but it is on the ground that he is a wise, conscientious, dignified relater of facts, not that he was pleading causes before tribunals, but that he was relating wars in a history. Therefore, he was never accounted an orator; nor, indeed, should we have ever heard of his name if he had not written a history, though he was a man of eminently high character and of noble birth. But no one ever imitates the dignity of his language or of his sentiments, but when they have used some disjointed and unconnected expressions, which they might have done without any teacher at all, then they think that they are akin to Thucydides. I have met men too who were anxious to resemble Xenophon, whose style is, indeed, sweeter than honey, but as unlike as possible to the noisy style of the forum.

X Let us then return to the subject of laying a foundation for the orator whom we desire to see, and of furnishing him with that eloquence which Antonius had never found in any one. We are, O Brutus, undertaking a great and arduous task, but I think nothing difficult to a man who is in love. But I am and always have been in love with your genius, and your pursuits, and your habits. Moreover, I am every day more and more inflamed not only with regret,—though I am worn away with that while I am wishing to enjoy again our meetings and our daily association, and your learned discourse,—but also with the admirable reputation of your incredible virtues, which, though different in their kind, are united by your prudence. For what is so different or remote from severity as courtesy? And yet who has ever been considered either more conscientious or more agreeable than you? And what is so difficult as, while deciding disputes between many people, to be beloved by all of them? Yet you attain this end, of dismissing in a contented and pacified frame of mind the very parties against whom you decide. Therefore, while doing nothing from motives of interest you still contrive that all that you do should be acceptable. And therefore, of all the countries on earth, Gaul[59] is now the only one which is not affected by the general conflagration, while you yourself enjoy your own virtues in peace, knowing that your conduct is appreciated in this bright Italy, and surrounded as you are by the flower and strength of the citizens.

Page 298

And what an exploit is that, never, amid all your important occupations, to interrupt your study of philosophy! You are always either writing something yourself or inviting me to write something. Therefore, I began this work as soon as I had finished my Cato, which I should never have meddled with, being alarmed at the aspect of the times, so hostile to virtue, if I had not thought it wicked not to comply with your wishes, when you were exhorting me and awaking in me the recollection of that man who was so dear to me, and I call you to witness that I have only ventured to undertake this subject after many entreaties on your part, and many refusals on mine. For I wish that you should appear implicated in this fault, so that if I myself should appear unable to support the weight of such a subject, you may bear the blame of having imposed such a burden on me, and I only that of having undertaken it. And then the credit of having had such a commission given me by you, will make amends for the blame which the deficiency of my judgment will bring upon me.

XI. But in everything it is very difficult to explain the form (that which is called in Greek [Greek: charaktaer]) of perfection, because different things appear perfection to different people. I am delighted with Ennius, says one person, because he never departs from the ordinary use of words. I love Pacuvius, says another, all his verses are so ornamented and elaborate while Ennius is often so careless. Another is all for Attius. For there are many different opinions, as among the Greeks, nor is it easy to explain which form is the most excellent. In pictures one man is delighted with what is rough harsh looking, obscure, and dark, others care only for what is neat cheerful and brilliant. Why should you, then give any precise command or formula, when each is best in its own kind, and when there are many kinds? However, these difficulties have not repelled me from this attempt, and I have thought that in everything there is some point of absolute perfection even though it is not easily seen, and, that it can be decided on by a man who understands the matter.

But since there are many kinds of speeches, and those different, and as they do not all fall under one form, the form of panegyric, and of declamation, and of narration, and of such discourses as Isocrates has left us in his panegyric, and many other writers also who are called sophists; and the form also of other kinds which have no connexion with forensic discussion, and of the whole of that class which is called in Greek [Greek: epideiktikon], and which is made up as it were for the purpose of being looked at—for the sake of amusement, I shall omit at the present time. Not that they deserve to be entirely neglected; for they are as it were the nursery of the orator whom we wish to draw; and concerning whom we are endeavouring to say something worth hearing.

Page 299

XII. From this form is derived fluency of words; from it also the combination and rhythm of sentences derives a freer licence. For great indulgence is shown to neatly turned sentences; and rhythmical, steady, compact periods are always admissible. And pains are taken purposely, not disguisedly, but openly and avowedly, to make one word answer to another, as if they had been measured together and were equal to each other. So that words opposed to one another may be frequently contrasted, and contrary words compared together, and that sentences may be terminated in the same manner, and may give the same sound at their conclusion; which, when we are dealing with actual causes, we do much more seldom, and certainly with more disguise. But, in his Panathenaic oration, Isocrates avows that he diligently kept that object in view; for he composed it not for a contest in a court of justice, but to delight the ears of his hearers.

They say that Thrasymachus of Chalcedon, and Gorgias of Leontini, were the first men who taught this science; after him Theodorus of Byzantium, and many others whom Socrates in the *Phaedrus* calls [Greek: *logodaidaloi*]; who have said many things very tolerably clever, but which seem as if they had arisen at the moment, trifling, and like animals which change their colour, and too minutely painted. And this is what makes Herodotus and Thucydides the more admirable; for though they lived at the same time with those men whom I have named, still they kept aloof as far as possible from such amusements, or I should rather say from such follies. For one of them flows on like a tranquil river, without any attempts at facetiousness; the other is borne on in a more impetuous course, and relates warlike deeds in a warlike spirit; and they are the first men by whom, as Theophrastus says, history was stirred up to dare to speak in a more fluent and adorned style than their predecessors had ventured on.

XIII. Isocrates lived in the age next to theirs; who is at all times praised by us above all other orators of his class, even though you, O Brutus, sometimes object in a jesting though not in an unlearned spirit. But you will very likely agree with me when you know why I praise him. For as Thrasymachus appeared to him to be too concise with his closely measured rhythm, and Gorgias also, though they are the first who are said to have laid down any rules at all for the harmony of sentences; and as Thucydides was somewhat too abrupt and not sufficiently round, if I may use such an expression; he was the first who adopted a system of dilating his ideas with words, and filling them up with better sounding sentences; and as by his own practice he formed those men who were afterwards accounted the most eminent men in speaking and writing, his house got to be reckoned a perfect school of eloquence. Therefore, as I, when I was praised by our friend Cato, could easily bear to be blamed by the rest; so Isocrates appears to have a right to despise the judgment of

Page 300

other men, while he has the testimony of Plato to pride himself on. For, as you know, Socrates is introduced in almost the last page of the Phaedrus speaking in these words: —“At present, O Phaedrus, Isocrates is quite a young man; but still I delight in telling the expectations which I have of him.” “What are they?” says he. “He appears to me to be a man of too lofty a genius to be compared to Lysias and his orations: besides, he has a greater natural disposition for virtue; so that it will not be at all strange if, when he has advanced in age, he will either surpass all his contemporaries who turn their attention to eloquence, and in this kind of oratory, to the study of which he is at present devoted, as if they were only boys; or, if he is not content with such a victory, he will then feel some sort of divine inspiration prompting him to desire greater things. For there is a deep philosophy implanted by nature in this man’s mind.” This was the augury which Socrates forms of him while a young man. But Plato writes it of him when he has become an old man, and when he is his contemporary, and a sort of attacker of all the rhetoricians. And Isocrates is the only one whom he admires. And let those men who are not fond of Isocrates allow me to remain in error in the company of Socrates and Plato.

That then is a delightful kind of oratory, free, fluent, shrewd in its sentiments, sweet sounding in its periods, which is found in that demonstrative kind of speaking which we have mentioned. It is the peculiar style of sophists; more suitable for display than for actual contest; appropriate to schools and exhibitions; but despised in and driven from the forum. But because eloquence is first of all trained by this sort of food, and afterwards gives itself a proper colour and strength, it appeared not foreign to our subject to speak of what is as it were the cradle of an orator. However, all this belongs to the schools, and to display: let us now descend into the battle-field and to the actual struggle.

XIV. As there are three things which the orator has to consider; what he is saying; and in what place, and in what manner he is saying each separate thing; it seems on all accounts desirable to explain what is best as to each separate subject, though in rather a different manner from that in which it is usually explained in laying down the principles of the science. We will give no regular rules, (for that task we have not undertaken,) but we will present an outline and sketch of perfect eloquence; nor will we occupy ourselves in explaining by what means it is acquired, but only what sort of thing it appears to us to be.

Page 301

And let us discuss the two first divisions very briefly. For it is not so much that they have not an important reference to the highest perfection, as that they are indispensable, and almost common to other studies also. For to plan and decide on what you will say are important points, and are as it were the mind in the body; still they are parts of prudence rather than of eloquence; and yet what matter is there in which prudence is not necessary? This orator, then, whom we wish to describe as a perfect one, must know all the topics suited to arguments and reasons of this class. For since whatever can possibly be the subject of any contest or controversy, gives rise to the inquiry whether it exists, and what it is, and what sort of thing it is; while we endeavour to ascertain whether it exists, by tokens; what it is, by definitions; what sort of thing it is, by divisions of right and wrong; and in order to be able to avail himself of these topics the orator,—I do not mean any ordinary one, but the excellent one whom I am endeavouring to depict,—always, if he can, diverts the controversy from any individual person or occasion. For it is in his power to argue on wider grounds concerning a genus than concerning a part; as, whatever is proved in the universal, must inevitably be proved with respect to a part. This inquiry, then, when diverted from individual persons and occasions to a discussion of a universal genus, is called a thesis. This is what Aristotle trained young men in, not after the fashion of ordinary philosophers, by subtle dissertations, but in the way of rhetoricians, making them argue on each side, in order that it might be discussed with more elegance and more copiousness; and he also gave them topics (for that is what he called them) as heads of arguments, from which every sort of oration might be applied to either side of the question.

XV. This orator of ours then (for what we are looking for is not some declaimer out of a school, or some pettifogger from the forum, but a most accomplished and perfect orator), since certain topics are given to him, will run through all of them; he will use those which are suitable to his purpose according to their class; he will learn also from what source those topics proceed which are called common. Nor will he make an imprudent use of his resources, but he will weigh everything, and make a selection. For the same arguments have not equal weight at all times, or in all causes. He will, therefore, exercise his judgment, and he will not only devise what he is to say, but he will also weigh its force. For there is nothing more fertile than genius, especially of the sort which has been cultivated by study. But as fertile and productive corn-fields bear not only corn, but weeds which are most unfriendly to corn, so sometimes from those topics there are produced arguments which are either trifling, or foreign to the subject, or useless; and the judgment of the orator has great room to exert itself in making a selection

Page 302

from them. Otherwise how will he be able to stop and make his stand on those arguments which are good and suited to his purpose? or how to soften what is harsh, and to conceal what cannot be denied, and, if it be possible, entirely to get rid of all such topics? or how will he be able to lead men's minds away from the objects on which they are fixed, or to adduce any other argument which, when opposed to that of his adversaries, may be more probable than that which is brought against him?

And with what diligence will he marshal the arguments with which he has provided himself? since that is the second of his three objects. He will make all the vestibule, if I may so say, and the approach to his cause brilliant; and when he has got possession of the minds of his hearers by his first onset, he will then invalidate and exclude all contrary arguments; and of his own strongest arguments some he will place in the van, some he will employ to bring up the rear, and the weaker ones he will place in the centre.

And thus we have described in a brief and summary manner what this perfect orator should be like in the two first parts of speaking. But, as has been said before, in these parts, (although they are weighty and important,) there is less skill and labour than in the others.

XVI. But when he has found out what to say, and in what place he is to say it, then comes that which is by far the most important division of the three, the consideration of the manner in which he is to say it. For that is a well-known saying which our friend Carneades used to repeat:—"That Clitomachus said the same things, but that Charmadas said the same things in the same manner." But if it is of so much consequence in philosophy even, how you say a thing, when it is the matter which is looked at there rather than the language, what can we think must be the case in causes in which the elocution is all in all? And I, O Brutus, knew from your letters that you do not ask what sort of artist I think a consummate orator ought to be, as far as devising and arranging his arguments; but you appeared to me to be asking rather what kind of eloquence I considered the best. A very difficult matter, and, indeed, by the immortal gods! the most difficult of all matters. For as language is a thing soft and tender, and so flexible that it follows wherever you turn it, so also the various natures and inclinations of men have given rise to very different kinds of speaking.

Some men love a stream of words and great volubility, placing all eloquence in rapidity of speech. Others are fond of distinct and broadly marked intervals, and delays, and taking of breath. What can be more different? Yet in each kind there is something excellent. Some labour to attain a gentle and equable style, and a pure and transparent kind of eloquence; others aim at a certain harshness and severity in their language, a sort of melancholy in their speech: and as we have just before divided men, so that

some wish to appear weighty, some light, some moderate, so there are as many different kinds of orators as we have already said that there are styles of oratory.

Page 303

XVII. And since I have now begun to perform this duty in a more ample manner than you did require it of me, (for though the question which you put to me has reference only to the kind of oration, I have also in my answer given you a brief account of the invention and arrangement of arguments,) even now I will not speak solely of the manner of making a speech, but I will touch also on the manner of conducting an action. And so no part whatever will be omitted: since nothing need be said in this place of memory, for that is common to many arts.

But the way in which it is said depends on two things,—on action and on elocution. For action is a sort of eloquence of the body, consisting as it does of voice and motion. Now there are as many changes of voice as there are of minds, which are above all things influenced by the voice. Therefore, that perfect orator which our oration has just been describing, will employ a certain tone of voice regulated by the way in which he wishes to appear affected himself, and by the manner also in which he desires the mind of his hearer to be influenced. And concerning this I would say more if this was the proper time for laying down rules concerning it, or if this was what you were inquiring about. I would speak also of gesture, with which expression of countenance is combined. And it is hardly possible to express of what importance these things are, and what use the orator makes of them. For even people without speaking, by the mere dignity of their action, have often produced all the effect of eloquence; and many really eloquent men, by their ungainly delivery have been thought ineloquent. So that it was not without reason that Demosthenes attributed the first, and second, and third rank to action. For if eloquence without action is nothing, but action without eloquence is of such great power, then certainly it is the most important part of speaking.

XVIII. He, then, who aims at the highest rank in eloquence, will endeavour with his voice on the stretch to speak energetically; with a low voice, gently, with a sustained voice, gravely, and with a modulated voice, in a manner calculated to excite compassion.

For the nature of the voice is something marvellous, for all its great power is derived from three sounds only, the grave sound, the sharp sound, and the moderate sound, and from these comes all that sweet variety which is brought to perfection in songs. But there is also in speaking a sort of concealed singing, not like the peroration of rhetoricians from Phrygia or Caria, which is nearly a chant, but that sort which Demosthenes and Aeschines mean when the one reproaches the other with the affected modulation of his voice. Demosthenes says even more, and often declares that Aeschines had a very sweet and clear voice. And in this that point appears to me worth noting, with reference to the study of aiming at sweetness in the voice. For nature of herself, as if she were

Page 304

modulating the voices of men, has placed in every one one acute tone, and not more than one, and that not more than two syllables back from the last, so that industry may be guided by nature when pursuing the object of delighting the ears. A good voice also is a thing to be desired, for it is not naturally implanted in us, but practice and use give it to us. Therefore, the consummate orator will vary and change his voice, and sometimes straining it, sometimes lowering it, he will go through every degree of tone.

And he will use action in such a way that there shall be nothing superfluous in his gestures. His attitude will be erect and lofty, the motion of the feet rare, and very moderate, he will only move across the tribune in a very moderate manner, and even then rarely, there will be no bending of the neck, no clenching of the fingers, no rise or fall of the fingers in regular time, he will rather sway his whole body gently, and employ a manly inclination of his side, throwing out his arm in the energetic parts of his speech, and drawing it back in the moderate ones. As to his countenance, which is of the greatest influence possible next to the voice, what dignity and what beauty will be derived from its expression! And when you have accomplished this, then the eyes too must be kept under strict command, that there may not appear to be anything unsuitable, or like grimace. For as the countenance is the image of the mind, so are the eyes the informers as to what is going on within it. And their hilarity or sadness will be regulated by the circumstances which are under discussion.

XIX. But now we must give the likeness of this perfect orator and of this consummate eloquence, and his very name points out that he excels in this one particular, that is to say, in oratory and that other eminent qualities are kept out of sight in him. For it is not by his invention, or by his power of arrangement, or by his action, that he has embraced all these points, but in Greek he is called [Greek: raetor], and in Latin "eloquent," from speaking. For every one claims for himself some share in the other accomplishments which belong to an orator, but the greatest power in speaking is allowed to be his alone. For although some philosophers have spoken with elegance, (since Theophrastus[60] derived his name from his divine skill in speaking, and Aristotle attacked Isocrates himself, and they say that the Muses as it were spoke by the mouth of Xenophon; and far above all men who have ever written or spoken, Plato is preeminent both for sweetness and dignity,) still their language has neither the vigour nor the sting of an orator or a forensic speaker. They are conversing with learned men whose minds they wish to tranquillize rather than to excite, and so they speak on peaceful subjects which have no connexion with any violence, and for the sake of teaching, not of charming, so that even in the fact of their aiming at giving some pleasure by their diction, they appear to some people to be doing more than is necessary for them to do.

Page 305

It is not difficult, therefore, to distinguish between this kind of speaking and the eloquence which we are now treating of. For the address of philosophers is gentle, and fond of retirement, and not furnished with popular ideas or popular expressions, not fettered by any particular rhythm, but allowed a good deal of liberty. It has in it nothing angry, nothing envious, nothing energetic, nothing marvellous, nothing cunning, it is as it were a chaste, modest, uncontaminated virgin. Therefore it is called a discourse rather than an oration. For although every kind of speaking is an oration, still the language of the orator alone is distinguished by this name as its own property.

It appears more necessary to distinguish between it and the copy of it by the sophists, who wish to gather all the same flowers which the orator employs in his causes. But they differ from him in this that, as their object is not to disturb men's minds, but rather to appease them, and not so much to persuade as to delight, and as they do it more openly than we do and more frequently, they seek ideas which are neat rather than probable, they often wander from the subject, they weave fables into their speeches, they openly borrow terms from other subjects, and arrange them as painters do a variety of colours, they put like things by the side of like, opposite things by the side of their contraries, and very often they terminate period after period in similar manners.

XX. Now history is akin to this side of writing, in which the authors relate with elegance, and often describe a legion, or a battle, and also addresses and exhortations are intermingled, but in them something connected and fluent is required, and not this compressed and vehement sort of speaking. And the eloquence which we are looking for must be distinguished from theirs nearly as much as it must from that of the poets.

For even the poets have given room for the question, what the point is in which they differ from the orators, formerly it appeared to be chiefly rhythm and versification, but of late rhythm has got a great footing among the orators. For whatever it is which offers the ears any regular measure, even if it be ever so far removed from verse, (for that is a fault in an oration,) is called "number" by us, being the same thing that in Greek is called [Greek: *ruthmos*]. And, accordingly, I see that some men have thought that the language of Plato and Democritus, although it is not verse, still, because it is borne along with some impetuosity and employs the most brilliant illustration that words can give, ought to be considered as poetry rather than the works of the comic poets, in which, except that they are written in verse, there is nothing else which is different from ordinary conversation. Nor is that the principal characteristic of a poet, although he is the more to be praised for aiming at the excellences of an orator, when he is more fettered by verse. But, although the language of some

Page 306

poets is grand and ornamented, still I think that they have greater licence than we have in making and combining words, and I think too that they often, in their expressions, pay more attention to the object of giving pleasure to their leaders than to their subject. Nor, indeed, does the fact of there being one point of resemblance between them, (I mean judgment and the selection of words,) make it difficult to perceive their dissimilarity on other points. But that is not doubtful, and if there be any question in the matter, still this is certainly not necessary for the object which is proposed to be kept in view.

The orator, therefore, now that he has been separated from the eloquence of philosophers, and sophists, and historians, and poets, requires an explanation from us to show what sort of person he is to be

XXI. The eloquent orator, then, (for that is what, according to Antonius, we are looking for) is a man who speaks in the forum and in civil causes in such a manner as to prove, to delight, and to persuade. To prove, is necessary for him; to delight, is a proof of his sweetness, to persuade, is a token of victory. For that alone of all results is of the greatest weight towards gaining causes. But there are as many kinds of speaking as there are separate duties of an orator. The orator, therefore, ought to be a man of great judgment and of great ability, and he ought to be a regulator, as it were, of this threefold variety of duty. For he will judge what is necessary for every one, and he will be able to speak in whatever manner the cause requires. But the foundation of eloquence, as of all other things, is wisdom. For as in life, so in a speech, nothing is more difficult than to see what is becoming. The Greeks call this [Greek: prepon], we call it "decorum." But concerning this point many admirable rules are laid down, and the matter is well worth being understood. And it is owing to ignorance respecting it that men make blunders not only in life, but very often in poems, and in speeches.

But the orator must consider what is becoming not only in his sentences, but also in his words. For it is not every fortune, nor every honour, nor every authority, nor every age, or place, or time, nor every hearer who is to be dealt with by the same character of expressions or sentiments. And at all times, in every part of a speech or of life, we must consider what is becoming, and that depends partly on the facts which are the subject under discussion, and also on the characters of those who are the speakers and of those who are the hearers. Therefore this topic, which is of very wide extent and application, is often employed by philosophers in discussions on duty, not when they are discussing abstract right, for that is but one thing and the grammarians also too often employ it when criticising the poets, to show their eloquence in every division and description of cause. For how unseemly is it, when you are pleading before a single judge about a gutter, to use high sounding expressions and general topics, but to speak with a low voice and with subtle arguments in a cause affecting the majesty of the Roman people.

Page 307

XXII. This applies to the whole genus. But some persons err as to the character either of themselves, or of the judges, or of their adversaries and not only in actual fact, but often in word. Although there is no force in a word without a fact, still the same fact is often either approved of, or rejected, according as this or that expression is employed respecting it. And in every case it is necessary to take care how far it may be right to go, for although everything has its proper limit, still excess offends more than falling short. And that is the point in which Apelles said that those painters made a blunder, who did not know what was enough.

There is here, O Brutus, an important topic, which does not escape your notice, and which requires another large volume. But for the present question this is enough, when we say that this is becoming, (an expression which we always employ in all words and actions, both great and small)—when, I say, we say that this is becoming and that that is not becoming, and when it appears to what extent each assertion is meant to be applicable, and when it depends on something else, and is quite another matter whether you say that a thing is becoming or proper, (for to say a thing is proper, declares the perfection of duty, which we and all men are at all times to regard to say a thing is becoming, as to say that it is fit as it were, and suitable to the time and person: which is often very important both in actions and words, and in a person's countenance and gestures and gait;)—and, on the other hand, when we say that a thing is unbecoming, (and if a poet avoids this as the greatest of faults, [and he also errs if he puts an honest sentiment in the mouth of a wicked man, or a wise one in the mouth of a fool,] or if that painter saw that, when Calchas was sad at the sacrifice of Iphigenia, and Ulysses still more so, and Menelaus in mourning, that Agamemnon's head required to be veiled altogether, since it was quite impossible to represent such grief as his with a paint brush; if even the actor inquires what is becoming, what must we think that the orator ought to do?) But as this is a matter of so much importance, the orator must take care what he does in his causes, and in the different parts of them; that is plain, that not only the different parts of an oration, but that even whole causes are to be dealt with in different styles of oratory.

XXIII. It follows that the characteristics and forms of each class must be sought for. It is a great and difficult task, as we have often said before; but it was necessary for us to consider at the beginning what we would discuss; and now we must set our sails in whatever course we are borne on. But first of all we must give a sketch of the man whom some consider the only orator of the Attic style.

Page 308

He is a gentle, moderate man, imitating the usual customs, differing from those who are not eloquent in fact rather than in any of his opinions. Therefore those who are his hearers, even though they themselves have no skill in speaking, still feel confident that they could speak in that manner. For the subtlety of his address appears easy of imitation to a person who ventures on an opinion, but nothing is less easy when he comes to try it; for although it is not a style of any extraordinary vigour, still it has some juice, so that even though it is not endowed with the most extreme power, it is still, if I may use such an expression, in perfect health. First of all, then, let us release it from the fetters of rhythm. For there is, as you know, a certain rhythm to be observed by an orator, (and of that we will speak presently,) proceeding on a regular system; but though it must be attended to in another kind of oratory, it must be entirely abandoned in this. This must be a sort of easy style, and yet not utterly without rules, so that it may seem to range at freedom, not to wander about licentiously. He should also guard against appearing to cement his words together; for the hiatus formed by a concourse of open vowels has something soft about it, and indicates a not unpleasing negligence, as if the speaker were anxious more about the matter than the manner of his speech. But as to other points, he must take care, especially as he is allowed more licence in these two, —I mean the rounding of his periods, and the combination of his words; for those narrow and minute details are not to be dealt with carelessly. But there is such a thing as a careful negligence; for as some women are said to be unadorned to whom that very want of ornament is becoming, so this refined sort of oratory is delightful even when unadorned. For in each case a result is produced that the thing appears more beautiful, though the cause is not apparent. Then every conspicuous ornament will be removed, even pearls; even curling-irons will be put away; and all medicaments of paint and chalk, all artificial red and white, will be discarded; only elegance and neatness will remain. The language will be pure and Latin; it will be arranged plainly and clearly, and great care will be taken to see what is becoming.

XXIV. One quality will be present, which Theophrastus calls the fourth in his praises of oratory;—full of ornament, sweetness, and fluency. Clever sentiments, extracted from I know not what secret store, will be brought out, and will exert their power in the speeches of this perfect orator. There will be a moderate use of what I may call oratorical furniture; for there is to a certain degree what I may call our furniture, consisting of ornaments partly of things and partly of words. But the ornaments consisting of words are twofold: one kind consisting of words by themselves, the other consisting of them in combination. The simple embellishment is approved of in the case

Page 309

of proper and commonly employed words, which either sound very well, or else are very explanatory of the subject; in words which do not naturally belong to the subject,—it is either metaphorical, or borrowed from some other quarter; or else it is derived from the subject, whether it is a new term, or an old one grown obsolete; but even old and almost obsolete terms may be proper ones, only that we seldom employ them. But words when well arranged have great ornament if they give any neatness, which does not remain if the words are altered while the sense remains. For the embellishments of sentiments which remain, even if you alter the language in which they are expressed, are many, but still there are but few of them which are worth remarking.

Therefore a simple orator, provided he is elegant and not bold in the matter of making words, and modest in his metaphors, and sparing in his use of obsolete terms, and humble in the rest of his ornaments of words and sentences, will perhaps indulge in a tolerably frequent use of that kind of metaphor which is common in the ordinary conversation, not only of city people, but even of rustics; since they too are in the habit of saying, “that the vines sparkle with jewels,” “that the fields are thirsty,” “that the corn-fields are rejoicing,” “that the crops are luxuriant.” Now there is not one of these expressions which is not somewhat bold; but the thing is either like that which you use metaphorically; or else, if it has no name of its own, the expression which you use appears to have been borrowed for the sake of teaching, not of jesting. And this quiet sort of orator will use this ornament with rather more freedom than the rest; and yet he will not do it with as much licence as if he were practising the loftiest kind of oratory.

XXV. Therefore that unbecomingness (and what that is may be understood from the definition we have given of what is becoming) is visible here also, when some sublime expression is used metaphorically, and is used in a lowly style of oration, though it might have been becoming in a different one. But the neatness which I have spoken of, which illuminates the arrangement of language by these lights which the Greeks, as if they were some gestures of the speech, call [Greek: *schaemata*], (and the same word is applied by them also to the embellishments of sentences,) is employed by the refined orator (whom some men call the Attic orator, and rightly too, if they did not mean that he was the only one) but sparingly. For, as in the preparation of a feast, a man while on his guard against magnificence, is desirous to be thought not only economical but also elegant, he will choose what is best for him to use. For there are many kinds of economy suited to this very orator of whom I am speaking; for the ornaments which I have previously been mentioning are to be avoided by this acute orator,—I mean the comparing like with like, and the similarly sounding and equally measured ends of sentences, and graces hunted out as it were by the alteration of a letter; so that it may not be visible that neatness has been especially aimed at, and so that the orator may not be detected in having been hunting for means of pleasing the ears of his audience.



Page 310

Again, if repetitions of the same expressions require a sort of vehemence and loudness of voice, they will then be unsuited to the simple style of oratory. The orator may use other embellishments promiscuously; only let him relax and separate the connexion of the words, and use as ordinary expressions as possible, and as gentle metaphors. Let him even avail himself of those lights of sentiments, as long as they are not too brilliant. He will not make the republic speak; nor will he raise the dead from the shades below; nor will he collect together a number of particulars in one heap, and so fold them in one embrace. Such deeds belong to more vigorous beings, nor are they to be expected or required from this man of whom we are giving a sketch; for he will be too moderate not only in his voice, but also in his style. But there are many embellishments which will suit his simple style, although he will use even them in a strict manner; for that is his character.

He will have besides this, action, not tragic, nor suited to the stage, but he will move his body in a moderate degree, trusting a great deal to his countenance; not in such a way as people call making faces but in a manner sufficient to show in a gentlemanlike manner in what sense he means what he is saying to be understood.

XXVI. Now in this kind of speech sallies of wit are admissible, and they carry perhaps only too much weight in an oration. Of them there are two kinds,—facetiousness and raillery,—and the orator will employ both; but he will use the one in relating anything neatly, and the other in darting ridicule on his adversaries. And of this latter kind there are more descriptions than one; however, it is a different thing that we are discussing now. Nevertheless we may give this warning,—that the orator ought to use ridicule in such a way as neither to indulge in it too often, that it may not seem like buffoonery; nor in a covertly obscure manner, that it may not seem like the wit of a comedian; nor in a petulant manner, lest it should seem spiteful; nor should he ridicule calamity, lest that should seem inhuman; nor crime, lest laughter should usurp the place which hatred ought to occupy; nor should he employ this weapon when unsuitable to his own character, or to that of the judges, or to the time; for all such conduct would come under the head of unbecoming.

The orator must also avoid using jests ready prepared, such as do not arise out of the occasion, but are brought from home; for they are usually frigid. And he must spare friendships and dignities. He will avoid such insults as are not to be healed; he will only aim at his adversaries, and not even always at them, nor at all of them, nor in every manner. And with these exceptions, he will employ his sallies of wit and his facetiousness in such a manner as I have never found any one of those men do who consider themselves Attic speakers, though there is nothing more Attic than that practice.

Page 311

This is the sketch which I conceive to be that of a plain orator, but still of a great one, and one of a genius very kindred to the Attic; since whatever is witty or pleasant in a speech is peculiar to the Attics. Not, however, that all of them are facetious: Lysias is said to be tolerably so, and Hyperides; Demades is so above all others. Demosthenes is considered less so, though nothing appears to me to be more well-bred than he is; but he was not so much given to raillery as to facetiousness. And the former is the quality of a more impetuous disposition; the latter betokens a more refined art.

XXVII. There is another style more fertile, and somewhat more forcible than this simple style of which we have been speaking; but nevertheless tamer than the highest class of oratory, of which I shall speak immediately. In this kind there is but little vigour, but there is the greatest possible quantity of sweetness; for it is fuller than the plain style, but more plain than that other which is highly ornamented and copious.

Every kind of ornament in speaking is suitable to this style; and in this kind of oratory there is a great deal of sweetness. It is a style in which many men among the Greeks have been eminent; but Demetrius Phalereus, in my opinion, has surpassed all the rest; and while his oratory proceeds in calm and tranquil flow, it receives brilliancy from numerous metaphors and borrowed expressions, like stars.

I call them metaphors, as I often do, which, on account of their similarity to some other idea, are introduced into a speech for the sake of sweetness, or to supply a deficiency in a language. By borrowed expressions I mean those in which, for the proper word, another is substituted which has the same sense, and which is derived from some subsequent fact. And though this too is a metaphorical usage; still Ennius employed it in one manner when he said, "You are orphaning the citadel and the city;" and he would have used it in a different manner if he had used the word "citadel," meaning "country." Again, when he says that "horrid Africa trembles with a terrible tumult," he uses "Africa" for "Africans." The rhetoricians call this "hypallage," because one word as it were is substituted for another. The grammarians call it "metonymia," because names are transferred. But Aristotle classes them all under metaphor, and so he does the misuse of terms which they call [Greek: katachraesis]. As when we call a mind "minute" instead of "little," and misuse words which are near to others in sense; if there is any necessity for so doing, or any pleasure, or any particular becomingness in doing so. When many metaphors succeed one another uninterruptedly the sort of oration becomes entirely changed. Therefore the Greeks call it [Greek: allaegoria], rightly as to name; but as to its class he speaks more accurately who calls all such usages metaphors. Phalereus is particularly fond of these usages, and they are very agreeable; and although there is a great deal of metaphor in his speaking, yet there is no one who makes a more frequent use of the metonymia.

Page 312

The same kind of oratory, (I am speaking of the moderate and temperate kind), admits of all sorts of figures of expressions, and of many also of ideas. Discussions of wide application and extensive learning are explained in it, and common topics are treated without any impetuosity. In a word, orators of this class usually come from the schools of philosophers, and unless the more vigorous orator, whom I am going to speak of presently, is at hand to be compared with them, the one whom I am now describing will be approved of. For there is a remarkable and flowery and highly-coloured and polished style of oratory, in which every possible elegance of expression and idea is connected together. And it is from the fountain of the sophist that all this has flowed into the forum; but still, being despised by the subtle arguers, and rejected by dignified speakers, it has taken its place in the moderate kind of oratory of which I am speaking.

XXVIII. The third kind of orator is the sublime, copious, dignified, ornate speaker, in whom there is the greatest amount of grace. For he it is, out of admiration for whose ornamented style and copiousness of language nations have allowed eloquence to obtain so much influence in states; but it was only this eloquence, which is borne along in an impetuous course, and with a mighty noise, which all men looked up to, and admired, and had no idea that they themselves could possibly attain to. It belongs to this eloquence to deal with men's minds, and to influence them in every imaginable way. This is the style which sometimes forces its way into and sometimes steals into the senses; which implants new opinions in men, and eradicates others which have been long established. But there is a vast difference between this kind of orator and the preceding ones. A man who has laboured at the subtle and acute style, in order to be able to speak cunningly and cleverly, and who has had no higher aim, if he has entirely attained his object, is a great orator, if not a very great one; he is far from standing on slippery ground, and if he once gets a firm footing, is in no danger of falling. But the middle kind of orator, whom I have called moderate and temperate, if he has only arranged all his own forces to his satisfaction, will have no fear of any doubtful or uncertain chances of oratory; and even if at any time he should not be completely successful, which may often be the case, still he will be in no great danger, for he cannot fall far. But this orator of ours, whom we consider the first of orators, dignified, vehement, and earnest, if this is the only thing for which he appears born, or if this is the only kind of oratory to which he applies himself, and if he does not combine his copiousness of diction with those other two kinds of oratory, is very much to be despised. For the one who speaks simply, inasmuch as he speaks with shrewdness and sense, is a wise man; the one who employs the middle style is

Page 313

agreeable; but this most copious speaker, if he is nothing else, appears scarcely in his senses. For a man who can say nothing with calmness, nothing with gentleness; who seems ignorant of all arrangement and definition and distinctness, and regardless of wit, especially when some of his causes require to be treated in that matter entirely, and others in a great degree; if he does not prepare the ears of his hearers before he begins to work up the case in an inflammatory style, he seems like a madman among people in their senses, or like a drunken man among sober men.

XXIX. We have then now, O Brutus, the orator whom we are looking for; but only in our mind's eye. For if I had had hold of him in my hand, even he himself, with all his eloquence, should never have persuaded me to let him go. But, in truth, that eloquent man whom Antonius never saw is now discovered. Who then is he? I will define him in a few words, and then describe him at length. For he is an eloquent man who can speak of low things acutely, and of great things with dignity, and of moderate things with temper.

Such a man you will say there never was. Perhaps there never was; for I am only discussing what I wish to see, and not what I have seen. And I come back to that sketch and idea of Plato's which I mentioned before; and although we do not see it, yet we can comprehend it in our mind. For I am not looking for an eloquent man, or for any other mortal or transitory thing; but for that particular quality which whoever is master of is an eloquent man; and that is nothing but abstract eloquence, which we are not able to discern with any eyes except those of the mind. He then will be an eloquent man, (to repeat my former definition,) who can speak of small things in a lowly manner, of moderate things in a temperate manner, and of great things with dignity. The whole of the cause in which I spoke for Caecina related to the language or an interdict: we explained some very involved matters by definitions; we praised the civil law; we distinguished between words of doubtful meaning. In a discussion on the Manilian law it was requisite to praise Pompey; and accordingly, in a temperate speech, we arrived at a copiousness of ornament. The whole question, of the rights of the people was contained in the cause of Rabinius; and accordingly we indulged in every conceivable amplification. But these styles require at times to be regulated and restrained. What kind of argument is there which is not found in my five books of impeachment of Verres? or in my speech for Avitus? or in that for Cornelius? or in the other numerous speeches in defence of different men? I would give instances, if I did not believe them to be well known, and that those who wanted them could select them for themselves; for there is no effort of an orator of any kind, of which there is not in our speeches, if not a perfect example, at least some attempt at and sketch of. If we cannot arrive at perfection, at all events we see what is becoming.

Page 314

Nor are we at present speaking of ourselves, but of eloquence, in which we are so far from having a high opinion of our own proficiency, that we are so hard to please and exacting, that even Demosthenes himself does not satisfy us. For he, although he is eminent above all men in every description of oratory, still he does not always satisfy my ears; so greedy and capacious are they, and so unceasingly desiring something vast and infinite.

XXX. But still, since you became thoroughly well acquainted with this orator, in company with his devoted admirer Pammenes, when you were at Athens, and as you never put him down out of your hands, though, nevertheless, you are often reading my works, you see forsooth that he accomplishes many things, and that we attempt many things;—that he has the power, we the will to speak in whatever manner the cause requires. But he was a great man, for he came after great men, and he had consummate orators for his contemporaries. We should have done a great deal if we had been able to arrive at the goal which we proposed to ourselves in a city in which, as Antonius says, no eloquent man had been ever heard before. But, if Crassus did not appear to Antonius to be eloquent, or if he did not think he was so himself, certainly Cotta would never have seemed so to him, nor Sulpicius, nor Hortensius. For Cotta never said anything sublime, Sulpicius never said anything gently, Hortensius seldom spoke with dignity. Those former men were much more suited to every style; I mean Crassus and Antonius. We feel, therefore, that the ears of the city were not much accustomed to this varied kind of eloquence, and to an oratory so equally divided among all sorts of styles. And we, such as we were, and however insignificant were our attempts, were the first people to turn the exceeding fondness of the people for listening to this kind of eloquence.

What an outcry was there when, as quite a young man I uttered that sentence about the punishment of parricides! and even a long time afterwards we found that it had scarcely entirely worn off. “For what is so common, as breath to living people, the earth to the dead, the sea to people tossed about by the waves, or the shore to shipwrecked mariners?—they live while they are let live, in such a way as to be unable to breathe the air of heaven; they die so that their bones do not touch the earth; they are tossed about by the waves without ever being washed by them; and at last they are cast up by them in such a manner, that when dead they are not allowed a resting-place even on the rocks.” And so on. For all this is the language of a young man, extolled not on account of any real merit or maturity of judgment, as for the hopes and expectations which he gave grounds for. From the same turn of mind came that more polished invective,—“the wife of her son-in-law; the mother-in-law of her son, the invader of her daughter’s bed.” Not, however, that this ardour was always visible in us, so as to make us say everything in this manner. For that very juvenile exuberance of speech in defence of Roscius has many weak passages in it, and some merry ones, such as also occur in the speech for Avitus, for Cornelius, and many others. For no orator has ever, even in the Greek language, written as many speeches as I have. And my speeches have the variety which I so much approve of.

Page 315

XXXI. Should I permit Homer, and Ennius, and the rest of the poets, and especially the tragic poets, to forbear displaying the same vehemence on every occasion, and constantly to change their language, and sometimes even to come near to the ordinary language of daily conversation; and never myself descend from that fierce style of vehement expression? But why do I cite poets of godlike genius? We have seen actors, than whom nothing could be more admirable of their kind, who have not only given great satisfaction in the representation of the most different characters, and also in their own, but we have seen even a comedian gain great applause in tragedies, and a tragedian in comedies;—and shall not I attempt the same thing? When I say I, O Brutus, I mean you also; for, as for myself, all that can be done has been done. But will you plead every cause in the same manner, or are there some kind of causes which you will reject? or will you employ the same uninterrupted vehemence in the same causes without any alteration?

Demosthenes, indeed, whose bust of brass I lately saw between the images of yourself and your ancestors, (a proof, I suppose, of your fondness for him,) when I was with you at your Tusculan villa, does not yield at all to Lysias in acuteness, nor in shrewdness and cleverness to Hyperides, nor in gentleness or brilliancy of language to Aeschines. Many of his orations are very closely argued, as that against Leptines; many are wholly dignified, as some of the Philippics; many are of varied style, as those against Aeschines, the one about the false embassy, and the one also, against the same Aeschines in the cause of Ctesiphon. As often as he pleases he adopts the middle style, and, departing from his dignified tone, he indulges in that lower one. But when he raises the greatest outcry on the part of his hearers, and makes the greatest impression by his speech, is when he employs the topics of dignity.

However, let us leave Demosthenes for awhile, since it is a class that we are inquiring about, and not an individual. Let us rather explain the effect and nature of the thing; that is, of Eloquence. And let us recollect what we have just said, that we are not going to say anything for the sake of giving rules; but that we are going to speak so as to be thought people expressing an opinion rather than teaching. Though we often do advance further, because we see that you are not the only person who will read this; you who, in fact, know all this much better than we ourselves who appear to be teaching you; but it is quite certain that this book will be extensively known, if not from the recommendation which its being my work will give it, at all events, because of its appearing under the sanction of your name, by being dedicated to you.

Page 316

XXXII. I think, then, that it belongs to a perfectly eloquent man, not only to have the ability, which is his peculiar province, of speaking copiously and with the assertion of large principles, but also to possess its neighbouring and contiguous science of dialectics: although an oration appears one thing and a discussion another; nor is talking the same thing as speaking; though each belongs to discussing. Let then the system of discussing and talking belong to the logicians; but let the province of the orators be to speak and to embellish their speeches. Zeno, that great man, who founded the school of the Stoics, was in the habit of showing with his hand what was the difference between these arts; for when he had compressed his fingers and made a fist, he said that dialectics were like that; but when he had opened his fingers and expanded his hand, he said that eloquence was like his open palm. And even before him Aristotle, in the beginning of his Rhetoric, said, that the art of eloquence in one portion of it corresponded to dialectics; so that they differ from one another in this, that the system of speaking is more wide, that of talking more contracted. I wish, then, that this consummate orator should be acquainted with the entire system of talking, as far as it can be applied to speaking; and that (as indeed you, who have a thorough acquaintance with these arts, are well aware) has a twofold method of teaching. For Aristotle himself has given many rules for arguing: and those who followed him, and who are called dialecticians, have delivered many very difficult rules. Therefore I think, that the man who is tempted by the glory of eloquence, is not utterly ignorant of those things; but that he has been brought up either in that old school, or in the school of Chrysippus. Let him first acquaint himself with the meaning and nature and classes of words, both single and combined; then let him learn in how many ways each word is used; then how it is decided, whether a thing is false or true; then what results from each proposition; then to what argument each result is a consequence, and to what it is contrary; and, as many things are stated in an ambiguous manner, he must also learn how each of them ought to be distinguished and explained. This is what must be acquired by an orator; for those things are constantly occurring; but, because they are in their own nature less attractive, it is desirable to employ some brilliancy of eloquence in explaining them.

XXXIII. And since in all things which are taught in any regular method and system, it is first of all necessary to settle what each thing is, (unless it is agreed by those who are discussing the point, what the thing really is which is being discussed; nor otherwise is it possible to discuss anything properly, or ever to get to the end of the discussion,) we must often have recourse to words to explain our meaning about each thing; and we must facilitate the understanding of an involved and obscure matter by definition; since definition is a kind of speech which points out in the most concise possible manner what that is which is the subject of discussion. Then, as you know, when the genus of each thing has been explained, we must consider what are the figures or divisions of that genus, so that our whole speech may be arranged with reference to them.

Page 317

This faculty, then, will exist in the eloquent man whom we are endeavouring to describe, so that he shall be able to define a thing; and shall do it in the same close and narrow terms which are commonly employed in those very learned discussions; but he shall be more explanatory and more copious, and he shall adopt his definition more to the ordinary judgment and usual intelligence of mankind. And again, when circumstances require it, he shall divide and arrange the whole genus into certain species, so that none shall be omitted and none be superfluous. But when he shall do this, or how, is nothing to the present question; since, as I have said before, I am here only expressing an opinion, not giving a lesson.

Nor, indeed, must he be learned only in dialectics, but he must have all the topics of philosophy familiar to him and at his fingers' ends. For nothing respecting religion, or death, or affection, or love for one's country, or good fortune, or bad fortune, or virtues, or vices, or duty, or pain, or pleasure, or the different motions of the mind, or mistakes, all which topics frequently occur in causes, but are treated usually in a very meagre manner, can be discussed and explained in a dignified and lofty and copious manner without that knowledge which I have mentioned.

XXXIV. I am speaking at present concerning the subject matter of a speech, not about the kind of speaking requisite. For I would rather that an orator should first have a subject to speak of worthy of learned ears, before he considers in what words or in what manner he is to speak of everything; and, in order to make him grander, and in some sense loftier (as I have said above about Pericles,) I should wish him not to be utterly ignorant of physical science; and then, when he descends again from heavenly matters to human affairs, he will have all his words and sentiments of a more sublime and magnificent character: and while he is acquainted with those divine laws, I do not wish him to be ignorant of those of men. He must be a master of civil law, which forensic debates are in daily need of. For what is more shameful than for a man to undertake the conduct of legal and civil disputes, while ignorant of the statutes and of civil law? He must be acquainted also with the history of past ages and the chronology of old time, especially, indeed, as far as our own state is concerned; but also he must know the history of despotic governments and of illustrious monarchs; and that toil is made easier for us by the labours of our friend Atticus, who has preserved and made known the history of former times in such a way as to pass over nothing worth knowing, and yet to comprise the annals of seven hundred years in one book. For not to know what happened before one was born, is to be a boy all one's life. For what is the life of a man unless by a recollection of bygone transactions it is united to the times of his predecessors? But the mention of antiquity and the citation of examples give authority and credit to a speech, combined with the greatest pleasure to the hearers.

Page 318

XXXV. Let him, therefore, come to his causes prepared in this kind of way; and he will in the first place be acquainted with the different kinds of causes. For he will be thoroughly aware that nothing can be doubted except when either the fact or the language gives rise to controversy. But the fact is doubted as to its truth, or its propriety, or its name. Words give rise to dispute if they are ambiguous or inconsistent. For it ever appears to be the case, that one thing is meant and another expressed; then that is one kind of ambiguity which arises from the words which are employed; and in this we see that two things are meant, which is a property of all ambiguous sentences.

As there are not many different kinds of causes, so also the rules for arguments to be used in them are few. Two kinds of topics are given from which they may be derived; one from the circumstances themselves, the others assumed. The handling, then, of the matters themselves makes the speech better; for the matters themselves are usually easy to be acquainted with. For what remains afterwards, which at least belongs to art, except to begin the speech in such a manner that the hearer may be conciliated, or have his attention roused, or may be made eager to learn? then after that to explain with brevity, and probability, and clearness, so that it may be understood what is the question under discussion; to establish his own arguments; to overturn those of the opposite party; and to do all that, not in an irregular and confused manner, but with separate arguments, concluded in such a manner, that everything may be established which is a natural consequence of those principles which are assumed for the confirmation of each point: and after everything else is done, then to wind up with a peroration which shall inflame or cool the hearers, as the case may require.

Now, how the consummate orator handles each separate division of his subject, it is hard to explain in this place; nor, indeed, are they handled at all times in the same manner. But since I am not seeking a pupil to teach, but a model to approve of, I will begin by praising the man who sees what is becoming. For this is above all others the wisdom which the eloquent man wants, namely—to be the regulator of times and persons. For I do not think that a man ought to speak in the same manner at all times, or before all people, or against every one, or in defence of every one, or to every one.

XXXVI. He, then, will be an eloquent man who can adapt his speech to whatever is becoming. And when he has settled that point, then he will say everything as it ought to be said; nor will he speak of rich subjects in a meagre manner, nor of great subjects in a petty manner, and vice versa; but his oration will be equal to, and corresponding to, his subject; his exordium will be moderate, not inflamed with exaggerated expressions, but acute in its sentiments, either in the way of exciting his hearers against

Page 319

his adversary, or in recommending himself to them. His relations of facts will be credible, explained clearly, not in historical language, but nearly in the tone of every day conversation. Then if his cause is but a slight one, so also will the thread of his argument be slight, both in asserting and in refuting. And it will be maintained in such a way, that there will be just as much force added to the speech as is added to the subject. But when a cause offers in which all the force of eloquence can be displayed, then the orator will give himself a wider scope, then he will influence and sway men's minds, and will move them just as he pleases, that is to say, just as the nature of the cause and the occasion requires.

But all that admirable embellishment of his will be of a twofold character; on account of which it is that eloquence gains such great honour. For as every part of a speech ought to be admirable, so that no word should be let drop by accident which is not either grave or dignified; so also there are two parts of it which are especially brilliant and lively: one of which I place in the question of the universal genus, which (as I have said before) the Greeks call [Greek Thesis]; the other is shown in amplifying and exaggerating matters, and is called by the same people [Greek auxaesis]. And although that ought to be spread equally over the whole body of the oration, still it is most efficacious in dealing with common topics; which are called common, because they appear to belong to many causes, but still ought to be considered as peculiar to some individual ones.

But that division of a speech which refers to the universal genus often contains whole causes; for whatever that is on which there is, as it were, a contest and dispute, which in Greek is called [Greek krinomenon], that ought to be expressed in such a manner that it may be transferred to the general inquiry and be spoken of the whole genus; except when a doubt is raised about the truth; which is often endeavoured to be ascertained by conjecture. But it shall be discussed, not in the fashion of the Peripatetics (for it is a very elegant exercise of theirs, to which they are habituated ever since the time of Aristotle), but with rather more vigour; and common topics will be applied to the subject in such a manner, that many things will be said gently in behalf of accused persons, and harshly against the adversaries.

But in amplifying matters, and, on the other hand, in discarding them, there is nothing which oratory cannot effect. And that must be done amid the arguments, as often as any opportunity is afforded one, of either amplifying or diminishing: and may be done to an almost infinite extent in summing up.

Page 320

XXXVII. There are two things, which, when well handled by an orator, make eloquence admirable. One of which is, that which the Greeks call [Greek: haethikon], adapted to men's natures, and manners, and to all their habits of life; the other is, that which they call [Greek: pathaetikon], by which men's minds are agitated and excited, which is the especial province of oratory. The former one is courteous, agreeable, suited to conciliate good-will; the latter is violent, energetic, impetuous, by which causes are snatched out of the fire, and when it is hurried on rapidly it cannot by any means be withstood. And by the use of this kind of oratory we, who are but moderate orators, or even less than that, but who have at all times displayed great energy, have often driven our adversaries from every part of their case. That most consummate orator, Hortensius, was unable to reply to me, on behalf of one of his intimate friends; that most audacious of men, Catiline, was dumb when impeached in the senate by me. When Curio, the father, attempted in a private cause of grave importance to reply to me, he suddenly sat down, and said, that he was deprived of his memory by poison. Why need I speak of the topics used to excite pity? which I have employed to the greater extent, because, even if there were many of us employed in one cause, still all men at all times yielded me the task of summing up; and it was owing not so much to my ability as to my sensibility, that I appeared to excel so much in that part. And those qualities of mine, of whatever sort they are, and I am ashamed that they are not of a higher class, appear in my speeches: although my books are without that energy, on account of which those same speeches appear more excellent when they are delivered than when they are read.

XXXVIII. Nor is it by pity alone that it is desirable to move the minds of the judges, (though we have been in the habit of using that topic ourselves in so piteous a manner that we have even held an infant child by the hand while summing up; and in another cause, when a man of noble birth was on his trial, we lifted up his little son, and filled the forum with wailing and lamentations;) but we must also endeavour to cause the judge to be angry, to appease him to make him feel ill-will, and favour, to move him to contempt or admiration, to hatred or love, to inspire him with desire or disgust, with hope or fear, with joy or pain; in all which variety the speeches of prosecutors will supply instances of the sterner kinds, and my speeches in defence will furnish examples of the softer ones. For there is no means by which the mind of the hearer can be either excited or softened, which has not been tried by me; I would say, brought to perfection, if I thought it was the case; nor should I fear the imputation of arrogance while speaking the truth. But, as I have said before, it is not any particular force of genius, but an exceeding energy of disposition which inflames me to such a degree that I cannot restrain myself; nor would any one who listens to a speech ever be inflamed, if the speech which reached his ears was not itself a fiery one.

Page 321

I would use examples from my own works if you had not read them; I would use them from the works of others, if I could find any; or Greek examples, if it were becoming to do so. But there are very few speeches of Crassus extant, and those are not forensic speeches. There is nothing extant of Antonius's, nothing of Cotta's, nothing of Sulpicius's. Hortensius spoke better than he wrote. But we must form our own opinions as to the value of this energy which we are looking for, since we have no instance to produce; or if we are still on the look out for examples, we must take them from Demosthenes, and we must cite them from that passage in the speech on the trial of Ctesiphon, where he ventures to speak of his own actions and counsels and services to the republic. That oration in truth corresponds so much to that idea which is implanted in our minds that no higher eloquence need be looked for.

XXXIX. But now there remains to be considered the form and character of the eloquence which we are searching for; and what it ought to be like may be understood from what has been said above. For we have touched upon the lights of words both single and combined, in which the orator will abound so much that no expression which is not either dignified or elegant will ever fall from his mouth. And there will be frequent metaphors of every sort; because they, on account of their resemblance to something else, move the minds of the hearers, and turn them this way and that way; and the very agitation of thought when operating in quick succession is a pleasure of itself.

And those other lights, if I may so call them, which are derived from the arrangement of words, are a great ornament to a speech. For they are like those things which are called decorations in the splendid ornamenting of a theatre or a forum; not because they are the only ornaments, but because they are the most excellent ones. The principle is the same in the case of these things which are the lights, and as one may say, the decorations of oratory: when words are repeated and reiterated, or are put down with slight alterations; or when the sentences are often commenced with the same word, or end with the same word; or both begin and end alike; or when the same word occurs in the same place in consecutive sentences; or when one word is repeated in different senses; or when sentences end with similar sounds; or when contrary circumstances are related in many contrary manners; or when the speech proceeds by gradations; or when the conjunctions are taken away and each member of the sentence is uttered unconnectedly; or when we pass over some points and explain why we do so; or when we of our own accord correct ourselves, as if we blamed ourselves; or if we use any exclamation of admiration, or complaint; or when the same noun is often repeated in different cases.

Page 322

But the ornaments of sentiments are more important; and because Demosthenes employs them very frequently, some people think that that is the principal thing which makes his eloquence so admirable. And indeed there is hardly any topic treated by him without a careful arrangement of his sentences; nor indeed is speaking anything else except illuminating all, or at least nearly all, one's sentences with a kind of brilliancy: and as you are thoroughly aware of all this, O Brutus, why need I quote names or instances. I only let the place where they occur be noted.

XL. If then that consummate orator whom we are looking for, should say that he often treats one and the same thing in many different manners; and dwells a long time on the same idea; and that he often extenuates some point, and often turns something into ridicule; that he occasionally appears to change his intention and vary his sentiments; that he proposes beforehand the points which he wishes to prove; that when he has completed his argument on any subject he terminates it; that he often recals himself back, and repeats what he has already said; that he winds up his arguments with fresh reasons; that he beats down the adversary with questions; again, that he himself answers questions which as it were he himself has put; that he sometimes wishes to be understood as meaning something different from what he says; that he often doubts what he had best say, or how he had best say it; that he arranges what he has to say under different heads; that he leaves out or neglects some points; while there are some which he fortifies beforehand; that he often throws the blame on his adversary for the very thing for which he himself is found fault with; that he often appears to enter into deliberation with his hearers, and sometimes even with his adversary; that he describes the conversation and actions of men; that he introduces some dumb things, as speaking; that he diverts men's minds from the subject under discussion; that he often turns the discussion into mirth and laughter; that he sometimes preoccupies ground which he sees is attached; that he adduces comparisons; that he cites precedents; that he attributes one thing to one person and another to another; that he checks any one who interrupts him; that he says that he is keeping back something; that he adds threatening warnings of what his hearers must beware of; that he often takes a bolder licence; that he is sometimes even angry; that he sometimes utters reproaches, deprecates calamity, uses the language of supplication, and does away with unfavourable impressions; that he sometimes departs a very little from his subject, to express wishes or to utter execrations, or to make himself a friend of those men before whom he is speaking.

He ought also to aim at other virtues, if I may so call them, in speaking; at brevity, if the subject requires it. He will often, also, by his speech, bring the matter before people's eyes; and often extol it beyond what appears possible; his meaning will be often more comprehensive than his speech; he will often assume a cheerful language, and often give an imitation of life and nature.

Page 323

XLI. In this kind of speaking, for you may look upon oratory as a vast wood, all the importance of eloquence ought to shine forth. But these qualities, unless they are well arranged and as it were built up together and connected by suitable language, can never attain that praise which we wish that it should.

And as I was aware that it would be necessary for me to speak on this point next, although I was influenced by the considerations which I had mentioned before, still I was more disturbed by those which follow. For it occurred to me, that it was possible that men should be found, I do not mean envious men, with whom all places are full, but even favourers of my glory, who did not think that it became a man with reference to whose services the senate had passed such favourable votes with the approbation of the whole Roman people, as they never did in the case of any one else, to write so many books about the method of speaking. And if I were to give them no other answer than that I was unwilling to refuse the request of Marcus Brutus, it would be a reasonable excuse, as T might well wish to satisfy a man who was my greatest friend and a most excellent man, and who only asked what was right and honourable. But if I were to profess (what I wish that I could) that I was about to give rules, and paths, as it were, to lead to eloquence those who are inclined to study oratory, what man who set a proper value on things would find fault with me? For who has ever doubted that eloquence has at all times been of the very highest estimation in our republic, among all the accomplishments of peace, and of our domestic life in the city; and that next to it is the knowledge of the law? and that the one had in it the greatest amount of influence, and credit, and protection; and the other contains rules for prosecutions and defence; and this latter would often of its own accord beg for assistance from eloquence; but if it were refused, would scarcely be able to maintain its own rights and territories.

Why then has it been at all times an honourable thing to teach civil law, and why have the houses of the most eminent professors of this science been at all times crowded with pupils? And yet if any one attempts to excite people to the study of oratory, or to assist the youth of the city in that pursuit, should he be blamed? For, if it be a vicious thing to speak in an elegant manner, then let eloquence be expelled altogether from the state. But if it not only is an ornament to those who possess it, but the whole republic also, then why is it discreditable to learn what it is honourable to know; of, why should it be anything but glorious to teach what it is most excellent to be acquainted with?

Page 324

XLII. But the one is a, common study, and the other a novel one. I admit that; but there is a reason for both these facts. For it was sufficient to listen to the lawyers giving their answers, so that they who acted as instructors set aside no particular time for that purpose, but were at one and the same time satisfying the wants both of their pupils and their clients. But the other men, as they devoted all their time, when at home, to acquiring a correct understanding of the causes entrusted to them, and arranging the arguments which they were to employ; all their time when in the forum to pleading the cause, and all the rest of their time in recruiting their own strength; what time had they for giving rules or lessons? and I do not know whether most of our orators have not excelled more in genius than in learning; therefore, they have been able to speak better than they could teach, while our ability is perhaps just the contrary.

But there is no dignity in teaching.—Certainly not, if it is done as if one kept a school; but if a man teaches by warning, by exhorting, by asking questions, by giving information, sometimes by reading with his pupils and hearing them read, then I do not know, if by teaching anything you can sometimes make men better, why you should be unwilling to do it. Is it honourable to teach a man what are the proper words to alienate consecrated property with, and not honourable to teach him those by which consecrated property may be maintained and defended?

“But,” men say, “many people profess law who know nothing about it; but even the very men who have acquired eloquence conceal their attainment of it, because wisdom is a thing agreeable to men, but eloquence is suspected by them.” Is it possible then for eloquence to escape notice, or does that which a man conceals cease to exist? Or is there any danger of any one thinking with respect to an important and glorious art that it is a discreditable thing to teach others that which it was very honourable to himself to learn? But perhaps others may be better hands at concealment; I have always openly avowed that I have learnt the art. For what could I have done, having left my home when very young, and crossed the sea for the sake of those studies; and having had my house full of the most learned men, and when there were perhaps some indications of learning in my conversation; and when my writings were a good deal read; could I then have concealed the fact of my having learnt it? How could I justify myself except by showing that I had made some progress in those studies?

XLIII. And as this is the case still, the things which have been already mentioned, have had more dignity in the discussion of them than those which have got to be discussed. For we are now to speak about the arrangement of words, and almost about the counting and measuring of syllables. And, although these things are, as it appears to me, necessary, yet there is more show in the execution than in the teaching of them. Now that is true of everything, but it has a peculiar force with respect to this pursuit. For in the case of all great arts, as in that of trees, it is the height which delights us, but we take no pleasure in the roots or trunks; though the one cannot exist without the other. But as for me, whether it is that that well-known verse which forbids a man

Page 325

“To fear to own the art he practises,”

does not allow me to conceal that I take delight in it; or whether it is your eagerness which has extorted this volume from me; still it was worth while to make a reply to those whom I suspected of being likely to find fault with me.

But if the circumstances which I have mentioned had no existence, still who would be so harsh and uncivilised as not to grant me this indulgence, so that, when my forensic labours and my public exertions were interrupted, I might devote my time to literature rather than to inactivity of which I am incapable, or to melancholy which I resist? For it was a love of letters which formerly led me into the courts of justice and the senate-house, and which now delights me when I am at home. Nor am I occupied only with such subjects as are contained in this book, but with much more weighty and important, ones; and if they are brought to perfection, then my private literary labours will correspond to my forensic exertions. However, at present let us return to the discussion we had commenced.

XLIV. Our words then must be arranged either so that the last may as correctly as possible be consistent with the first, and also so that our first expressions may be as agreeable as possible; or so that the very form of our sentences and their neatness may be well rounded off; or so that the whole period may end in a musical and suitable manner. And, in the first place, let us consider what kind of thing that is which above all things requires our diligence, so that a regular structure as it were may be raised, and yet that this may be effected without any labour. For the labour would be not only infinite, but childish. As in Lucilius, Scaevola is represented as attacking Albucius very sensibly:

“How neatly all your phrases are arranged;
Like tessellated pavement, or a box
Inlaid with deftly wrought mosaic.”

The care taken in the construction must not be too visible. But still a practised pen will easily perfect this manner of arranging its phrases. For as the eye does in reading, so in speaking, the eye will see beforehand what follows, so that the combination of the last words of a sentence with the first may not leave the whole sentence either gaping or harsh. For sentiments ever so agreeable or dignified offend the ears if they are set down in ill-arranged sentences; for the judgment of the ears is very fastidious. And the Latin language is so particular on this point, that no one can be so ignorant as to leave quantities of open vowels. Though this is a point on which men blame Theopompus, because he was so ostentatious in his avoidance of such letters, although his master Isocrates did the same; but Thucydides did not; nor did that other far superior writer, Plato. And he did this not only in those conversations which are called Dialogues, when it ought to have been done designedly; but even in that oration^[61] addressed to the people, in which it is customary at Athens for those men to be extolled who have been

slain in fighting for their country. And that oration was so greatly approved of that it was, as you know, appointed to be recited every year; and in that there is a constant succession of open vowels, which Demosthenes avoided in a great degree as vicious.



Page 326

XLV. However, the Greeks must judge of that matter for themselves. We are not allowed to use our words in that manner, not even if we wish to; and this is shown even by those unpolished speeches of Cato. It is shown by all the poets except those who sometimes had recourse to a hiatus in order to finish their verse; as Naevius—

“Vos, qui accolitis Istrum fluvium, atque Algidam.”

And again—

“Quam nunquam vobis Graii atque Barbari.”

But Ennius does so only once—

“Scipio invicte.”

And we too have written,—

“Hinc motu radiantis Etesiae in vada ponti.”

For our countrymen would not have endured the frequent use of such a liberty, though the Greeks even praise it. But why should I talk about vowels? even without counting vowels, they often used contractions for the sake of brevity, so as to say—

Multi' modis for imdtis modis.

Vas' argenteis for vasis argenteis.

Palmi et crinibus for palmis et crinibus.

Tecti' fractis for tectis fractis.

And what would be a greater liberty than to contract even men's names, so as to make them more suitable to verse? For as they contracted *duellum* into *bellum*, and *duis* into *bis*, so they called *Duellius* (the man I mean who defeated the Carthaginians in a naval action) *Bellius*, though his ancestors were always called *Duellii*. Moreover, they often contract words, not in obedience to any particular usage, but only to please the ear. For how was it that Axilla was made Ala, except by the flight of the larger letter? and so the elegant usage of Latin conversation takes this letter x out of *maxilla*, and *taxilla*, and *vexillum*, and *paxillum*.

They also joined words by uniting them at their pleasure; so as to say—*sodes* for *si audes*, *sis* for *si vis*. And in this word *capsis* there are no less than three[62] words. So *ain* for *aisne*, *nequire* for *non quire*, *malle* for *magis velle*, *nolle* for *son velle*. And again, we often say *dein* for *deinde*, and *exin* for *exinde*. Well, need I give any more instances? Cannot we see easily from whence it arises that we say *cum illis*, but we do not say *cum nobis*, but *nobiscum*? because if it were said in the other way, the letters would clash in a discordant manner; as they would have clashed a minute ago if I had



not put *autem* between them. This is the origin of our saying *mecum* and *tecum*, not *cum me*, and *cum te*, so that they too might be like *nobiscum* and *vobiscum*.

XLVI. And some men find fault with all this; men who are rather late in mending antiquity; for they wish us, instead of saying *Deum atque hominum fidem*, to say *Deorum*. Very likely it may be right, but were our ancestors ignorant of all this, or was it usage that gave them this liberty? Therefore the same poet who had used these uncommon contractions—



Page 327

“Patris mei mecum factum pudet,” for meorum factorum,

and,

“Texitur: exitium examen rapit,” for exitiorum,

does not say “*liberum*” as many of us do say in such an expression as *cupidos liberum*, or in *liberum loco*, but, as these men approve,

“Neque tuum unquam in gremium extollas liberorum ex te genus.”

And again he says,—

“Namque aesculapi liberorum....”

And another of these poets says in his Chryses, not only

“Cives, antiqui amici majorum meum,”

which was common enough; but he says, with a much more unmusical sound,—

“Consilium, augurium, atque extum interpretes.”

And again he goes on—

“Postquam prodigium horriferum, putentfum pavos,”

which are not at all usual contractions in a string of words which are all neuter. Nor should I much like to say *armum iudicium*, though the expression occurs in that same poet,—

“Nihilne ad te de iudicio armum accidit?”

instead of *armorum*. But I do venture (following the language of the censor’s returns) to say *jabrum* and *procum*, instead of *fabrorum* and *procorum*. And I actually never by any chance say *duorum virorum iudicium*, or *triumvirorum capitalium*, or *decemvirorum litibus iudicandis*.

And Attius said—

“Video sepulchra dua duorum corporam.”

And at another time he has said,—

“Mulier una duum virum.”



I know which is proper; but sometimes I speak according to the licence of the present fashion, so far as to say *Proh Deum*, or *Proh Deorum*; and at other times I speak as I am forced to, when I say *trium virum*, not *virorum*, and *sestertium nummum*, not *nummorum*; because with respect to these words there is no variety of usage.

XLVII. What am I to say is the reason why they forbid us to say *nosse*, *judicasse*, and enjoin us to use *novisse* and *judicavisse*? as if we did not know that in words of this kind it is quite correct to use the word at full length, and quite in accordance with usage to use it in its contracted form. And so Terence does use both forms, and says,—

“Eho, tu cognatum tuum non noras?”

And afterwards he has,—

“Stilphonem, inquam, noveras?”

Siet is the word at full length; *sit* is the contracted form. One may use either; and so we find in the same passage,—

“Quam cara sint, quae post carendo intelligunt,
Quamque attinendi magni dominatus sient.”

Nor should I find fault with

“Scripsere alii rem.”

I am aware that *scripserunt* is the more correct form; but I willingly comply with a fashion which is agreeable to the ears.

“Idem campus habet,”

Page 328

says Eunius; and in another place he has given us,—

“In templis isdem;”

but *eisdem* would be more regular; but yet it would not have been so musical: and *iisdem* would have sounded ill. But custom has sanctioned our departing from strict rules for the sake of euphony; and I should prefer saying *pomeridianas quadrigas* to *postmeridianas*, and *mehercule* to *mehercules*. *Non scire* already appears a barbarism; *nescire* is sweeter. The word *meridiem* itself, why is it not *medidiem*?

I suppose because it sounded worse. There is one preposition, *abs*, which has now only an existence in account books; but in all other conversation of every sort is changed: for we say *amovit*, and *abegit*, and *abstulit*, so that you cannot now tell whether *ab* is the correct form or *abs*. What shall we say if even *abfugit* has seemed inadmissible, and if men have discarded *abfer* and preferred *aufer*? and that preposition is found in no word whatever except these two verbs. There were the words *noti*, and *navi*, and *nari*, and when *in* was forced to be prefixed to them, it seemed more musical to say *ignoti*, *ignavi*, *ignari*, than to adhere to the strict rules. Men say *ex usu* and *republica*, because in the one phrase a vowel followed the preposition, and in the other there would have been great harshness if you had not removed the consonant, as in *exegit*, *edixit*, *effecit*, *extulit*, *edidit*. And sometimes the preposition has sustained an alteration, regulated by the first letter of the verb to which it is added, as *suffugit*, *summutavit*, *sustulit*.

XLVIII. What are we to say of compound words? How neat is it to say *insipientem*, not *insapientem*; *iniquum*, not *incequum*; *tricipitem*, not *tricapitem*; *concisum*, not *concoesum*! and, because of this last instance, some people wish also to say *pertisum*; but the same fashion which regulates the other changes, has not sanctioned this one. But what can be more elegant than this, which is not caused by nature, but by some regular usage?—we say *inclytus*, with the first letter short; *insanus*, with the first letter long; *inkumanus*, with a short letter; *infelix*, with a long one: and, not to detain you with many examples, in those words in which the first letters are those which occur in *sapiente* and *felice*, it is used long; in all others it is short. And so, too, we have *composuit*, *consuevit*, *concrvpuvit*, *confecit*. Consult the truth, it will reprove you; refer the matter to your ears, they will sanction the usage. Why so? Because they will say that that sound is the most agreeable one to them; and an oration ought to consult that which gives pleasure to the ears. Moreover, I myself, as I knew that our ancestors spoke so as

Page 329

never to use an aspirate except before a vowel, used to speak in this way: *pulcros*, *Cetegos*, *triumpos*, *Cartaginem*; when at last, and after a long time, the truth was forced upon me by the admonition of my own ears, I yielded to the people the right of settling the rule of speaking; and was contented to reserve to myself the knowledge of the proper rules and reasons for them. Still we say *Orcivii*, and *Matones* and *Otones*, *Coepiones*, *sepulchra*, *coronas*, *lacrymas*, because that pronunciation is always sanctioned by the judgment of our ears.

Ennius always used *Burrum*, never *Pyrrhum*: he says,—

“Vi patefecerunt Bruges;”

not *Phryges*; and so the old copies of his poems prove, for they had no Greek letters in them. But now those words have two; and though when they wanted to say *Phrygum* and *Phrygibus*, it was absurd either to use a Greek character in the barbarous cases only, or else in the nominative case alone to speak Greek, still we say *Phrygum* and *Phrygibus* for the sake of harmonizing our ears. Moreover (at present it would seem like the language of a ploughman, though formerly it was a mark of politeness) our ancestors took away the last letter of those words in which the two last letters were the same, as they are in *optumus*, unless the next word began with a vowel. And so they avoided offending the ear in their verse; as the modern poets avoid it now in a different manner. For we used to say,—

“Qui est omnibu’ princeps,” not “omnibus princeps;”

and—

“Vita illa, dignu’ locoquc,” not “dignus.”

But if unlettered custom is such an artist of euphony, what must we think is required by scientific art and systematic learning?

I have put all this more briefly than if I were discussing this matter by itself; (for this topic is a very extensive one, concerning the use and nature of words;) but still I have been more prolix than the plan I originally proposed to myself required.

XLIX. But because the choice of subjects and words is in the department of prudence, but of sounds and rhythm it is the ears that are the judges; because the one is referable to one’s understanding, the other only to one’s pleasure; therefore in the one case it is reason and in the other sensation that has been the inventor of the system. For it was necessary for us either to disregard the pleasure of those men by whom we wished to be approved of; or else it was necessary to discover a system by which to gain their good-will.

There are then two things which soothe the ears; *sound* and *rhythm*. Concerning rhythm we will speak presently; at this moment we are inquiring into sound. As I said before, words must be selected which as much as possible shall sound well; but they must not be, like the words of a poet, sought purely for sound, but taken from ordinary language.

Page 330

“Qua ponto a Helles”

is an extravagant expression; but

“Auratua aries Colehorum”

is a verse illuminated with splendid names. But the next verse is polluted by ending with a most inharmonious letter;

“Frugifera et ferta arva Asiae tenet.”

Let us therefore use the propriety of words of our own language, rather than the brilliancy of the Greeks; unless perchance we are ashamed of speaking in such a way as this—

“Qua tempestate Paris Helenam,”

and the rest of that sentence. Let us, I say, pursue that plan and avoid harshness of sound.

“Habeo istam ego perterricrepam....
Versutiloquas malitias.”

Nor is it enough to have one's words arranged in a regular system, but the terminations of the sentences must be carefully studied, since we have said that that is a second sort of judgment of the ears. But the harmonious end of a sentence depends on the arrangement itself, which is so of its own accord, if I may so express myself, or on some particular class of words in which there is a certain neatness; and whether such words have cases the terminations of which are similar, or whether one word is matched with another which resembles it, or whether contrary words are opposed to one another, they are harmonious of their own nature, even if nothing has been done on purpose. In the pursuit of this sort of neatness Gorgias is reported to have been the leader; and of this style there is an example in our speech in defence of Milo: “For this law, O judges, is not a written one, but a natural one, one which we have not learnt, or received from others, or gathered from books; but which we have extracted, and pressed out, and imbibed from nature itself; it is one in which we have not been educated, but born; we have not been brought up in it, but imbued with it. For these sentences are such that, because they are referred to the principles to which they ought to be referred, we see plainly that harmony was not the thing that was sought in them, but that which followed of its own accord. And this is also the case when contraries are opposed to one another; as those phrases are by which not only a harmonious sentence, but even a verse is made.

“Eam, quam nihil accusas, damnas.”

A man would say *condemnas* if he wished to avoid making a verse.

“Bene quam meritam esse autumas, dicis male mereri.
Id, quod scis, prodest nihil; id, quod nescis, obest.”

The very relation of the contrary effects makes a verse that would be harmonious in a narration.

“Quod scis, nihil prodest; quod nescis, multum obest.”

These things, which the Greeks call [Greek: antitheta], as in them contraries are opposed to contraries, of sheer necessity produce oratorical rhythm; and that too without any intention on the part of the orator that they should do so.

Page 331

This was a kind of speaking in which the ancients used to take delight, even before the time of Isocrates; and especially Gorgias; in whose orations his very neatness generally produces an harmonious rhythm. We too frequently employ this style; as in the fourth book of our impeachment of Verres:—"Compare this peace with that war; the arrival of this praetor with the victory of that general; the debauched retinue of this man, with the unconquerable army of the other; the lust of this man with the continence of that one; and you will say that Syracuse was founded by the man who in reality took it; and was stormed by this one, who in reality received it in an admirable and settled condition."

This sort of rhythm then must be well understood.

L. We must now explain that third kind of an harmonious and well-arranged speech, and say of what character it is; and what sort of ears those people have who do not understand its character, or indeed what there is in them that is like men at all, I do not know. My ears delight in a well-turned and properly finished period of words, and they like conciseness, and disapprove of redundancy. Why do I say my ears? I have often seen a whole assembly raise a shout of approval at hearing a musical sentence. For men's ears expect that sentences shall be strung together of well-arranged words. This was not the case in the time of the ancients. And indeed it was nearly the only thing in which they were deficient: for they selected their words carefully, and they gave utterance to dignified and sweet sounding ideas; but they paid little attention to arranging them or filling them up. "This is what delights me," one of them would say. What are we to say if an old primitive picture of few colours delights some men more than this highly finished one? Why, I suppose, the style which succeeds must be studied again; and this latter style repudiated.

People boast of the names of the ancients. But antiquity carries authority with it in precedents, as old age does in the lives of individuals; and it has indeed very great weight with me myself. Nor am I more inclined to demand from antiquity that which it has not, than to praise that which it has; especially as I consider what it has as of more importance than what it has not. For there is more good in well chosen words and ideas in which they excel, than in the rounding off of phrases in which they fail. It is after their time that the working up of the termination of a sentence has been introduced; which I think that those ancients would have employed, if it had been known and employed in their day; as since it has been introduced we see that all great orators have employed it.

Page 332

LI. But it looks like envy when what we call “number,” and the Greeks [Greek: *ruthmos*] is said to be employed in judicial and forensic oratory. For it appears like laying too many plots for the charming of people’s ears if rhythm is also aimed at by the orator in his speeches. And relying on this argument those critics themselves utter broken and abrupt sentences, and blame those men who deliver well rounded and neatly turned discourses. If they blame them because their words are ill adapted and their sentiments are trifling, they are right; but if their arguments are sound, their language well chosen, then why should they prefer a lame and halting oration to one which keeps pace with the sentiments contained in it? For this rhythm which they attack so has no other effect except to cause the speaker to clothe his ideas in appropriate language; and that was done by the ancients also, not unusually by accident, and often by nature; and those speeches of theirs which are exceedingly praised, are so generally because they are concisely expressed. And it is now near four hundred years since this doctrine has been established among the Greeks; we have only lately recognised it. Therefore was it allowable for Ennius, despising the ancient examples, to say:—

“In verses such as once the Fauns
And ancient poets sang:”

and shall it not be allowed me to speak of the ancients in the same manner? especially as I am not going to say, “Before this man ...” as he did; nor to proceed as he did, “We have ventured to open ...” For I have read and heard of some speakers whose orations were rounded off in an almost perfect manner. And those who cannot do this are not content with not being despised; they wish even to be praised for their inability. But I do praise those men, and deservedly too, whose imitators they profess to be; although I see something is wanting in them. But these men I do not praise at all, who imitate nothing of the others except their defects, and are as far removed as possible from their good qualities.

But if their own ears are so uncivilised and barbarous, will not the authority of even the most learned men influence them? I say nothing of Isocrates, and his pupils Ephorus and Naucrates; although those men who are themselves consummate orators ought also to be the highest authorities on making and ornamenting a speech. But who of all men was ever more learned, or more acute, or a more accurate judge of the discovery of, or decision respecting all things than Aristotle? Moreover, who ever took more pains to oppose Isocrates? Aristotle then, while he warns us against letting verses occur in our speeches, enjoins us to attend to rhythm. His pupil Theodectes, one of the most polished of writers, (as Aristotle often intimates,) and a great artist, both felt and enjoined the same thing. And Theophrastus is more distinct still in laying down the same rule.

Page 333

Who then can endure those men who do not agree with such authorities as these? Unless indeed they are ignorant that they ever gave any such rules. And if that is the case, (and I really believe it is,) what then? Have they no senses of their own to be guided by? Have they no natural idea of what is useless? None of what is harsh, cramped, lame, or superfluous? When verses are being repeated, the whole theatre raises an outcry if there is one syllable too few or too many. Not that the mob knows anything about feet or metre; nor do they understand what it is that offends them, or know why or in what it offends them. But nevertheless nature herself has placed in our ears a power of judging of all superfluous length and all undue shortness in sounds, as much as of grave and acute syllables.

LII. Do you wish then, O Brutus, that we should give a more accurate explanation of this whole topic, than those men themselves have done who have delivered these and other rules to us? Or may we be content with those which have been delivered by them? But why do I ask whether you wish this? when I know from your letters, written in a most scholar-like spirit, that you wish for it above all things. First of all, then, the origin of a well-adapted and rhythmical oration shall be explained, then the cause of it, then its nature, and last of all its use.

For they who admire Isocrates above all things, place this among his very highest panegyrics, that he was the first person who added rhythm to prose writing. For they say that, as he perceived that orators were listened to with seriousness, but poets with pleasure, he then aimed at rhythm so as to use it in his orations both for the sake of giving pleasure, and also that variety of sound might prevent weariness. And this is said by them in some degree correctly, but not wholly so. For we must confess that no one was ever more thoroughly skilled in that sort of learning than Isocrates; but still the original inventor of rhythm was Thrasyarchus; all whose writings are even too carefully rhythmical. For, as I said a little while ago, the principle of things like one another being placed side by side, sentence after sentence being ended in a similar manner, and contraries being compared with contraries, so that, even if one took no pains about it, most sentences would end musically, was first discovered by Gorgias; but he used it without any moderation. And that is, as I have said before one of the three divisions of arrangement. Both of these men were predecessors of Isocrates; so that it was in his moderation, not in his invention, that he is superior to them. For he is more moderate in the way in which he inverts or alters the sense of words; and also in his attention to rhythm. But Gorgias is a more insatiable follower of this system, and (even according to his own admission) abuses these elegances in an unprecedented way; but Isocrates (who while a young man had heard Gorgias when he was

Page 334

an old man in Thessaly) put all these things under more restraint. Moreover he himself, as he advanced in age, (and he lived nearly a hundred years,) relaxed in his ideas of the exceeding necessity for rhythm; as he declares in that book which he wrote to Philip of Macedon, when he was a very old man, in which he says that he is less attentive to rhythm than he had formerly been. And so he had corrected not only his predecessors, but himself also.

LIII. Since, then, we have those men whom we have mentioned as the authors and originators of a well-adapted oration, and since its origin has been thus explained, we must now seek for the cause. And that is so evident, that I marvel that the ancients were not influenced by it; especially when, as is often the case, they often by chance made use of well-rounded and well-arranged periods. And when they had produced their impression on the minds and ears of men, so as to make it very plain that what chance had effected had been received with pleasure, certainly they ought to have taken note of what had been done, and have imitated themselves; for the ears, or the mind by the report of the ears, contains in itself a natural measurement of all sounds. That is how it distinguishes between long and short sounds; and always watches for well-wrought and moderate periods. It feels that some are mutilated and curtailed, as it were, and with those it is offended, as if it were defrauded of its due; others it feels to be too long, and running out to an immoderate length, and those the ears reject even more than the first; for as in most cases, so especially in this kind of thing, it happens that what is in excess is much more offensive than that which errs on the side of deficiency.

As, therefore, poetry and verse was invented by the nicety of the ear, and the careful observation of clever men; so it has been noticed in oratory, much later, indeed, but still in deference to the promptings of the same nature, that there are some certain rules and bounds, within which words and paragraphs ought to be confined.

Since, therefore, we have thus shown the cause, we will now, if you please, explain the nature of it; for that was the third division; and that involves a discussion which has no reference to the original plan of this treatise, but which belongs rather to the arcana of the art. For the question may be asked, what is the rhythm of a speech; and where it is placed; and in what it originates; and whether it is one thing, or two, or more; and on what principles it is arranged; and for what purpose; and how and in what part it is situated, and in what way it is employed so as to give any pleasure.

But as in most cases, so also in this one, there are two ways of looking at the question; one of which is longer, the other shorter, and at the same time plainer.

Page 335

LIV. But in the longer way the first question is, whether there actually is any such thing as a rhythmical oration at all; (for some persons do not think that there is, because there is not in oratory any positive rule, as there is in verses, and because the people who assert that there is that rhythm cannot give any reason why there is.) In the next place, if there is rhythm in an oration, what sort of rhythm it is; and whether it is of more than one kind; and whether it consists of poetical rhythm, or of some other kind; and if it consists of poetical rhythm, of which poetical rhythm, (for some think that there is but one sort of poetical rhythm, while others think there are many kinds.) In the next place, the question arises, whatever sorts of rhythm there may be, whether one or more, whether they are common to every kind of oratory, (since there is one kind used in narrating, another kind in persuading, and another in teaching,) or whether the different kinds are all adapted equally to every sort of oratory. If the different kinds are common to each kind of oratory, what are they? If there is a difference, then what is the difference, and why is the rhythm less visible in a speech than in a verse? Besides, there is a question whether what is rhythmical in a speech is made so solely by rhythm, or also by some especial arrangement of words, or by the kind of words employed; or whether each division has its component parts, so that rhythm consists of intervals, arrangement of words, while the character of the words themselves is visible being a sort of shape and light of the speech; and whether arrangement is not the principal thing of all, and whether it is not by that that rhythm is produced, and those things which I have called the forms and light of a speech, and which, as I have said, the Greeks call [Greek: *schaemata*]. But that which is pleasant when uttered by the voice, and that which is made perfect by careful regulation, and brilliant by the nature of the words employed, are not one and the same thing, although they are both akin to rhythm, because each is perfect of itself; but an arrangement differs from both, and is wholly dependent on the dignity or sweetness of the language employed.

These are the main questions which arise out of an inquiry into the nature of oratory.

LV. It is, then, not hard to know that there is a certain rhythm in a speech: for the senses decide that. And it is absurd not to admit an evident fact, merely because we cannot find out why it happens. And verse itself was not invented by *a priori* reasoning, but by nature and the senses, and these last were taught by carefully digested reason what was the fact; and accordingly it was the careful noticing and observation of nature which produced art.

But in verses the matter is more evident. For although there are some kinds of verse which, if they be not chanted, appear but little to differ from prose; and this is especially the case in all the very best of those poets who are called [Greek: *lyriloï*] by the Greeks; for when you have stripped them of the singing, the language remains almost naked. And some of our countrymen are like them. Like that line in Thyestes:—

Page 336

“Quemnam te esse dicam, qui tarda in senectute” ...

And so on; for except when the flute-player is at hand to accompany them, those verses are very like prose. But the iambics of the common poets are, on account of their likeness to ordinary conversation, very often in such a very low style, that sometimes it is hardly possible to discover any metre, or even rhythm in them. And it may easily be understood that there is more difficulty in discovering the rhythm in an oration than in verses.

Altogether there are two things which season oratory—the sweetness of the language, and the sweetness of the rhythm. In the language is the material, and in the rhythm the polish. But, as in other things, the older inventions are the children of necessity rather than of pleasure; so also has it happened in this, that oratory was for many ages naked and unpolished, aiming only at expressing the meaning conceived in the mind of the speaker, before any system of rhythm for the sake of tickling the ears was invented.

LVI. Therefore Herodotus also, and his age, and the age preceding him, had no idea of rhythm, except at times by chance, as it seems. And the very ancient writers have left us no rules at all about rhythm, though they have given us many precepts about oratory. For that which is the more easy and the more necessary will always be the first thing known. Therefore, words used in a metaphorical sense, or inverted, or combined, were easily invented because they were derived from ordinary use, and from daily conversation. But rhythm was not drawn from a man's own house, nor had it any connexion of relationship to oratory. And therefore it was later in being noticed and observed, bringing as it did the last touch and lineaments to oratory. But if there is one style of oratory narrow and concise, and another more vague and diffuse, that must clearly be owing, not to the nature of letters, but to the difference between long and short paragraphs; because an oration made up and compounded of these two kinds is sometimes steady, sometimes fluent, and so each character must be kept up by corresponding rhythm. For that circuitous way of speaking, which we have often mentioned already, goes on more impetuously, and hurries along, until it can arrive at its end, and come to a stop. It is quite plain, therefore, that oratory ought to be confined to rhythm, and kept clear of metre.

But the next question is, whether this rhythm is poetical, or whether it is of some other kind. There is, then, no rhythm whatever that is not poetical; because the different kinds of rhythm are clearly defined. For all rhythm is one of three kinds. For the foot which is employed in rhythm is divided into three classes; so that it is necessary that one part of the foot must be either equal to the other part, or as large again, or half as large again. Accordingly, the dactyl is of the first class, the paeon of the last, the iambic of the second. And how is it possible to avoid such feet in an oration? And then when they are arranged with due consideration rhythm is unavoidably produced.

Page 337

But the question arises, what rhythm is to be employed; either absolutely, or in preference to others. But that every kind of rhythm is at times suitable to oratory, may be seen from this,—that in speaking we often make a verse without intending it, (which, however, is a great fault, but we do not notice it, nor do we hear what we say ourselves;) and as for iambics, whether regular or Hipponactean, those we can scarcely avoid, for our common conversation often consists of iambics. But still the hearer easily recognises those verses, for they are the most usual ones. But at times we unintentionally let fall others which are less usual, but which still are verses; and that is a faulty style of oratory, and one which requires to be guarded against with great care.

Hieronymus, a Peripatetic of the highest character, out of all the numerous compositions of Isocrates, picked out about thirty verses, chiefly iambics, but some also anapaests. And what can be worse? Though in picking them out he acted in an unfair manner, for he took away sometimes the first syllable in the first word of a sentence; and again, he sometimes added to the last word the first syllable of the following sentence. And in this way he made that sort of anapaest which is called the Aristophanic anapaest. And such accidents as these cannot be guarded against, nor do they signify. But still this critic, in the very passage in which he finds this fault with him, (as I noticed when I was examining his work very closely,) himself makes an iambic without knowing it. This, then, may be considered as an established point, that there is rhythm also in prose, and that oratorical is the same as the poetical rhythm.

LVII. It remains, therefore, for us to consider what rhythm occurs most naturally in a well-arranged oration. For some people think that it is the iambic rhythm, because that is the most like a speech, on which account it happens that it is most frequently employed in fables, because of its resemblance to reality—because the dactylic hexameter rhythm is better suited to a lofty and magniloquent subject. But Ephorus himself, an inconsiderable orator, though coming from an excellent school, inclines to the paeon, or dactyl, but avoids the spondee and trochee. For because the paeon has three short syllables and the dactyl two, he thinks that the words come more trippingly off on account of the shortness and rapidity of utterance of the syllables; and that a contrary effect is produced by the spondee and trochee, because the one consists of long syllables and the other of short ones; so that a speech made up of the one is too much hurried, it made up of the other is too slow; and neither is well, regulated. But those accents are all in the wrong, and Ephorus is wholly in fault. For those who pass over the paeon, do not perceive that a most delicate, and at the same time most dignified rhythm is passed over by them. But Aristotle's opinion is very different, for he considers that the

Page 338

heroic rhythm is a grander one than is admissible in prose, and that an iambic is too like ordinary conversation. Accordingly, he does not approve of a style which is lowly and abject, or of one which is too lofty and, as it were, on stilts: but still he wishes for one full of dignity, in order to strike those who hear it with the greater admiration. But he calls a trochee, which occupies the same time as a choreus, [Greek: kordax], because its contracted and brief character is devoid of dignity. Accordingly, he approves of the paeon; and says that all men employ it, but that all men are not themselves aware when they do employ it; and that there is a third or middle way between those two, but that those feet are formed in such a way, that in every one of them there is either a time, or a time and a half, or two times. Therefore, those men of whom I have spoken have considered convenience only, and disregarded dignity. For the iambic and the dactyl are those which are most usually employed in verse; and, therefore, as we avoid verses in making speeches, so also a recurrence of these feet must be avoided. For oratory is a different thing from poetry, nor are there any two things more contrary to one another than that is to verses. But the paeon is that foot which, of all others, is least adapted to verse, on which account oratory admits it the more willingly. But Ephorus will not even admit that the spondee, which he condemns, is equivalent to the dactyl, which he approves of. For he thinks that feet ought to be measured by their syllables, not by their quantity; and he does the same in regard to the trochee, which in its quantity and times is equivalent to an iambic; but which is a fault in an oration, if it be placed at the end, because a sentence ends better with a long syllable.

And all this, which is also contained in Aristotle, is said by Theophrastus and Theodectes about the paeon. But my opinion is, that all feet ought to be jumbled together and confused, as it were, in an oration; and that we could not escape blame if we were always to use the same feet; because an oration ought to be neither metrical, like a poem, nor inharmonious, like the conversation of the common people. The one is so fettered by rules that it is manifest that it is designedly arranged as we see it; the other is so loose as to appear ordinary and vulgar; so that you are not pleased with the one, and you hate the other.

Let oratory then be, as I have said above, mingled and regulated with a regard to rhythm; not prosaic, nor on the other hand sacrificed wholly to rhythm; composed chiefly of the paeon, (since that is the opinion of the wisest author on the subject,) with many of the other feet which he passes over intermingled with it.

Page 339

LVIII. But what feet ought to be mingled with others, like purple, must be now explained; and we must also show to what kind of speech each sort of foot and rhythm is the best adapted. For the iambic is most frequent in those orations which are composed in a humble and lowly style; but the paeon is suited to a more dignified style; and the dactyl to both. Therefore, in a varied and long-continued speech these feet should be mingled together and combined. And in this way the fact of the orator aiming at pleasing the senses, and the careful attempt to round off the speech, will be the less visible, and they will at all times be less apparent if we employ dignified expressions and sentiments. For the hearers observe these two things, and think them agreeable: (I mean, expressions and sentiments.) And while they listen to them with admiring minds, the rhythm escapes their notice; and even if it were wholly wanting they would still be delighted with those other things.

Nor indeed is the rhythm, I mean in a speech, (for the case as to verse is very different,) so exacting that nothing may ever be expressed except according to rule; for then it would be a poem. But every oration which does not halt or if I may so say, fluctuate, and which proceeds on with an equal and consistent pace, is considered rhythmical. And it is considered rhythmical in the delivery; not because it consists wholly of some regular rhythm; but because it comes as near to a musical rhythm as possible: on which account it is more difficult to make a speech than to make verses; because these last have certain definite rules which it is necessary to follow; but, in speaking, there is nothing settled, except that the speech must not be intemperate, or too compressed, or prosaic, or too fluent. Therefore there are no regular bars in it as a flute-player has; but the whole principle and system of an oration is regulated by general rules of universal application; and they are judged of on the principle of pleasing the ear.

LIX. But people often ask, whether in every portion of a paragraph it is necessary to have a regard to rhythm, or whether it is sufficient to do so at the beginning and end of a sentence. For many people think that it is sufficient for a sentence to end and be wound up in a rhythmical manner. But although that is the main point, it is not the only one; for the sounding of the periods is only to be laid aside, not to be thrown away. And therefore, as men's ears are always on the watch for the end of a sentence, and are greatly influenced by that, that certainly ought never to be devoid of rhythm; but harmony ought to pervade the whole sentence from beginning to end; and the whole ought to proceed from the beginning so naturally that the end shall be consistent with every previous part. But that will not be difficult to men who have been trained in a good school, who have written many things, and who have made also all the speeches which they have delivered without written

Page 340

papers like written speeches. For the sentence is first composed in the mind; and then words come immediately: and then they are immediately sent forth by the mind, than which nothing is more rapid in its movements; so that each falls into its proper place. And then their regular order is settled by different terminations in different sentences; and all the expressions at the beginning and in the middle of the sentence ought to be composed with reference to the end. For sometimes the torrent of an oration is rapid; sometimes its progress is moderate; so that from the very beginning one can see how one wishes to come to the end. Nor is it in rhythm more than in the other embellishments of a speech that we behave exactly as poets do; though still, in an oration, we avoid all resemblance to a poem.

LX. For there is in both oratory and poetry, first of all the material, then the execution. The material consists in the words, the execution in the arrangement of the words. But there are three divisions of each,—of words there is the metaphorical, the new, and the old-fashioned; for of appropriate words we say nothing at present; but of arrangement there are those which we have mentioned, composition, neatness, and rhythm. But the poets are the most free and frequent in the use of each; for they use words in a metaphorical sense not only more frequently, but also more daringly; and they use old-fashioned words more willingly, and new ones more freely. And the case with respect to rhythm is the same; in which they are obliged to comply with a kind of necessity: but still these things must be understood as being neither too different, nor yet in any respect united. Accordingly we find that rhythm is not the same in an oration as in a poem; and that that which is pronounced to be rhythmical in an oration is not always effected by a strict attention to the rules of rhythm; but sometimes either by neatness, or by the casual arrangement of the words.

Accordingly, if the question is raised as to what is the rhythm of an oration, it is every sort of rhythm; but one sort is better and more suitable than another. If the question is, what is the place of this rhythm? it is in every portion of the words. If you ask where it has arisen; it has arisen from the pleasure of the ears. If the principle is sought on which the words are to be arranged; that will be explained in another place, because that relates to practice, which was the fourth and last division which we made of the subject. If the question is, when; always: if, in what place; it consists in the entire connexion of the words. If we are asked, What is the circumstance which causes pleasure? we reply, that it is the same as in verse; the method of which is determined by art; but the ears themselves define it by their own silent sensations, without any reference to principles of art.

Page 341

LXI. We have said enough of the nature of it. The practice follows; and that we must discuss with greater accuracy. And in this discussion inquiry has been made, whether it is in the whole of that rounding of a sentence which the Greeks call [Greek: *periodos*], and which we call "*ambitus*" or "*circuitus*," or "*comprehensio*" or "*continuatio*" or "*circumscriptio*," or in the beginning only, or in the end, or in both, that rhythm must be maintained? And, in the next place, as rhythm appears one thing and a rhythmical sentence another, what is the difference between them? and again, whether it is proper for the divisions of a sentence to be equal in every sort of rhythm, or whether we should make some shorter and some longer; and if so, when, and why, and in what parts; whether in many or in one; whether in unequal or equal ones; and when we are to use one, and when the other; and what words may be most suitably combined together, and how; or whether there is absolutely no distinction; and, what is most material to the subject of all things, by what system oratory may be made rhythmical. We must also explain from whence such a form of words has arisen; and we must explain what periods it may be becoming to make, and we must also discuss their parts and sections, if I may so call them; and inquire whether they have all one appearance and length, or more than one; and if many, in what place; or when we may use them, and what kinds it is proper to use; and, lastly, the utility of the whole kind is to be explained, which indeed is of wider application; for it is adapted not to any one particular thing, but to many.

And a man may, without giving replies on each separate point, speak of the entire genus in such a way that his answer may appear sufficient as to the whole matter. Leaving, therefore, the other kinds out of the question, we select this one, which is conversant with actions and the forum, concerning which we will speak.

Therefore in other kinds, that is to say, in history and in that kind of argument which we call [Greek: *epideiktikon*], it seems good that everything should be said after the example of Isocrates and Theopompus, with that sort of period and rounding of a sentence that the oration shall run on in a sort of circle, until it stops in separate, perfect, and complete sentences. Therefore after this *circumscriptio*, or *continuatio*, or *comprehensio*, or *ambitus*, if we may so call it, was once introduced, there was no one of any consideration who ever wrote an oration of that kind which was intended only to give pleasure, and unconnected with judicial proceedings or forensic contests, who did not reduce almost all his sentences to a certain set form and rhythm. For, as his hearers are men who have no fear that their own good faith is being attempted to be undermined by the snare of a well-arranged oration, they are even grateful to the orator for studying so much to gratify their ears.

Page 342

LXII. But this kind of oratory is neither to be wholly appropriated to forensic causes, nor is it entirely to be repudiated. For if you constantly employ it, when it has produced weariness then even unskilful people can recognise its character. Besides, it takes away the indignation which is intended to be excited by the pleading; it takes away the manly sensibility of the pleader; it wholly puts an end to all truth and good faith. But since it ought to be employed at times, first of all, we should see in what place; secondly, how long it is to be maintained; and lastly, in how many ways it may be varied. We must, then, employ a rhythmical oratory, if we have occasion either to praise anything in an ornate style,—as we ourselves spoke in the second book of our impeachment of Verres concerning the praise of Sicily; and in the senate, of my own consulship; or a narration must be delivered which requires more dignity than indignation,—as in the fourth book of that same impeachment we spoke concerning the Ceres of Enna, the Diana of Segeste, and the situation of Syracuse. Often also when employed in amplifying a case, an oration is poured forth harmoniously and volubly with the approbation of all men. That perhaps we have never quite accomplished; but we have certainly very often attempted it; as our perorations in many places show that we have, and indeed that we have been very eager to effect it. But this is most effective when the hearer is already blockaded, as it were, and taken prisoner by the speaker. For he then no longer thinks of watching and guarding against the orator, but he is already on his side; and wishes him to proceed, admitting the force of his eloquence, and never thinking of looking for anything with which to find fault.

But this style is not to be maintained long; I do not mean in the peroration which it concludes, but in the other divisions of the speech. For when the orator has employed those topics which I have shown to be admissible, then the whole of his efforts must be transferred to what the Greeks call, I know not why, [Greek: *kommata*] and [Greek: *kola*], and which we may translate, though not very correctly, “*incisa*” and “*membra*.” For there cannot be well-known names given to things which are not known; but when we use words in a metaphorical sense, either for the sake of sweetness or because of the poverty of the language, this result takes place in every art, that when we have got to speak of that which, on account of our ignorance of its existence, had no name at all previously, necessity compels us either to coin a new word, or to borrow a name from something resembling it.

Page 343

LXIII. But we will consider hereafter in what way sentences ought to be expressed in short clauses or members. At present we must explain in how many ways those different conclusions and terminations may be changed. Rhythm flows in from the beginning, at first more rapidly, from the shortness of the feet employed, and afterwards more slowly as they increase in length. Disputes require rapidity; slowness is better suited to explanations. But a period is terminated in many ways; one of which has gained especial favour in Asia, which is called the *dichoreus*, when the two last feet are *chorei*, consisting each of one long and one short syllable; for we must explain that the same feet have different names given them by different people. Now that *dichoreus* is not inherently defective as part of a clause, but in the rhythm of an orator there is nothing so vicious as to have the same thing constantly recurring. By itself now and then it sounds very well, on which account we have the more reason to guard against satiety. I was present when Caius Carbo, the son of Caius, a tribune of the people, uttered these words in the assembly of the people:

“O Maree Druse, patrem appello.”

Here are two clauses, each of two feet. Then he gave us some more periods:

“Tu dicere solebas, sacram esse rempublicam.”

Here each clause consists of three feet. Then comes the conclusion:

“Quicumque eam violavissent ab omnibus esse ei poenas persolutas.”

Here is the *dichoreus*;—for it does not signify whether the last syllable is long or short. Then comes,

“Patris dictum sapiens, temeritas filii comprobavit.”

And this last *dichoreus* excited such an outcry as to be quite marvellous. I ask, was it not the rhythm which caused it? Change the order of the words; let them stand thus:

“Comprobavit filii temeritas:”

there will be no harm in that, though *temeritas* consists of three short syllables and one long one; which Aristotle considers as the best sort of word to end a sentence, in which I do not agree with him. But still the words are the same, and the meaning is the same. That is enough for the mind, but not enough for the ears. But this ought not to be done too often. For at first rhythm is acknowledged; presently it wearies; afterwards, when the ease with which it is produced is known, it is despised.

LXIV. But there are many little clauses which sound rhythmically and agreeably. For there is the *cretic*, which consists of a long syllable, then a short one, then a long; and there is its equivalent the *paeon*; which is equal in time, but longer by one syllable; and

which is considered a very convenient foot to be used in prose, as it is of two kinds. For it consists either of one long syllable and three short ones, which rhythm is admirable at the beginning of a sentence, but languid at the end; or of three

Page 344

short syllables and then the long one, which the ancients consider the most musical foot of the two: I do not object to it; though there are other feet which I prefer. Even the spondee is not utterly to be repudiated; although, because it consists of two long syllables, it appears somewhat dull and slow; still it has a certain steady march not devoid of dignity; but much more is it valuable in short clauses and periods; for then it makes up for the fewness of the feet by its dignified slowness. But when I am speaking of these feet as occurring in clauses, I do not speak of the one foot which occurs at the end; I add (which however is not of much consequence) the preceding foot, and very often even the foot before that. Even the iambic, which consists of one short and one long syllable; or that foot which is equal to the choreus, having three short syllables, being therefore equal in time though not in the number of syllables; or the dactyl, which consists of one long and two short syllables, if it is next to the last foot, joins that foot very trippingly, if it is a choreus or a spondee. For it never makes any difference which of these two is the last foot of a sentence. But these same three feet end a sentence very badly if one of them is placed at the end, unless the dactyl comes at the end instead of a cretic; for it does not signify whether the dactyl or the cretic comes at the end, because it does not signify even in verse whether the last syllable of all is long or short. Wherefore, whoever said that that paeon was more suitable in which the last syllable was long, made a great mistake; since it has nothing to do with the matter whether the last syllable is long or not. And indeed the paeon, as having more syllables than three, is considered by some people as a rhythm, and not a foot at all. It is, as is agreed upon by all the ancients, Aristotle, Theophrastus, Theodectes, and Ephorus, the most suitable of all for an oration, either at the beginning or in the middle; they think that it is very suitable for it at the end also; in which place the cretic appears to me to be better. But a dochmiac consists of five syllables, one short, two long, one short, and one long; as thus:—[]A]m[=i]c[=o]s t[e]n[=e]s; and is suitable for any part of the speech, as long as it is used only once. If repeated or often renewed it then makes the rhythm conspicuous and too remarkable. If we use these changes, numerous and varied as they are, it will not be seen how much of our rhythm is the result of study, and we shall avoid wearying our hearers.

LXV. And because it is not only rhythm which makes a speech rhythmical, but since that effect is produced also by the arrangement of the words, and by a kind of neatness, as has been said before, it may be understood by the arrangement when words are so placed that rhythm does not appear to have been purposely aimed at, but to have resulted naturally, as it is said by Crassus:—

Page 345

“Nam ubi libido dominatur innocentiae leve praesidium est.”

For here the order of the words produces rhythm without any apparent design on the part of the orator. Therefore, the suitable and rhythmical sentences which occur in the works of the ancients, I mean Herodotus, and Thucydides, and all the writers of that age, were produced, not by any deliberate pursuit of rhythm, but by the arrangement of the words. For there are some forms of oratory in which there is so much neatness, that rhythm unavoidably follows. For when like is referred to like, or contrary opposed to contrary, or when words which sound alike are compared to other words, whatever sentence is wound up in that manner must usually sound rhythmically. And of this kind of sentence we have already spoken and given instances, so that this abundance of kinds enables a man to avoid always ending a sentence in the same manner.

Nor are these rules so strict and precise that we are unable to relax them when we wish to. It makes a great difference whether an oration is rhythmical—that is to say, like rhythm—or whether it consists of nothing but rhythm. If it is the latter, that is an intolerable fault; if it is not the former, then it is unconnected, and barbarous, and languid.

LXVI. But since it is not only not a frequent occurrence, but actually even a rare one, that we ought to speak in compressed and rhythmical periods, in serious or forensic causes, it appears to follow that we ought to consider what these clauses and short members which I have spoken of are. For in serious causes they occupy the greater part of the speech. For a full and perfect period consists of four divisions, which we call members, so as to fill the ears, and not be either shorter or longer than is just sufficient. Although each of those defects does happen sometimes, or indeed often, so that it is necessary either to stop abruptly, or else to proceed further, lest our brevity should appear to have cheated the ears of our hearers, or our prolixity to have exhausted them. But I prefer a middle course; for I am not speaking of verse, and oratory is not so much confined. A full period, then, consists of four divisions, like hexameter verses. In each of these verses, then, there are visible the links, as it were, of the connected series which we unite in the conclusion. But if we choose to speak in a succession of short clauses, we stop, and when it is necessary, we easily and frequently separate ourselves from that sort of march which is apt to excite dislike; but nothing ought to be so rhythmical as this, which is the least visible and the most efficacious. Of this kind is that sentence which was spoken by Crassus:—

“Missos faciant patronos; ipsi prodeant.”

If he had not paused before “ipsi prodeant,” he would have at once seen that an iambic had escaped him,—“prodeant ipsi” would sound in every respect better. But at present I am speaking of the whole kind.

Page 346

“Cur clandestinis consiliis nos oppugnant?
Cur de perfugis nostris copias comparant inter nos?”

The first two are such sentences as the Greeks call [Greek: kommata], and we “incisa.” The third is such as they term [Greek: kolon], and we “membrum.” Then comes a short clause; for a perfect conclusion is made up of two verses, that is to say members, and falls into spondees. And Crassus was very much in the habit of employing this termination, and I myself have a good opinion of this style of speaking.

LXVII. But those sentiments which are delivered in short clauses, or members, ought to sound very harmoniously, as in a speech of mine you will find:—

“Domus tibi deerat? at habebas. Pecunia superabat? at egebas.”

These four clauses are as concise as can be; but then come the two following sentences uttered in members:—

“Incurristi amens in columnas: in alienos insanus insanisti.”

After these clauses everything is sustained by a longer class of sentences, as if they were erected on these as their pedestal:—

“Depressam, caecam, jacentem domum pluris, quam te, et quam fortunas tuas, aestimasti.”

It is ended with a dichoreus; but the next sentence terminates with a double spondee. For in those feet which speakers should use at times like little daggers, the very brevity makes the feet more free. For we often must use them separately, often two together, and a part of a foot may be added to each foot, but not often in combinations of more than three. But an oration when delivered in brief clauses and members, is very forcible in serious causes, especially when you are accusing or refuting an accusation, as in my second Cornelian speech:—

“O callidos homines! O rem excogitatam! O ingenia metuenda!”

Hitherto this is spoken in members. After that we spoke in short clauses. Then again in members:—

“Testes dare volumus.”

At last comes the conclusion, but one made up of two members, than which nothing can be more concise:—

“Quem, quaeso, nostrum fefellit, ita vos esse facturos?”

Nor is there any style of speaking more lively or more forcible than that which strikes with two or three words, sometimes with single words; very seldom with more than two or three, and among these various clauses there is occasionally inserted a rhythmical period. And Hegesias, who perversely avoided this usage, while seeking to imitate Lysias, who is almost a second Demosthenes, dividing his sentences into little bits, was more like a dancer than an orator. And he, indeed, errs not less in his sentences than in his single words, so that a man who knows him has no need to look about for some one whom he may call foolish. But I have cited those sentences of Crassus's and my own, in order that whoever chose might judge by his own ears what was rhythmical even in the most insignificant portions of a speech. And since we have said more about rhythmical oratory than any one of those who have preceded us, we will now speak of the usefulness of that style.

Page 347

LXVIII. For speaking beautifully and like an orator is, O Brutus, nothing else (as you, indeed, know better than any one) except speaking with the most excellent sentiments and in the most carefully selected language. And there is no sentiment which produces any fruit to an orator, unless it is expressed in a suitable and polished manner. Nor is there any brilliancy of words visible unless they are carefully arranged; and rhythm it is which sets off both these excellences. But rhythm (for it is well to repeat this frequently) is not only not formed in a poetical manner, but even avoids poetry, and is as unlike it as possible. Not but that rhythm is the same thing, not only in the writings of orators and poets, but even in the conversation of every one who speaks, and in every imaginable sound which we can measure with our ears. But it is the order of the feet which makes that which is uttered appear like an oration or like a poem. And this, whether you choose to call it composition, or perfection, or rhythm, must be employed if a man wishes to speak elegantly, not only (as Aristotle and Theophrastus say) that the discourse may not run on interminably like a river, but that it may come to a stop as it ought, not because the speaker wants to take breath, or because the copyist puts down a stop, but because it is compelled to do so by the restrictions of rhythm, and also because a compact style has much greater force than a loose one. For as we see athletes, and in a similar manner gladiators, act cautiously, neither avoiding nor aiming at anything with too much vehemence, (for over-vehement motions can have no rule;) so that whatever they do in a manner advantageous for their contest, may also have a graceful and pleasing appearance; in like manner oratory does not strike a heavy blow, unless the aim was a well-directed one; nor does it avoid the attack of the adversary successfully, unless even when turning aside the blow it is aware of what is becoming. And therefore the speeches of those men who do not end their sentences rhythmically seem to me like the motions of those whom the Greeks call [hapalaistrous]. And it is so far from being the case, (as those men say who, either from a want of proper instructors, or from the slowness of their intellect, or from an unwillingness to exert due industry, have not arrived at this skill,) that oratory is enervated by too much attention to the arrangement of words, that without it there can be no energy and no force.

LXIX. But the matter is one which requires much practice, lest we should do anything like those men who, though they have aimed at this style, have not attained it; so that we must not openly transpose our words in order to make our language sound better; a thing which Lucius Coelius Antipater, in the opening of his history of the Punic War, promises not to do unless it should be absolutely necessary. Oh the simple man! to conceal nothing from us; and at the same time wise, inasmuch as he is prepared to comply

Page 348

with necessity. But still this is being too simple. But in writing or in sober discussion the excuse of necessity is not admissible, for there is no such thing as necessity; and if there were, it would still be necessary not to admit it. And this very man who demands this indulgence of Laelius, to whom he is writing, and to whom he is excusing himself, uses this transposition of words, and yet does not fill up and conclude his sentences any the more skilfully. Among others, and especially among the Asiatics, who are perfect slaves to rhythm, you may find many superfluous words inserted, as if on purpose to fill up vacancies in rhythm. There are men also, who through that fault, which originated chiefly with Hegesias, by breaking up abruptly, and cutting short their rhythm, have fallen into an abject style of speaking, very much like that of the Sicilians. There is a third kind adopted by those brothers, the chiefs of the Asiatic rhetoricians, Hierocles and Maecles, men who are not at all to be despised, in my opinion at least. For although they do not quite keep to the real form of oratory and to the principles of the Attic orators, still they make amends for this fault by their ability and fluency. Still there was no variety in them, because nearly all their sentences were terminated in one manner.

But a man who avoids all these faults, so as neither to transpose words in such a manner that every one must see that it is done on purpose, nor cramming in unnecessary words, as if to fill up leaks, nor aiming at petty rhythm, so as to mutilate and emasculate his sentences, and who does not always stick to one kind of rhythm without any variation, such a man avoids nearly every fault. For we have said a good deal on the subject of perfections, to which these manifest defects are contrary.

LXX. But how important a thing it is to speak harmoniously, you may know by experience if you dissolve the carefully-contrived arrangement of a skilful orator by a transposition of his words; for then the whole thing would be spoilt, as in this instance of our language in the Cornelian oration, and in all the following sentences:—

“Neque me divitiae movent, quibus omnes Africanos et Laelios milt, venalitii mercatoresque superarunt.”

Change the order a little, so that the sentence shall stand,

“Multi superarunt mercatores venalitiique,”

and the whole effect is lost. And the subsequent sentences:

“Neque vestis, ant caelatum aurum et argentum, quo nostros veteres Marcellos Maximosque multi eunuchi e Syria aegyptoque vicerunt.”

Alter the order of the words, so that they shall stand,



“Vicerunt eunuchi e Syria aegyptoque.”

Take this third sentence:—

“Neque vero ornamenta ista villarum, quibus Lucium Paullum et Lucium Mummium, qui rebus his urbem Italiamque omnem referserunt, ab aliquo video perfacile Deliaci aut Syro potuisse superari.”

Page 349

Place the words thus:—

“Potuisse superari ab aliquo Syro aut Deliaci.”

Do you not see that by making this slight change in the order of the words, the very same words (though the sense remains as it was before) lose all their effect the moment they are disjoined from those which were best suited to them?

Or if you take any carelessly-constructed sentence of any unpolished orator, and reduce it into proper shape, by making a slight alteration in the order of his words, then that will be made harmonious which was before loose and unmethodical. Come now, take a sentence from the speech of Gracchus before the censors:—

“Obesse non potest, quin ejusdem hominis sit, probos improbare, qui improbos probet.”

How much better would it have been if he had said,

“Quin ejusdem hominis sit, qui improbos probet, probos improbare!”

No one ever had any objection to speaking in this manner; and no one was ever able to do so who did not do it. But those who have spoken in a different manner have not been able to arrive at this excellence. And so on a sudden they have set up for orators of the Attic school. As if Demosthenes was a man of Tralles; but even his thunderbolts would not have shone so if they had not been pointed by rhythm.

LXXI. But if there be any one who prefers a loose style of oratory, let him cultivate it; keeping in view this principle,—if any one were to take to pieces the shield of Phidias, he would destroy the beauty of the collective arrangement, not the exquisite workmanship of each fragment: and as in Thucydides I only miss the roundness of his periods; all the graces of style are there. But these men, when they compose a loose oration, in which there is no matter, and no expression which is not a low one, appear to me to be taking to pieces, not a shield, but, as the proverb says, (which, though but a low one, is still very apt,) only a broom. And in order that there may be no mistake as to their contempt of this style which I am praising, let them write something either in the style of Isocrates, or in that which Aeschines or Demosthenes employs, and then I will believe that they have not shrunk from this style out of despair of being able to arrive at it, but that they have avoided it deliberately on account of their bad opinion of it: or else I will find a man myself who may be willing to be bound by this condition,—either to say or write, in whichever language you please, in the style which those men prefer. For it is easier to disunite what is connected than to connect what is disjointedly strung together.

Page 350

However, the fact is, (to be brief in explaining my real opinion,) to speak in a well-arranged and suitable manner without good ideas is to act like a madman. But to speak in a sententious manner, without any order or method in one's language, is to behave like a child: but still it is childishness of that sort, that those who employ it cannot be considered stupid men, and indeed may often be accounted wise men. And if a man is contented with that sort of character, why let him speak in that way. But the eloquent man, who, if his subject will allow it, ought to excite not only approbation, but admiration and loud applause, ought to excel in everything to such a degree, that he should think it discreditable that anything should be beheld or listened to more gladly than his speech.

You have here, O Brutus, my opinion respecting an orator. If you approve of it, follow it; or else adhere to your own, if you have formed any settled opinion on the subject. And I shall not be offended with you, nor will I affirm that this opinion of mine which I have asserted so positively in this book is more correct than yours; for it is possible not only that my opinion should be different from yours, but even that my own may be different at different times. And not only in this matter, which has reference to gaining the assent of the common people and to the pleasure of the ears, which are two of the most unimportant points as far as judgment is concerned; but even in the most important affairs, I have never found anything firmer to take hold of, or to guide my judgment by, than the extremity of probability as it appeared to me, when actual truth was hidden or obscure.

But I wish that you, if you do not approve entirely of the things which I have urged in this treatise, would believe either that I proposed to myself a work of too great difficulty for me to accomplish properly, or else that, while wishing to comply with your request, I undertook the impudent task of writing this, from being ashamed to refuse you.

THE TREATISE OF M. T. CICERO ON TOPICS,

DEDICATED TO CAIUS TREBATIUS.

* * * * *

THE ARGUMENT.

This treatise was written a short time before the events which gave rise to the first Philippic. Cicero obtained an honorary lieutenancy, with the intention of visiting his son at Athens; on his way towards Rhegium he spent an evening at Velia with Trebatius, where he began this treatise, which he finished at sea, before he arrived in Greece. It is little more than an abstract of what had been written by Aristotle on the same subject, and which Trebatius had begged him to explain to him; and Middleton says, that as he had not Aristotle's essay with him, he drew this up from memory, and he appears to have finished it in a week, as it was the nineteenth of July that he was at Velia, and he

sent this work to Trebatius from Rhegium on the twenty-seventh. He himself apologizes to Trebatius in the letter which accompanied it, (Ep. Fam. vii. 19,) for its obscurity, which however, he says, was unavoidably caused by the nature of the subject.

Page 351

I. We had begun to write, O Caius Trebatius, on subjects more important and more worthy of these books, of which we have published a sufficient number in a short time, when your request recalled me from my course. For when you were with me in my Tusculan villa, and when each of us was separately in the library opening such books as were suited to our respective tastes and studies, you fell on a treatise of Aristotle's called the Topics; which he has explained in many books; and, excited by the title, you immediately asked me to explain to you the doctrines laid down in those books. And when I had explained them to you, and told you that the system for the discovery of arguments was contained in them, in order that we might arrive, without making any mistake, at the system on which they rested by the way discovered by Aristotle, you urged me, modestly indeed, as you do everything, but still in a way which let me plainly see your eagerness to be gratified, to make you master of the whole of Aristotle's method. And when I exhorted you, (not so much for the sake of saving myself trouble, as because I really thought it advantageous for you yourself,) either to read them yourself, or to get the whole system explained to you by some learned rhetorician, you told me that you had already tried both methods. But the obscurity of the subject deterred you from the books; and that illustrious rhetorician to whom you had applied answered you, I suppose, that he knew nothing of these rules of Aristotle. And this I was not so much surprised at, namely, that that philosopher was not known to the rhetorician, inasmuch as he is not much known even to philosophers, except to a very few.

And such ignorance is the less excusable in them, because they not only ought to have been allured by those things which he has discovered and explained, but also by the incredible richness and sweetness of his eloquence. I could not therefore remain any longer in your debt, since you often made me this request, and yet appeared to fear being troublesome to me, (for I could easily see that,) lest I should appear unjust to him who is the very interpreter of the law. In truth, as you had often written many things for me and mine, I was afraid that if I delayed obliging you in this, it would appear very ungrateful or very arrogant conduct on my part. But while we were together, you yourself are the best witness of how I was occupied; but after I left you, on my way into Greece, when neither the republic nor any friends were occupying my attention, and when I could not honourably remain amid the armies, (not even if I could have done so safely,) as soon as I came to Velia and beheld your house and your family, I was reminded of this debt; and would no longer be wanting to your silent request.

Therefore, as I had no books with me, I have written these pages on my voyage, from memory; and I have sent them to you while on my journey, in order that by my diligence in obeying your commands, I might rouse you to a recollection of my affairs, although you do not require a reminder. But, however, it is time to come to the object which we have undertaken.

Page 352

II. As every careful method of arguing has two divisions,—one of discovering, one of deciding,—Aristotle was, as it appears to me, the chief discoverer of each. But the Stoics also have devoted some pains to the latter, for they have diligently considered the methods of carrying on a discussion by that science which they call dialectics; but the art of discovering arguments, which is called topics, and which was more serviceable for practical use, and certainly prior in the order of nature, they have wholly disregarded. But we, since both parts are of the greatest utility, and since we intend to examine each if we have time, will now begin with that which is naturally the first.

As therefore the discovery of those things which are hidden is easy, if the place where they are hidden is pointed out and clearly marked; so, when we wish to examine any argument, we ought to know the topics,—for so they are called by Aristotle, being, as it were, seats from which arguments are derived. Therefore we may give as a definition, that a topic is the seat of an argument, and that an argument is a reason which causes men to believe a thing which would otherwise be doubtful. But of those topics in which arguments are contained, some dwell on that particular point which is the subject of discussion; some are derived from external circumstances. When derived from the subject itself, they proceed at times from it taken as a whole, at times from its parts, at times from some sign, and at others from things which are disposed in some manner or other towards the subject under discussion; but those topics are derived from external circumstances which are at a distance and far removed from the same subject.

But a definition is employed with reference to the entire matter under discussion which unfolds the matter which is the subject of inquiry as if it had been previously enveloped in mystery. The formula of that argument is of this sort: “Civil law is equity established among men who belong to the same city, for the purpose of insuring each man in the possession of his property and rights: and the knowledge of this equity is useful: therefore the knowledge of civil law is useful.” Then comes the enumeration of the parts, which is dealt with in this manner: “If a slave has not been declared free either by the censor, or by the praetor’s rod, or by the will of his master, he is not free: but none of those things is the case: therefore he is not free.” Then comes the sign; when some argument is derived from the meaning of a word, in this way:—As the Aelian Sentian law orders an *assiduus*[63] to support an *assiduus*, it orders a rich man to support a rich man, for a rich man is an *assiduus*, called so, as Aelius says, from *asse dando*.

III. Arguments are also derived from things which bear some kind of relation to that which is the object of discussion. But this kind is distributed under many heads; for we call some connected with one another either by nature, or by their form, or by their resemblance to one another, or by their differences, or by their contrariety to one another, or by adjuncts, or by their antecedents, or by their consequents, or by what is opposed to each of them, or by causes, or by effects, or by a comparison with what is greater, or equal, or less.

Page 353

Arguments are said to be connected together which are derived from words of the same kind. But words are of the same kind which, originating from one word, are altered in various ways; as, "*sapiens, sapienter, sapientia*." The connexion of these words is called [Greek: *suxugia*]; from which arises an argument of this kind: "If the land is common, every one has a right to feed his cattle on it."

An argument is derived from the kind of word, thus: "Since all the money has been bequeathed to the woman, it is impossible that that ready money which was left in the house should not have been bequeathed. For the species is never separated from the genus as long as it retains its name: but ready money retains the name of money: therefore it is plain that it was bequeathed."

An argument is derived from the species, which we may sometimes name, in order that it may be more clearly understood; in this manner: "If the money was bequeathed to Fabia by her husband, on the supposition that she was the mother of his family; if she was not his wife, then nothing is due to her." For the wife is the genus: there are two kinds of wife; one being those mothers of a family which become wives by *coemptio*; the other kind are those which are only considered wives: and as Fabia was one of those last, it appears that nothing was bequeathed to her.

An argument is derived from similarity, in this way: "If those houses have fallen down, or got into disrepair, a life-interest in which is bequeathed to some one, the heir is not bound to restore or to repair them, any more than he is bound to replace a slave, if a slave, a life-interest in whom has been bequeathed to some one, has died."

An argument is derived from difference, thus: "It does not follow, if a man has bequeathed to his wife all the money which belonged to him, that therefore he bequeathed all which was down in his books as due to him; for there is a great difference whether the money is laid up in his strong box, or set down as due in his accounts."

An argument is derived from contraries, thus: "That woman to whom her husband has left a life-interest in all his property, has no right, if his cellars of wine and oil are left full, to think that they belong to her; for the use of them is what has been bequeathed to her, and not the misuse: and they are contrary to one another."

IV. An argument is derived from adjuncts, thus: "If a woman has made a will who has never given up her liberty by marriage, it does not appear that possession ought to be given by the edict of the praetor to the legatee under that will; for it is added, that in that case possession would seem proper to be given by that same edict, according to the wills of slaves, or exiles, or infants."

Arguments are derived from antecedents, and consequents, and contradictories, in this way. From antecedents: "If a divorce has been caused by the fault of the husband,

although the woman has demanded it, still she is not bound to leave any of her dowry for her children.”

Page 354

From consequents: "If a woman having married a man with whom she had no right of intermarriage, has demanded a divorce, since the children who have been born do not follow their father, the father has no right to keep back any portion of the woman's dowry."

From contradictories: "If the head of a family has left to his wife in reversion after his son the life-interest in the female slaves, and has made no mention of any other reversionary heir, if the son dies, the woman shall not lose her life-interest. For that which has once been given to any one by will, cannot be taken away from the legatee to whom it has been given without his consent; for it is a contradiction for any one to have a right to receive a thing, and yet to be forced to give it up against his will."

An argument is derived from efficient causes, in this way: "All men have a right to add to a common party wall, a wall extending its whole length, either solid or on arches; but if any one in demolishing the common wall should promise to pay for any damages which may arise from his action, he will not be bound to pay for any damage sustained or caused by such arches: for the damage has been done, not by the party which demolished the common wall, but in consequence of some fault in the work, which was built in such a manner as to be unable to support itself."

An argument is derived from what has been done, in this way: "When a woman becomes the wife of a man, everything which has belonged to the woman now becomes the property of the husband under the name of dowry."

But in the way of comparison there are many kinds of valid arguments; in this way: "That which is valid in a greater affair, ought to be valid in a less: so that, if the law does not regulate the limits in the city, still more will it not compel any one to turn off the water in the city." Again, on the other hand: "Whatever is valid in a smaller matter ought to be valid also in a greater one. One may convert the preceding example." Also, "That which is valid in a parallel case ought to be valid in this which is a parallel case." As, "Since the usurpation of a farm depends on a term of two years, the law with respect to houses ought to be the same." But in the law houses are not mentioned, and so they are supposed to come under the same class as all other things, the property in which is determined by one year's use. Equity then must prevail, which requires similar laws in similar cases.[64]

But those arguments which are derived from external circumstances are deduced chiefly from authority. Therefore the Greeks call argumentations of that kind [Greek: *atechuoi*], that is, devoid of art. As if you were to answer in this way:—"In the case of some one building a roof for the purpose of covering a common wall, Publius Scaevola asserted that there was no right of carrying that roof so far that the water which ran off it should run on to any part of any building which did not belong to the owner of the roof. This I affirm to be law."

Page 355

V. By these topics then which have been explained, a means of discovering and proving every sort of argument is supplied, as if they were elements of argument. Have we then said enough up to this point? I think we have, as far at least as you, an acute man and one deeply skilled in law, are concerned. But since I have to deal with a man who is very greedy when the feast in question is one of learning, I will prosecute the subject so that I will rather put forth something more than is necessary, than allow you to depart unsatisfied. As, then, each separate one of those topics which I have mentioned has its own proper members, I will follow them out as accurately as I can; and first of all I will speak of the definition itself.

Definition is a speech which explains that which is defined. But of definitions there are two principal kinds: one, of those things which exist; the other, of those which are understood. The things which I call existing are those which can be seen or touched; as a farm, a house, a wall, a gutter, a slave, an ox, furniture, provisions, and so on; of which kind of things some require at times to be defined by us. Those things, again, I say have no existence, which are incapable of being touched or proved, but which can be perceived by the mind and understood; as if you were to define usucaption, guardianship, nationality, or relationship; all, things which have no body, but which nevertheless have a certain conformation plainly marked out and impressed upon the mind, which I call the notion of them. They often require to be explained by definition while we are arguing about them.

And again, there are definitions by partition, and others by division: by partition, when the matter which is to be defined is separated, as it were, into different members; as if any one were to say that civil law was that which consists of laws, resolutions of the senate, precedents, the authority of lawyers, the edicts of magistrates, custom, and equity. But a definition by division embraces every form which comes under the entire genus which is defined; in this way: "Alienation is the surrender of anything which is a man's private property, or a legal cession of it to men who are able by law to avail themselves of such cession."

VI. There are also other kinds of definitions, but they have no connexion with the subject of this book; we have only got to say what is the manner of expressing a definition. This, then, is what the ancients prescribe: that when you have taken those things which are common to the thing which you wish to define with other things, you must pursue them till you make out of them altogether some peculiar property which cannot be transferred to anything else. As this: "An inheritance is money." Up to this point the definition is common, for there are many kinds of money. Add what follows: "which by somebody's death comes to some one else." It is not yet a definition, for

Page 356

money belonging to the dead can be possessed in many ways without inheritance. Add one word, “lawfully.” By this time the matter will appear distinguished from general terms, so that the definition may stand thus:—“An inheritance is money which by somebody’s death has lawfully come to some one else.” It is not enough yet. Add, “without being either bequeathed by will, or held as some one else’s property.” The definition is complete. Again, take this:—“Those are *gentiles* who are of the same name as one another.” That is insufficient. “And who are born of noble blood.” Even that is not enough. “Who have never had any ancestor in the condition of a slave.” Something is still wanting. “Who have never parted with their franchise.” This, perhaps, may do. For I am not aware that Scaevola, the pontiff, added anything to this definition. And this principle holds good in each kind of definition, whether the thing to be defined is something which exists, or something which is understood.

VII. But we have shown now what is meant by partition, and by division. But it is necessary to explain more clearly wherein they differ. In partition, there are as it were members; as of a body—head, shoulders, hands, sides, legs, feet, and so on. In division there are forms which the Greeks call [Greek: *ideae*]; our countrymen who treat of such subjects call them species. And it is not a bad name, though it is an inconvenient one if we want to use it in different cases. For even if it were Latin to use such words, I should not like to say *specierum* and *speciebus*. And we have often occasion to use these cases. But I have no such objection to saying *formarum* and *formis*; and as the meaning of each word is the same, I do not think that convenience of sound is wholly to be neglected.

Men define genus and species or form in this manner:—“Genus is a notion relating to many differences. Species is a notion, the difference of which can be referred to the head and as it were fountain of the genus.” I mean by notion that which the Greeks call sometimes [Greek: *ennoia*], and sometimes [Greek: *enoprolaepsis*]. It is knowledge implanted and previously acquired of each separate thing, but one which requires development. Species, then, are those forms into which genus is divided without any single one being omitted; as if any one were to divide justice into law, custom, and equity. A person who thinks that species are the same things as parts, is confounding the art; and being perplexed by some resemblance, he does not distinguish with sufficient acuteness what ought to be distinguished. Often, also, both orators and poets define by metaphor, relying on some verbal resemblance, and indeed not without giving a certain degree of pleasure. But I will not depart from your examples unless I am actually compelled to do so.

Page 357

Aquillius, then, my colleague and intimate friend, was accustomed, when there was any discussion about shores, (all of which you lawyers insist upon it are public,) to define them to men who asked to whom that which was shore belonged, in this way: "Wherever the waves dashed;" that is, as if a man were to define youth as the flower of a man's age, or old age as the setting of life. Using a metaphor, he departs from the words proper to the matter in hand and to his own art. This is enough as to definition. Let us now consider the other points.

VIII. But we must employ partition in such a manner as to omit no part whatever. As if you wish to partition guardianship, you would act ignorantly if you were to omit any kind. But if you were partitioning off the different formulas of stipulations or judicial decisions, then it is not a fault to omit something in a matter which is of boundless extent. But in division it is a fault; for there is a settled number of species which are subordinate to each genus. The distribution of the parts is often more interminable still, like the drawing streams from a fountain. Therefore in the art of an orator, when the genus of a question is once laid down, the number of its species is added absolutely; but when rules are given concerning the embellishments of words and sentences, which are called [Greek: *schaemata*], the case is different; for the circumstances are more infinite: so that it may be understood from this also what the difference is which we assert to exist between partition and division. For although the words appear nearly equivalent to one another still, because the things are different, the expressions are also established as not synonymous to one another.

Many arguments are also derived from observation, and that is when they are deduced from the meaning of a word, which the Greeks call [Greek: *etumologia*]; or as we might translate it, word for word, *veriloquium*. But we, while avoiding the novel appearance of a word which is not very suitable, call this kind of argument *notatio*, because words are the notes by which we distinguish things. And therefore Aristotle calls the same source of argument [Greek: *sunbolou*], which is equivalent to the Latin *nota*. But when it is known what is meant we need not be so particular about the name. In a discussion then, many arguments are derived from words by means of observation; as when the question is asked, what is a *postliminium*—(I do not mean what are the objects to which this word applies, for that would be division, which is something of this sort: "Postliminium applies to a man, a ship, a mule with panniers, a horse, a mare who is accustomed to be bridled")—but when the meaning of the word itself, *postliminium*, is asked, and when the word itself is observed. And in this our countryman, Servius, as it seems, thinks that there is nothing to be observed except *post*, and he insists upon it that *liminium* is a mere extension of the word; as in *finitimus*, *legitimus*, *ceditimus*, *timus* has no more meaning than *tullius* has in *meditullius*.

Page 358

But Scaevola, the son of Publius Scaevola, thinks the word is a compound one, so that it is made up of *post* and *limen*. So that those things which have been alienated from us, when they have come into the possession of our enemies, and, as it were, departed from their own threshold, then when they have returned behind that same threshold, appear to have returned *postliminio*. By which definition even the cause of Mancinus may be defended by saying that he returned *postliminio*,—that he was not surrendered, inasmuch as he was not received. For that no surrender and no gift can be understood to have taken place if there has been no reception of it.

IX. We next come to that topic which is derived from those things which are disposed in some way or other to that thing which is the subject of discussion. And I said just now that it was divided into many parts. And the first topic is derived from combination, which the Greeks call [Greek: sizugia], being a kindred thing to observation, which we have just been discussing, as, if we were only to understand that to be rain-water which we saw to have been collected from rain, Mucius would come, who, because the words *pluna* and *plundo* were akin, would say that all water ought to be kept out which had been increased by raining. But when an argument is derived from a genus, then it will not be necessary to trace it back to its origin, we may often stop on this side of that point, provided that which is deduced is higher than that for which it is deduced, as, “Rain water in its ultimate genus is that which descends from heaven and is increased by showers,” but in reference to its more proximate sense, under which the right of keeping it off is comprised, the genus is, mischievous rain water. The subordinate species of that genus are waters which injure through a natural defect of the place, or those which are injurious on account of the works of man: for one of these kinds may be restrained by an arbitrator, but not the other.

Again, this argumentation is handled very advantageously, which is derived from a species when you pursue all the separate parts by tracing them back to the whole, in this way “If that is *dolus malus* when one thing is aimed at, and another pretended,” we may enumerate the different modes in which that can be done, and then under some one of them we may range that which we are trying to prove has been done *dolo malo*. And that kind of argument is usually accounted one of the most irrefragable of all.

X. The next thing is similarity, which is a very extensive topic, but one more useful for orators and for philosophers than for men of your profession. For although all topics belong to every kind of discussion, so as to supply arguments for each, still they occurs more abundantly in discussions on some subjects, and more sparingly in others. Therefore the genera are known to you, but when you are to employ them

Page 359

the questions themselves will instruct you. For there are resemblances which by means of comparisons arrive at the point they aim at, in this manner. "If a guardian is bound to behave with good faith, and a partner, and any one to whom you have entrusted anything, and any one who has undertaken a trust then so ought an agent." This argument, arriving at the point at which it aims by a comparison of many instances, is called induction, which in Greek is called [Greek: *ipago*]. and it is the kind of argument which Socrates employed a great deal in his discourses.

Another kind of resemblance is obtained by comparison, when one thing is compared to some other single thing, and like to like, in this way "As if in any city there is a dispute as to boundaries because the boundaries of fields appear more extensive than those of cities, you may find it impossible to bring an arbitrator to settle the question of boundaries, so if rain water is injurious in a city, since the whole matter is one more for country magistrates, you may not be able to bring an arbitrator to settle the question of keeping off rain-water" Again, from the same topic of resemblance, examples are derived, as, "Crassus in Cunus's trial used many examples, speaking of the man who by his will had appointed his heir in such a manner, that if he had had a son born within ten months of his death, and that son had died before coming into possession of the property held in trust for him, the revisionary heir would succeed to the inheritance. And the enumeration of precedents which Crassus brought forward prevailed". And you are accustomed to use this style of argument very frequently in replies. Even fictitious examples have all the force of real ones, but they belong rather to the orator than to you lawyers, although you also do use them sometimes, but in this way. "Suppose a man had given a slave a thing which a slave is by law incapable of receiving, is it on that account the act of the man who received it? or has he, who gave that present to his slave on that account taken any obligations on himself?" And in this kind of argument orators and philosophers are allowed to make even dumb things talk, so that the dead man be raised from the shades below, or that anything which intrinsically is absolutely impossible, may, for the sake of adding force to the argument, or diminishing, be spoken of as real and that figure is called hyperbole. And they may say other marvellous things, but theirs is a wider field. Still, out of the same topics, as I have said before, arguments are derived for the most important and the most trivial inquiries.

XI After similarity there follows difference between things, which is as different as possible from the preceding topic, still it is the same art which finds out resemblances and dissimilarities. These are instances of the same sort—"If you have contracted a debt to a woman, you can pay her without having recourse to a trustee, but what you owe to a minor, whether male or female; you cannot pay in the same manner."

Page 360

The next topic is one which is derived from contraries. But the genera of contraries are several. One is of such things as differ in the same kind; as wisdom and jolly. But those things are said to be in the same kind, which, when they are proposed, are immediately met by certain contraries, as if placed opposite to them: as slowness is contrary to rapidity, and not weakness. From which contraries such arguments as these are deduced:—"If we avoid folly, let us pursue wisdom; and if we avoid wickedness, let us pursue goodness." These things, as they are contrary qualities in the same class, are called opposites. For there are other contraries, which we may call in Latin, *privantia*, and which the Greeks call [Greek: *steraetika*]. For the preposition *in* deprives the word of that force which it would have if *in* were not prefixed; as, "dignity, indignity—humanity, inhumanity," and other words of the same kind, the manner of dealing with which is the same as that of dealing with other kinds which I have called opposites. For there are also other kinds or contraries; as those which are compared to something or other; as, "twofold and simple; many and few; long and short; greater and less." There are also those very contrary things which are called negatives, which the Greeks call [Greek: *steraetika*]: as, "If this is the case, that is not." For what need is there for an instance? only let it be understood that in seeking for an argument it is not every contrary which is suitable to be opposed to another.

XII. But I gave a little while ago an instance drawn from adjuncts; showing that many things are added as accessories, which ought to be admitted, if we decided that possession ought to be given by the praetor's edict, in compliance with the will which that person made who had no right whatever to make a will. But this topic has more influence in conjectural causes, which are frequent in courts, of justice, when we are inquiring either what is, or what has been, or what is likely to be, or what possibly may happen. And the form of the topic itself is as follows. But this topic reminds us to inquire what happened before the transaction of which we are speaking, or at the same time with the transaction, or after the transaction. "This has nothing to do with the law, you had better apply to Cicero," our friend Gallus used to say, if any one brought him any cause which required an inquiry into matters of fact. But you will prefer that no topic of the art which I have begun to treat of should be omitted by me, lest if you should think that nothing was to be written here except what had reference to yourself, you should seem to be too selfish. This then is for the most part an oratorical topic; not only not much suited to lawyers, but not even to philosophers. For the circumstances which happened before the matter in question are inquired into, such as any preparation, any conferences, any

Page 361

place, any prearranged convivial meeting. And the circumstances which happened at the same time with the matter in question, are the noise of footfalls, the noise of men, the shadow of a body, or anything of that sort. The circumstances subsequent to the matter in question are, blushing, paleness, trepidation, or any other tokens of agitation or consciousness; and besides these, any such fact as a fire extinguished, a bloody sword, or any circumstance which can excite a suspicion of such an act.

XIII. The next topic is one peculiar to dialecticians; derived from consequents, and antecedents, and inconsistencies; and this one is very different from that drawn from differences. For adjuncts, of which we were speaking just now, do not always exist, but consequents do invariably. I call those things consequents which follow an action of necessity. And the same rule holds as to antecedents and inconsistencies; for whatever precedes each thing, that of necessity coheres with that theme; and whatever is inconsistent with it is of such a nature that it can never cohere with it. As then this topic is distributed in three divisions, into consequence, antecession, and inconsistency, there is one single topic to help us find the argument, but a threefold way of dealing with it. For what difference does it make, when you have once assumed that the ready money is due to the woman to whom all the money has been bequeathed, whether you conclude your argument in this way:—"If coined money is money, it has been bequeathed to the woman; but coined money is money; therefore it has been bequeathed to her;"—or in this way: "If ready money has not been bequeathed to her, then ready money is not money; but ready money is money; therefore it has been bequeathed to her;"—or in this way: "The cases of money not having been bequeathed, and of ready money not having been bequeathed, are identical; but money was bequeathed to her; therefore ready money was bequeathed to her?" But the dialecticians call that conclusion of the argument in which, when you have first made an assumption, that which is connected with it follows as a consequence of the assumption, the first mood of the conclusion; and when, because you have denied the consequence, it follows that that also to which it was a consequence must be denied also, that is the second mood. But when you deny some things in combination, (and then another negation is added to them,) and from these things you assume something, so that what remains is also done away with, that is called the third mood of the conclusion. From this are derived those results of the rhetoricians drawn from contraries, which they call enthymemes. Not that every sentence may not be legitimately called an enthymeme; but, as Homer on account of his preeminence has appropriated the general name of poet to himself as his own among all the Greeks; so, though every sentence is an enthymeme, still, because that which is made up of contraries

Page 362

appears the most acute argument of the kind, that alone has possessed itself of the general name as its own peculiar distinction. Its kinds are these:—"Can you fear this man, and not fear that one?"—"You condemn this woman, against whom you bring no accusation; and do you say that this other one deserves punishment, whom you believe to deserve reward?"—"That which you do know is no good; that which you do not know is a great hindrance to you."

XIV. This kind of disputing is very closely connected with the mode of discussion adopted by you lawyers in reply, and still more closely with that adopted by philosophers, as they share with the orators in the employment of that general conclusion which is drawn from inconsistent sentences, which is called by dialecticians the third mood, and by rhetoricians an enthymeme. There are many other moods used by the rhetoricians, which consist of disjunctive propositions:—"Either this or that is the case; but this is the case; then that is not the case." And again:—"Either this or that is the case; but this is not the case; then that is the case." And these conclusions are valid, because in a disjunctive proposition only one alternative can be true. And from those conclusions which I have mentioned above, the former is called by the dialecticians the fourth mood, and the latter the fifth. Then they add a negation of conjunctive propositions; as, "It is not both this and that; but it is this; therefore it is not that." This is the sixth mood. The seventh is, "It is not both this and that; but it is not this; therefore it is that." From these moods innumerable conclusions are derived, in which nearly the whole science of dialectics consists. But even those which I have now explained are not necessary for this present discussion.

XV. The next topic is drawn from efficient circumstances which are called causes; and the next from the results produced by these efficient causes. I have already given instances of these, as of the other topics, and those too drawn from civil law; but these have a wider application.

There are then two kinds of causes; one which of its own force to a certainty produces that effect which is subordinate to it; as, "Fire burns;" the other is that which has no nature able to produce the effect in question, though still that effect cannot be produced without it; as, if any one were to say, that "brass was the cause of a statue; because a statue cannot be made without it." Now of this kind of causes which are indispensable to a thing being done, some are quiet some passive, some, as it were, senseless; as, place, time, materials, tools, and other things of the same sort. But some exhibit a sort of preparatory process towards the production of the effect spoken of; and some of themselves do contribute some aid to it; although it is not indispensable; as meeting may have supplied the cause to love; love to crime. From this description of causes depending on one another in infinite series,

Page 363

is derived the doctrine of fate insisted on by the Stoics. And as I have thus divided the genera of causes, without which nothing can be effected, so also the genera of the efficient causes can be divided in the same manner. For there are some causes which manifestly produce the effect, without any assistance from any quarter; others which require external aid; as for instance, wisdom alone by herself makes men wise; but whether she is able alone to make men happy is a question.

XVI. Wherefore, when any cause efficient as to some particular end has inevitably presented itself in a discussion, it is allowable without any hesitation to conclude that what that cause must inevitably effect is effected. But when the cause is of such a nature that it does not inevitably effect the result, then the conclusion which follows is not inevitable And that description of causes which has an inevitable effect does not usually engender mistakes; but this description, without which a thing cannot take place, does often cause perplexity. For it does not follow, because sons cannot exist without parents, that there was therefore any unavoidable cause in the parents to have children. This, therefore, without which an effect cannot be produced, must be carefully separated from that by which it is certainly produced. For that is like—

“Would that the lofty pine on Pelion’s brow
Had never fall’n beneath the woodman’s axe!”

For if the beam of fir had never fallen to the ground, that Argo would not have been built; and yet there was not in the beams any unavoidably efficient power. But when

“The fork’d and fiery bolt of Jove”

was hurled at Ajax’s vessel, that ship was then inevitably burnt.

And again, there is a difference between causes, because some are such that without any particular eagerness of mind, without any expressed desire or opinion, they effect what is, as it were, their own work; as for instance, “that everything must die which has been born.” But other results are effected either by some desire or agitation of mind, or by habit, or nature, or art, or chance. By desire, as in your case, when you read this book; by agitation, as in the case of any one who fears the ultimate issue of the present crisis; by habit, as in the case of a man who gets easily and rapidly in a passion; by nature, as vice increases every day; by art, as in the case of a man who paints well; by chance, as in the case of a man who has a prosperous voyage. None of these things are without some cause, and yet none of them are wholly owing to any single cause. But causes of this kind are not necessary ones.

Page 364

XVII. But in some of these causes there is a uniform operation, and in others there is not. In nature and in art there is uniformity; but in the others there is none. But still of those causes which are not uniform, some are evident, others are concealed. Those are evident which touch the desire or judgment of the mind; those are concealed which are subject to fortune: for as nothing is done without some cause, this very obscure cause, which works in a concealed manner, is the issue of fortune. Again, these results which are produced are partly unintended, partly intentional. Those are unintended which are produced by necessity; those are intentional which are produced by design. But those results which are produced by fortune are either unintended or intentional. For to shoot an arrow is an act of intention; to hit a man whom you did not mean to hit is the result of fortune. And this is the topic which you use like a battering-ram in your forensic pleadings; if a weapon has flown from the man's hand rather than been thrown by him. Also agitation of mind may be divided into absence of knowledge and absence of intention. And although they are to a certain extent voluntary, (for they are diverted from their course by reproof or by admonition,) still they are liable to such emotions that even those acts of theirs which are intentional sometimes seem either unavoidable, or at all events unintentional.

The whole topic of these causes then being now fully explained, from their differences there is derived a great abundance of arguments in all the important discussions of orators and philosophers. And in the cases which you lawyers argue, if there is not so plentiful a stock, what there are, are perhaps more subtle and shrewd. For in private actions the decisions in the most important cases appear to me to depend a great deal on the acuteness of the lawyers. For they are constantly present, and are taken into counsel; and they supply weapons to able advocates whenever they have recourse to their professional wisdom.

In all those judicial proceedings then, in which the words "according to good faith" are added, or even those words, "as ought to be done by one good man to another;" and above all, in all cases of arbitration respecting matrimonial rights, in which the words "juster and better" occur, the lawyers ought to be always ready. For they know what "dishonest fraud," or "good faith," or "just," or "good" mean. They are acquainted with the law between partners; they know what the man who has the management of the affairs of another is bound to do with respect to him whose affairs he manages; they have laid down rules to show what the man who has committed a charge to another, and what he who has had it committed to him, ought to do; what a husband ought to confer on his wife, and a wife on her husband. It will, therefore, when they have by diligence arrived at a proper understanding of the topics from which the necessary arguments are derived, be in the power not only of orators and philosophers, but of lawyers also, to discuss with abundance of argument all the questions which can arise for their consideration.

Page 365

XVIII. Conjoined to this topic of causes is that topic which is supplied by causes. For as cause indicates effect, so what has been effected points out what the efficient cause has been. This topic ordinarily supplies to orators and poets, and often to philosophers also, that is to say, to those who have an elegant and argumentative and rich style of eloquence, a wonderful store of arguments, when they predict what will result from each circumstance. For the knowledge of causes produces a knowledge of effects.

The remaining topic is that of comparison, the genus and instances of which have been already explained, as they have in the case of the other topics. At present we must explain the manner of dealing with this one. Those things then are compared which are greater than one another, or less than one another, or equal to one another. In which these points are regarded; number, appearance, power, and some particular relation to some particular thing.

Things will be compared in number thus: so that more advantages may be preferred to fewer; fewer evils to more; more lasting advantages to those which are more short-lived; those which have an extensive application to those the effect of which is narrowed: those from which still further advantages may be derived, and those which many people may imitate and reproduce.

Things again will be compared with reference to their appearance, so that those things may be preferred which are to be desired for their own sake, to those which are only sought for the sake of something else: and so that innate and inherent advantages may be preferred to acquired and adventitious ones; complete good to mixed good; pleasant things to things less pleasant; honourable things to such as are merely useful; easy things to difficult ones; necessary to unnecessary things; one's own advantage to that of others; rare things to common ones; desirable things to those which you can easily do without; things complete to things which are only begun; wholes to parts; things proceeding on reason to things void of reason; voluntary to necessary things; animate to inanimate things; things natural to things not natural; things skilfully produced by art to things with which art has no connexion.

But power in a comparison is perceived in this way: an efficient cause is more important than one which effects nothing; those causes which can act by themselves are superior to those which stand in need of the aid of others; those which are in our power are preferable to those which are in the power of another; lasting causes surpass those which are uncertain; things of which no one can deprive us are better than things which can be easily taken away.

But the way in which people or things are disposed towards some things is of this sort: the interests of the chief citizens are more important than those of the rest: and also, those things which are more agreeable, which are approved of by more people, or which are praised by the most virtuous men, are preferable. And as in a comparison these things are the better, so those which are contrary to them are the worse.

Page 366

But the comparison between things like or equal to each other has no elation or submission; for it is on equal terms: but there are many things which are compared on account of their very equality; which are usually concluded in this manner: "If to assist one's fellow-citizens with counsel and personal aid deserves equal praise, those men who act as counsellors ought to enjoy an equal glory with those who are the actual defenders of a state." But the first premiss is certainly the case; therefore so must the consequent be.

Every rule necessary for the discovery of arguments is now concluded; so that as you have proceeded from definition, from partition, from observation, from words connected with one another, from genus, from species, from similarity, from difference, from contraries, from accessories, from consequents, from antecedents, from things inconsistent with one another, from causes, from effects, from a comparison with greater, or lesser, or equal things,—there is no topic of argument whatever remaining to be discovered.

XIX. But since we originally divided the inquiry in such a way that we said that other topics also were contained in the very matter which was the subject of inquiry; (but of those we have spoken at sufficient length:) that others were derived from external subjects; and of these we will say a little; although those things have no relation whatever to your discussions. But still we may as well make the thing complete, since we have begun it. Nor are you a man who take no delight in anything except civil law; and since this treatise is dedicated to you, though not so exclusively but that it will also come into the hands of other people, we must take pains to be as serviceable as possible to those men who are addicted to laudable pursuits.

This sort of argumentation then which is said not to be founded on art, depends on testimony. But we call everything testimony which is deduced from any external circumstances for the purpose of implanting belief. Now it is not every one who is of sufficient weight to give valid testimony; for authority is requisite to make us believe things. But it is either a man's natural character or his age which invests him with authority. The authority derived from a man's natural character depends chiefly on his virtue; but on his age there are many things which confer authority; genius, power, fortune, skill, experience, necessity, and sometimes even a concourse of accidental circumstances. For men think able and opulent men, and men who have been esteemed during a long period of their lives, worthy of being believed. Perhaps they are not always right; but still it is not easy to change the sentiments of the common people; and both those who form judgments and those who adopt vague opinions shape everything with reference to them. For those men who are eminent for those qualities which I have mentioned, seem to be eminent for virtue itself. But in the other circumstances also which I have just enumerated, although there is in them no appearance of virtue, still sometimes belief is confirmed by them, if either any skill is displayed,—for the influence of knowledge in inspiring belief is very great; or any experience—for people are apt to believe those who are men of experience.

Page 367

XX. Necessity also engenders belief, which sways both bodies and minds. For what men say when worn out with tortures, and stripes, and fire, appears to be uttered by truth itself. And those statements which proceed from agitation of mind, such as pain, cupidity, passion, and fear, because those feelings have the force of necessity, bring authority and belief. And of this kind are those circumstances from which at times the truth is discovered; childhood, sleep, ignorance, drunkenness, insanity. For children have often indicated something, though ignorant to what it related; and many things have often been discovered by sleep, and wine, and insanity. Many men also have without knowing it fallen into great difficulties, as lately happened to Stalenus; who said things in the hearing of certain excellent men, though a wall was between them, which, when they were revealed and brought before a judicial tribunal, were thought so wicked that he was rightly convicted of a capital offence. And we have heard something similar concerning Pausanias the Lacedaemonian.

But the concourse of fortuitous events is often of this kind; when anything has happened by chance to interrupt, when anything was being done or said which it was desirable should not have been done or said. Of this kind is that multitude of suspicions of treason which were heaped upon Palamedes. And circumstances of this kind are sometimes scarcely able to be refuted by truth itself. Of this kind too is ordinary report among the common people; which is as it were the testimony of the multitude.

But those things which create belief on account of the virtue of the witness are of a two-fold kind; one of which is valid on account of nature, the other by industry. For the virtue of the gods is eminent by nature; but that of men, because of their industry.

Testimonies of this kind are nearly divine, first of all, that of oration, (for oracles were so called from that very same word, as there is in them the oration of the gods;) then that of things in which there are, as it were, many divine works; first of all, the word itself, and its whole order and ornaments; then the airy flights and songs of birds; then the sound and heat of that same air; and the numerous prodigies of divers kinds seen on the earth; and also, the power of foreseeing the future by means of the entrails of victims: many things, too, which are shown to the living by those who are asleep: from all which topics the testimonies of the gods are at times adduced so as to create belief.

In the case of a man, the opinion of his virtue is of the greatest weight. For opinion goes to this extent, that those men have virtue, not only who do really possess it, but those also who appear to possess it. Therefore, those men whom they see endowed with genius and diligence and learning, and whose life they see is consistent and approved of, like Cato and Laelius, and Scipio, and many others, they consider such men as they themselves would wish to be. And not only do they think them such who enjoy honours conferred on them by the people, and who busy themselves with affairs of state, but also those who are orators, and philosophers, and poets, and historians; from whose sayings and writings authority is often sought for to establish belief.

Page 368

XXI. Having thus explained all the topics serviceable for arguing, the first thing to be understood is, that there is no discussion whatever to which some topic or other is not applicable; and on the other hand, that it is not every topic which is applicable to every discussion; but that different topics are suited to different subjects.

There are two kinds of inquiry: one, infinite; the other, definite. The definite one is that which the Greeks call [Greek: hupothesis], and we, a cause; the infinite one, that which they call [Greek: thesis], and which we may properly term a proposition.

A cause is determined by certain persons, places, times, actions, and things, either all or most of them; but a proposition is declared in some one of those things, or in several of them, and those not the most important: therefore, a proposition is a part of a cause. But the whole inquiry is about some particular one of those things in which causes are contained; whether it be one, or many, or sometimes all. But of inquiries, concerning whatever thing they are, there two kinds; one theoretical, the other practical. Theoretical inquiries are those of which the proposed aim is science; as, 'If it is inquired whether right proceeds from nature, or from some covenant, as it were, and bargain between men. But the following are instances of practical inquiry: "Whether it is the part of a wise man to meddle with statesmanship." The inquiries into theoretical matters are threefold; as what is inquired is, whether a thing exists, or what it is, or what its character is. The first of these queries is explained by conjecture; the second, by definition; the third, by distinctions of right and wrong.

The method of conjecture is distributed into four parts; one of which is, when the inquiry is whether something exists; a second, when the question is, whence it has originated; a third, when one seeks to know what cause produced it; the fourth is that in which the alterations to which the subject is liable are examined: "Whether it exists or not; whether there is anything honourable, anything intrinsically and really just; or whether these things only exist in opinion." But the inquiry whence it has originated, is when an inquiry is such as this, "Whether virtue is implanted by nature, or whether it can be engendered by instruction." But the efficient cause is like this, as when an inquiry is, "By what means eloquence is produced." Concerning the alterations of anything, in this manner: "Whether eloquence can by any alteration be converted into a want of eloquence."

XXII. But when the question is what a thing is; the notion is to be explained, and the property, and the division, and the partition. For these things are all attributed to definition. Description also is added, which the Greeks call [Greek: charaktaer]. A notion is inquired into in this way: "Whether that is just which is useful to that person who is the more powerful."

Page 369

Property, in this way: "Whether melancholy is incidental to man alone, or whether beasts also are liable to it." Division, and also partition, in this manner: "Whether there are three descriptions of good things." Description, like this: "What sort of person a miser is; what sort of person a flatterer;" and other things of that sort, by which the nature and life of a man are described.

But when the inquiry is what the character of something is, the inquiry is conducted either simply, or by way of comparison. Simply, in this way: "Whether glory is to be sought for." By way of comparison, in this way: "Whether glory is to be preferred to riches." Of simple inquiries there are three kinds; about seeking for or avoiding anything, about the right and the wrong; about what is honourable and what is discreditable. But of inquiries by way of comparison there are two; one of the thing itself and something else; one of something greater and something else. Of seeking for and avoiding a thing, in this way: "Whether riches are to be sought for: whether poverty is to be avoided." Concerning right and wrong: "Whether it is right to revenge oneself, whoever the person may be from whom one has received an injury." Concerning what is honourable and what is discreditable: "Whether it is honourable to die for one's country." But of the other kind of inquiry, which has been stated to be twofold, one is about the thing in question and something else; as if it were asked, "What is the difference between a friend and a flatterer, between a king and a tyrant?" The other is between something greater and something less; as if it were asked, "Whether eloquence is of more consequence than the knowledge of civil law." And this is enough about theoretical inquiries.

It remains to speak of practical ones; of which there are two kinds: one relating to one's duty, the other to engendering, or calming, or utterly removing any affection of the mind. Relating to duty thus: as when the question is, "Whether children ought to be bad." Relating to influencing the mind, when exhortations are delivered to men to defend the republic, or when they are encouraged to seek glory and praise: of which kind of addresses are complaints, and encouragements, and tearful commiseration; and again, speeches extinguishing anger, or at other times removing fear, or repressing the exultation of joy, or effacing melancholy. As these different divisions belong to general inquiries, they are also transferable to causes.

XXIII. But the next thing to be inquired is, what topics are adapted to each kind of inquiry; for all those which we have already mentioned are suitable to most kinds; but still, different topics, as I have said before, are better suited to different investigations. Those arguments are the most suitable to conjectural discussion which can be deduced from causes, from effects, or from dependent circumstances. But when we have need of definition, then we must have

Page 370

recourse to the principles and science of defining. And akin to this is that other argument also which we said was employed with respect to the subject in question and something else; and that is a species of definition. For if the question is, "Whether pertinacity and perseverance are the same thing," it must be decided by definitions. And the topics which are incidental to a discussion of this kind are those drawn from consequents, or antecedents, or inconsistencies, with the addition also of those two topics which are deduced from causes and effects. For if such and such a thing is a consequence of this, but not a consequence of that; or if such and such a thing is a necessary antecedent to this, but not to that; or if it is inconsistent with this, but not with that; or if one thing is the cause of this, and another the cause of that; or if this is effected by one thing, and that by another thing; from any one of these topics it may be discovered whether the thing which is the subject of discussion is the same thing or something else.

With respect to the third kind of inquiry, in which the question is what the character of the matter in question is, those things are incidental to the comparison which were enumerated just now under the topic of comparison. But in that kind of inquiry where the question is about what is to be sought for or avoided, those arguments are employed which refer to advantages or disadvantages, whether affecting the mind or body, or being external. And again, when the inquiry is not what is honourable or discreditable, all our argument must be addressed to the good or bad qualities of the mind.

But when right and wrong are being discussed, all the topics of equity are collected. These are divided in a two-fold manner, as to whether they are such by nature or owing to institutions. Nature has two parts to perform, to defend itself, and to indicate right. But the agreements which establish equity are of a threefold character: one part is that which rests on laws; one depends on convenience; the third is founded on and established by antiquity of custom. And again, equity itself is said to be of a threefold nature: one division of it having reference to the gods above; another, to the shades below; a third, to mankind. The first is called piety; the second, sanctity; the third, justice or equity.

XXIV. I have said enough about propositions. There are now a few things which require to be said about causes. For they have many things in common with propositions.

There are then three kinds of causes; having for their respective objects, judgment, deliberation, and panegyric. And the object of each points out what topics we ought to employ in each. For the object of judicial judgment is right; from which also it derives its name. And the divisions of right were explained when we explained the divisions of equity. The object of deliberation is utility; of which the divisions have also been already

explained when we were treating of things to be desired. The object of panegyric is honour; concerning which also we have already spoken.

Page 371

But inquiries which are definite are all of them furnished with appropriate topics, as if they belonged to themselves, being divided into accusation and defence. And in them there are these kinds of argumentation. The accuser accuses a person of an act; the advocate for the defence opposes one of these excuses: either that the thing imputed has not been done; or that, if it has been done, it deserves to be called by a different name; or that it was done lawfully and rightly. Therefore, the first is called a defence either by way of denial or by way of conjecture; the second is called a defence by definition; the third, although it is an unpopular name, is called the judicial one.

XXV. The arguments proper to these excuses, being derived from the topics which we have already set forth, have been explained in our oratorical rules. But the refutation of an accusation, in which there is a repelling of a charge, which is called in Greek [Greek: stasis], is in Latin called *status*. On which there is founded, in the first place, such a defence as may effectually resist the attack. And also, in the deliberations and panegyrics the same refutations often have place. For it is often denied that those things are likely to happen which have been stated by some or other in his speech as sure to take place; if it can be shown either that they are actually impossible, or that they cannot be brought about without extreme difficulty. And in this kind of argumentation the conjectural refutation takes place. But when there is any discussion about utility, or honour, or equity, and about those things which are contrary to one another, then come in denials, either of the law or of the name of the action. And the same is the case in panegyrics. For one may either deny that that has been done which the person is praised for; or else that it ought to bear that name which the praiser has conferred on it, or else one may altogether deny that it deserves any praise at all, as not having been done rightly or lawfully. And Caesar employed all these different kinds of denial with exceeding impudence when speaking against my friend Cato. But the contest which arises from a denial is called by the Greeks [Greek: krinomenon]; I, while writing to you, prefer calling it "the precise point in dispute." But for the parts within which this discussion on the point in dispute is contained, they may be called the containing parts; being as it were the foundations of the defence; and if they are taken away there would be no defence at all. But since in arguing controversies there ought to be nothing which has more weight than the law itself, we must take pains to have the law as our assistant and witness. And in this there are, as it were, other new denials, which are called legitimate subjects of discussion. For then it is urged in defence, that the law does not say what the adversary states it to say, but something else. And that happens when the terms of the law are ambiguous,

Page 372

so that they can be understood in two different senses. Then the intention of the framer is opposed to the letter of the law; so that the question is, whether the words or the intention ought to have the greatest validity? Then again, another law is adduced contrary to this law. So there are three kinds of doubts which can give rise to a dispute with respect to every written document; ambiguity of expression, discrepancy between the expression and the intention, and also written documents opposed to the one in question. For this is evident; that these kinds of disputes are no more incidental to laws than to wills, or covenants, or to anything else which is contained in writing. And the way to treat these topics is explained in other books.

XXVI. Nor is it only entire pleadings which are assisted by these topics, but the same are useful in the separate parts of an orator; being partly peculiar and partly general. As in the opening of a speech, in which the orator must employ peculiar topics in order to render his hearers well disposed to him, and docile, and attentive. And also he must attend to his relations of facts, so that they may have a bearing on his object, that is to say, that they may be plain, and brief, and intelligible, and credible, and respectable, and dignified: for although these qualities ought to be apparent throughout the whole speech, still they are peculiarly necessary in any narration. But since the belief which is given to a narration is engendered by persuasiveness, we have already, in the treatises which we have written on the general subject of oratory, explained what topics they are which have the greatest power to persuade the hearers. But the peroration has other points to attend to, and especially amplification; the effect of which ought to be, that the mind of the hearer is agitated or tranquillized by it; and if it has already been affected in that way, that the whole speech shall either increase its agitation, or calm it more completely.

For this kind of peroration, by which pity, and anger, and hatred, and envy, and similar feelings of the mind are excited, rules are furnished in those books, which you may read over with me whenever you like. But as to the point on which I have known you to be anxious, your desires ought now to be abundantly satisfied. For, in order not to pass over anything which had reference to the discovery of arguments in every sort of discussion, I have embraced more topics than were desired by you; and I have done as liberal sellers often do, when they have sold a house or a farm, the movables being all excepted from the sale, still give some of them to the purchaser, which appear to be well placed as ornaments or conveniences. And so we have chosen to throw in some ornaments that were not strictly your due, in addition to that with which we had bound ourselves to furnish you.

* * * * *

A DIALOGUE CONCERNING ORATORICAL PARTITIONS.



Page 373

BY MARCUS TULLIUS CICERO.

* * * * *

The persons introduced in this dialogue are Cicero and his son. It is not known when, or under what circumstances it was written.

I. *Cicero Fil.* I wish, my father, to hear from you in Latin the rules which you have already given me in Greek, concerning the principles of speaking, if at least you have leisure and inclination to instruct me in them.

Cicero Pat. Is there anything, my Cicero, which I can be more desirous of than that you should be as learned as possible? And in the first place, I have the greatest possible leisure, since I have been able to leave Rome for a time; and in the next place, I would willingly postpone even my own most important occupations to the furthering of your studies.

C. *F.* Will you allow me, then, to ask you questions in my turn, in Latin, about the same subjects on which you are accustomed to put questions to me in regular order in Greek?

C. *P.* Certainly, if you like; for by that means I shall perceive that you recollect what you have been told, and you will hear in regular order all that you desire.

C. *F.* Into how many parts is the whole system of speaking divided?

C. *P.* Into three.

C. *F.* What are they?

C. *P.* First of all, the power of the orator; secondly, the speech; thirdly, the subject of the speech.

C. *F.* In what does the power of the orator consist?

C. *P.* In ideas and words. But both ideas and words have to be discovered and arranged. But properly the expression "to discover" applies to the ideas, and the expression "to be eloquent" to the language; but the arranging, though that is common to both, still is usually referred rather to the discovery. Voice, gesture, expression of countenance, and all action, are companions of eloquence; and the guardian of all these things is memory.

C. *F.* What? How many parts of an oration are there?

C. *P.* Four: two of them relate to explaining any subject,—namely, relation and confirmation; two to exciting the minds of the hearers,—the opening and the peroration.



C. F. What? Has the manner of inquiry any divisions?

C. P. It is divided into the infinite, which I term consultation; and the definite, which I call the cause.

II. *C. F.* Since, then, the first business of the orator is discovery, what is he to look for?

C. P. He is to seek to find out how to inspire those men whom he is desirous to persuade, with belief in his words; and how to affect their minds with such and such feelings.

C. F. By what means is belief produced?

C. P. By arguments, which are derived from topics either existing in the subject itself, or assumed.

Page 374

C. *F.* What do you mean by topics?

C. *P.* Things in which arguments are concealed.

C. *F.* What is an argument?

C. *P.* Something discovered which has a probable influence in producing belief.

C. *F.* How, then, do you divide these two heads?

C. *P.* Those things which come into the mind without art I call remote arguments, such as testimony.

C. *F.* What do you mean by those topics which exist in the thing itself?

C. *P.* I cannot give a clearer explanation of them.

C. *F.* What are the different kinds of testimony?

C. *P.* Divine and human. Divine,—such as oracles, auspices, prophecies, the answers of priests, soothsayers, and diviners: human,—which is derived from authority, from inclination, and from speech either voluntary or extorted; and under this head come written documents, covenants, promises, oaths, inquiries.

C. *F.* What are the arguments which you say belong to the cause?

C. *P.* Those which are fixed in the things themselves, as definition, as a contrary, as those things which are like or unlike, or which correspond to or differ from the thing itself or its contrary, as those things which have as it were united, or those which are as it were inconsistent with one another, or the causes of those things which are under discussion, or the results of causes, that is to say, those things which are produced by causes, as distributions, and the genera of parts, or the parts of genera, as the beginnings and as it were outriders of things, in which there is some argument, as the comparisons between things, as to which is greater, which is equal, which is less, in which either the natures or the qualities of things are compared together.

III. C. *F.* Are we then to derive arguments from all these topics?

C. *P.* Certainly we must examine into them all, and seek them from all, but we must exercise our judgment in order at all times to reject what is trivial, and sometimes pass over even common topics, and those which are not necessary.

C. *F.* Since you have now answered me as to belief, I wish to hear your account of how one is to raise feelings.



C. P. It is a very reasonable question, but what you wish to know will be explained more clearly when I come to the system of orations and inquiries themselves.

C. F. What, then, comes next?

C. P. When, you have discovered your arguments, to arrange them properly, and in an extensive inquiry the order of the topics is very nearly that which I have set forth, but in a definite one, we must use those topics also which relate to exciting the required feelings in the minds of the hearers.

C. F. How, then, do you explain them?

Page 375

C. P. I have general precepts for producing belief and exciting feelings. Since belief is a firm opinion, but feelings are an excitement of the mind either to pleasure, or to vexation, or to fear, or to desire, (for there are all these kinds of feelings, and many divisions of each separate genus,) I adapt all my arrangement to the object of the inquiry. For the end in a proposition is belief, in a cause, both belief and feeling wherefore, when I have spoken of the cause, in which proposition is involved, I shall have spoken of both.

C. F. What have you then to say about the cause?

C. P. That it is divided according to the divisions of hearers. For they are either listeners, who do nothing more than hear; or judges, that is to say, regulators both of the fact and of the decision; so as either to be delighted or to determine something. But he decides either concerning the past as a judge, or concerning the future as a senate. So there are three kinds,—one of judgment, one of deliberation, one of embellishment; and this last, because it is chiefly employed in panegyric, has its peculiar name from that.

IV. C. F. What objects shall the orator propose to himself in these three kinds of oratory?

C. P. In embellishment, his aim must be to give pleasure; in judicial speaking, to excite either the severity or the clemency of the judge; but in persuasion, to excite either the hope or the fear of the assembly which is deliberating.

C. F. Why then do you choose this place to explain the different kinds of disputes?

C. P. In order to adapt my principles of arrangement to the object of each separate kind.

C. F. In what manner?

C. P. Because in those orations in which pleasure is the object aimed at, the orders of arrangement differ. For either the degrees of opportunities are preserved, or the divisions of genera; or we ascend from the less to the greater, or we glide down from the greater to the less; or we distinguish between them with a variety of contrasts, when we oppose little things to great ones, simple things to complex ones, things obscure to things which are plain, what is joyful to what is sad, what is incredible to what is probable; all which topics are parts of embellishment.

C. F. What? What is your aim in a deliberative speech?

C. P. There must either be a short opening, or none at all. For the men who are deliberating are ready for their own sake to hear what you have to say. And indeed it is not often that there is much to be related; for narration refers to things either present or



past, but persuasion has reference to the future. Wherefore every speech is to be calculated to produce belief, and to excite the feelings.

C. F. What next? What is the proper arrangement in judicial speeches?

Page 376

C. P. The arrangement suitable to the accuser is not the same as that which is good for the accused person; because the accuser follows the order of circumstances, and puts forward vigorously each separate argument, as if he had a spear in his hand; and sums them up with vehemence; and confirms them by documents, and decrees, and testimonies; and dwells carefully on each separate proof; and avails himself of all the rules of peroration which are of any force to excite the mind; and in the rest of his oration he departs a little from the regular tenor of his argument; and above all, is he earnest in summing up, for his object is to make the judge angry.

V. C. F. What, on the other hand, is the person accused to do?

C. P. He is to act as differently as possible in every respect. He must employ an opening calculated to conciliate good-will. Any narrations which are disagreeable must be cut short; or if they are wholly mischievous, they must be wholly omitted; the corroborative proofs calculated to produce belief must be either weakened or obscured, or thrown into the shade by digressions. And all the perorations must be adapted to excite pity.

C. F. Can we, then, always preserve that order of arrangement which we desire to adopt?

C. P. Surely not; for the ears of the hearers are guides to a wise and prudent orator; and whatever is displeasing to them must be altered or modified.

C. F. Explain to me then now, what are the rules for the speech itself, and for the expressions to be contained in it.

C. P. There is, then, one kind of eloquence which seems fluent by nature; another which appears to have been changed and modified by art. The power of the first consists in simple words; that of the second, in words in combination. Simple words require discovery; combined expressions stand in need of arrangement.

And simple expressions are partly natural, partly discovered. Those are natural which are simply appellative; those are discovered which are made of those others, and remodelled either by resemblance, or by imitation, or by inflection, or by the addition of other words. And again, there is this distinction between words: some are distinguished according to their nature; some according to the way in which they are handled: some by nature, so that they are more sonorous, more grave, or more trivial, and to a certain extent neater: but others by the way in which they are handled, when either the peculiar names of things are taken, or else others which are added to the proper name, or new, or old-fashioned, or in some way or other modified and altered by the orator,—such as those which are used in borrowed senses, or changed, or those which we as it were misuse; or those which we make obscure; which we in some

incredible manner remove altogether; and which we embellish in a more marvellous manner than the ordinary usage of conversation sanctions.

Page 377

VI. C. *F.* I understand you now as far as simple expressions go; now I ask about words in combination.

C. *P.* There is a certain rhythm which must be observed in such combination, and a certain order in which words must follow one another. Our ears themselves measure the rhythm; and guard against your failing to fill up with the requisite words the sentence which you have begun, and against your being too exuberant on the other hand. But the order in which words follow one another is laid down to prevent an oration being a confused medley of genders, numbers, tenses, persons, and cases; for, as in simple words, that which is not Latin, so in combined expressions, that which is not well arranged, deserves to be blamed.

But there are these five lights, as it were, which are common to both single words and combined expressions,—they must be clear, concise, probable, intelligible, agreeable. Clearness is produced by common words, appropriate, well arranged, in a well-rounded period: on the other hand, obscurity is caused by either too great length, or a too great contraction of the sentence; or by ambiguity; or by any misuse or alteration of the ordinary sense of the words. But brevity is produced by simple words, by speaking only once of each point, by aiming at no one object except speaking clearly. But an oration is probable, if it is not too highly decorated and polished; if there is authority and thought in its expressions; if its sentiments are either dignified, or else consistent with the opinions and customs of men. But an oration is brilliant, if expressions are used which are chosen with gravity, and used in metaphorical and hyperbolical senses; and if it is also full of words suited to the circumstances, and reiterated, and having the same sense, and not inconsistent with the subject under discussion, and with the imitation of things: for this is one part of an oration which almost brings the actual circumstances before our eyes, for then the sense is most easily arrived at but still the other senses also, and especially the mind itself, can be influenced by it. But the things which have been said about a clear speech, all have reference also to the brilliant one which we are now speaking of, for this is only a kind somewhat more brilliant than that which I have called clear. By one kind we are made to understand, but by the other one we actually appear to see. But the kind of speaking which is agreeable, consists first of all of an elegance and pleasantness of sounding and sweet words, secondly, of a combination which has no harsh unions of words, nor any disjoined and open vowels, and it must also be bounded with limited periods, and in paragraphs easily to be pronounced, and full of likeness and equality in the sentences. Then again, arguments derived from contrary expressions must be added, so that repetitions must answer to repetitions, like to like and expressions must be added, repeated, redoubled,

Page 378

and even very frequently reiterated, the construction of the sentences must at one time be compacted by means of conjunctions, and at another relaxed by separation of the clauses. For an oration becomes agreeable when you say anything unexpected, or unheard of, or novel, for whatever excites wonder gives pleasure. And that oration especially influences the hearer which unites several affections of the mind, and which indicate the amiable manners of the orator himself, which are represented either by signifying his own opinion, and showing it to proceed from a humane and liberal disposition, or by a turn in the language, when for the sake either of extolling another or of disparaging himself, the orator seems to say one thing and mean another, and that too seems to be done out of courtesy rather than out of levity. But there are many rules for sweetness in speaking, which may make a speech either more obscure or less probable, therefore, while on this topic, we must decide for ourselves what the cause requires.

VII C. *F.* It remains, then, now for you to speak of the alterations and changes in a speech.

C. *P.* The whole of that, then, consists in the alteration of words, and that alteration is managed in such a way in the case of single words, that the style may either be dilated by words, or contracted. It may be dilated, when a word which is either peculiar, or which has the same signification, or which has been coined on purpose, is extended by paraphrase. Or again, in another way, when a definition is held down to a single word, or when expressions borrowed from something else are banished, or made use of in a roundabout sense, or when one word is made up out of two. But in compound words a threefold change can be made, not of words, but only of order, so that when a thing has once been said plainly, as nature itself prompts, the order may be inverted, and the expression may be repeated, turned upside down, as it were, or backwards and forwards. Then again the same expression may be reiterated in a mutilated, or rearranged, form. But the practice of speaking is very much occupied in all these kinds of conversion.

C. *F.* The next point is action, if I do not mistake.

C. *P.* It is so, and that must be constantly varied by the orator, in correspondence with the importance of his subjects and of his expressions. For the orator makes an oration clear, and brilliant, and probable, and agreeable, not only by his words, but also by the variety of his tones, by the gestures of his body, by the changes of his countenance, which will be of great weight if they harmonize with the character of his address, and follow its energy and variety.

C. *F.* Is there nothing remaining to be said about the orator himself?



C. *P.* Nothing at all, except as to memory, which is in a certain manner the sister of writing, and though in a different class greatly resembles it. For as it consists of the characters of letters, and of that substance on which those characters are impressed, so a perfect memory uses topics, as writing does wax, and on them arranges its images as if they were letters.

Page 379

VIII C. *F.* Since, then, you have thus explained all the power of an orator, what have you to tell me about the rules for an oration?

C. *P.* That there are four divisions in an oration, of which the first and last are of avail to excite such and such feelings in the mind, for they are to be excited by the openings and perorations of speeches: the second is narration: and the third, being confirmation, adds credibility to a speech. But although amplification has its own proper place, being often in the opening of a speech, and almost always at the end still it may be employed also in other parts of the speech especially when any point has been established, or when the orator has been finding fault with something. Therefore, it is of the very greatest influence in producing belief. For amplification is a sort of vehement argumentation; the one being used for the sake of teaching, the other with the object of acting on the feelings.

C. *F.* Proceed, then, to explain to me these four divisions in regular order.

C. *P.* I will do so; and I will begin with the opening of a speech, which is usually derived either from the persons concerned, or from the circumstances of the case. And openings are employed with three combined objects, that we may be listened to with friendly feelings, intelligently and attentively. And the first topic employed in openings has reference to ourselves, to our judges, and to our adversaries; from which we aim at laying the foundations of good-will towards us, either by our own merits, or by our dignity, or by some kind of virtue, and especially by the qualities of liberality, duty, justice, and good faith; and also by imputing opposite qualities to our adversaries, and by intimating that the judges themselves have some interest on our side, either in existence, or in prospect. And if any hatred has been excited against, or any offence been given by us, we then apply ourselves to remove or diminish that, by denying or extenuating the cause, or by atoning for it, or by deprecating hostility.

But in order that we may be listened to in an intelligent and attentive manner, we must begin with the circumstances of the case themselves. But the hearer learns and understands what the real point in dispute is most easily if you, from the first beginning of your speech, embrace the whole genus and nature of the cause,—if you define it, and divide it, and neither perplex his discernment by the confusion, nor his memory by the multitude, of the several parts of your discourse; and all the things which will presently be said about lucid narration may also with propriety be considered as bearing on this division too. But that we may be listened to with attention, we must do one of these things. For we must advance some propositions which are either important, or necessary, or connected with the interests of those before whom the discussion is proceeding. This also may be laid down as

Page 380

a rule, that, if ever the time itself, or the facts of the case, or the place, or the intervention of any one, or any interruption, or anything which may have been said by the adversary, and especially in his peroration, has given us any opportunity of saying anything well suited to the occasion, we must on no account omit it. And many of the rules, which we give in their proper place, about amplification, may be transferred here to the consideration of the opening of a speech.

IX. *C. F.* What next? What rules, then, are to be attended to in narration?

C. P. Since narration is an explanation of facts, and a sort of base and foundation for the establishment of belief, those rules are most especially to be observed in it, which apply also, for the most part, to the other divisions of speaking; part of which are necessary, and part are assumed for the sake of embellishment. For it is necessary for us to narrate events in a clear and probable manner; but we must also attend to an agreeable style. Therefore, in order to narrating with clearness, we must go back to those previous rules for explaining and illustrating facts, in which brevity is enjoined and taught. And brevity is one of the points most frequently praised in narration, and we have already dwelt enough upon it. Again, our narrative will be probable, if the things which are related are consistent with the character of the persons concerned, with the times and places mentioned,—if the cause of every fact and event is stated,—if they appear to be proved by witnesses,—if they are in accordance with the opinions and authority of men, with law, with custom, and with religion,—if the honesty of the narrator is established, his candour, his memory, the uniform truth of his conversation, and the integrity of his life. Again, a narration is agreeable which contains subjects calculated to excite admiration, expectation, unlooked-for results, sudden feelings of the mind, conversations between people, grief, anger, fear, joy, desires. However, let us proceed to what follows.

C. F. What follows is, I suppose, what relates to producing belief.

C. P. Just so; and those topics are divided into confirmation and reprehension. For in confirmation we seek to establish our own assertion; in reprehension, to invalidate those of our adversaries. Since, then, everything which is ever the subject of a dispute, is so because the question is raised whether it exists or not, or what it is, or of what character it is, in the first question conjecture has weight, in the second, definition, and in the third, reasoning.

X. *C. F.* I understand this division. At present, I ask, what are the topics of conjecture?

Page 381

C. P. They arise from probabilities, and turn wholly on the peculiar characteristics of things. But for the sake of instructing you, I will call that probable which is generally done in such and such a way as it is probable that youth should be rather inclined to lust. But the indication of an appropriate characteristic is something which never happens in any other way, and which declares something which is certain as smoke is a proof of fire. Probabilities are discovered from the parts and, as it were, members of a narration. They exist in persons, in places, in times, in facts, in events, in the nature of the facts and circumstances which may be under discussion.

But in persons, the first things considered are the natural qualities of health, figure, strength, age, and whether they are male or female. And all these concern the body alone. But the qualities of the mind, or how they are affected, depends on virtues, vices, arts, and want of art, or in another sense, on desire, fear, pleasure, or annoyance. And these are the natural circumstances which are principally considered.

In fortune, we look at a man's race, his friends, his children, his relations, his kinsmen, his wealth, his honours, his power, his estates, his freedom, and also at all the contraries to these circumstances. But in respect of place, some things arise from nature as, whether a place is on the coast or at a distance from the sea, whether it is level or mountainous, whether it is smooth or rough, wholesome or pestilential, shady or sunny, these again are fortuitous circumstances,—whether a place is cultivated or uncultivated frequented or deserted, full of houses or naked, obscure or ennobled by the traces of mighty exploits, consecrated or profane.

XI. But in respect of time, one distinguishes between the present, and the past, and the future. And in these divisions there are the further subdivisions of ancient, recent, immediate, likely to happen soon, or likely to be very remote. In time there are also these other divisions, which mark, as it were natural sections of time as winter, spring, summer and autumn. Or again, the periods of the year: as a month, a day, a night, an hour, a season, all these are natural divisions. There are other accidental divisions such as days of sacrifice, days of festival, weddings. Again, facts and events are either designed or unintentional, and these last arise either from pure accident, or from some agitation of mind, by accident when a thing has happened in a different way from what was expected,—from some agitation, when either forgetfulness, or mistake, or fear, or some impulse of desire has been the acting cause. Necessity, too, must be classed among the causes of unintentional actions or results.

Again, of good and bad things there are three classes. For they can exist either in men's minds or bodies, or they may be external to both of these materials, then, as far as they are subordinate to argument, all the parts must be carefully turned over in the mind, and conjectures bearing on the subject before us must be derived from each part.

Page 382

There is also another class of arguments which is derived from traces of a fact, as a weapon, blood, an outcry which has been raised, trepidation, changes of complexion, inconsistency of explanation, trembling, or any of these circumstances which can be perceived by our senses, or if anything appears to have been prepared, or communicated to any one, or if anything has been seen or heard, or if any information has been given.

But of probabilities some influence us separately by their own weight, some, although they appear trifling by themselves, still, when all collected together, have great influence. And in such probabilities as these there are sometimes some unerring and peculiar distinguishing characteristics of things. But what produces the surest belief in a probability is, first of all, a similar instance, then the similarity of the present case to that instance sometimes even a fable, though it is an incredible one, has its influence, nevertheless, on men's minds.

XII. C. *F.* What next? What is the principle of definition, and what is the system of it?

C. *P.* There is no doubt but that definition belongs to the genus, and is distinguishable by a certain peculiarity of the characteristics which it mentions, or else by a number of common circumstances, from which we may extract something which looks like a peculiar property. But since there is often very great disagreement about what are peculiar properties, we must often derive our definitions from contraries, often from things dissimilar, often from things parallel. Wherefore descriptions also are often suitable in this kind of address, and an enumeration of consequences, and above all things, an explanation of the names and terms employed, is most effectual.

C. *F.* You have now then explained nearly all the questions which arise about a fact, or about the name given to such fact. The next thing is, when the fact itself and its proper title are agreed upon, that a doubt arises as to what its character is.

C. *P.* You are quite right.

C. *F.* What divisions, then, are there in this part of the argument?

C. *P.* One urges either that what has been done has been lawfully done, for the sake either of warding off or of avenging an injury, or under pretext of piety, or chastity, or religion, or one's country, or else that it has been done through necessity, out of ignorance, or by chance. For those things which have been done in consequence of some motion or agitation of the mind, without any positive intention, have, in legal proceedings, no defence if they are impeached, though they may have an excuse if discussed on principles unfettered by strict rules of law. In this class of discussion, in which the question is, what the character of the act is, one inquires, in the terms of the controversy, whether the act has been rightly and lawfully done or not; and the discussion on these points turns on a definition of the before-mentioned topics.

Page 383

C. F. Since, then, you have divided the topics to give credit to an oration into confirmation and reprehension, and since you have fully discussed the one, explain to me now the subject of reprehension.

C. P. You must either deny the whole of what the adversary has assumed in argumentation, if you can show it to be fictitious or false, or you must refute what he has assumed as probable. First of all, you must urge that he has taken what is doubtful as if it were certain; in the next place, that the very same things might be said in cases which were evidently false; and lastly, that these things which he has assumed do not produce the consequences which he wishes to be inferred from them. And you must attack his details, and by that means break down his whole argument. Instances also must be brought forward which were overruled in a similar discussion; and you must wind up with the complaints of the condition of the general danger, if the life of innocent men is exposed to the ingenuity of men devoted to calumny.

XIII. C. F. Since I know now whence arguments can be derived which have a tendency to create belief, I am waiting to hear how they are severally to be handled in speaking.

C. P. You seem to be inquiring about argumentation, and as to how to develop arguments.

C. F. That is the very thing that I want to know.

C. P. The development, then, of an argument is argumentation; and that is when you assume things which are either certain or at least probable, from which to derive a conclusion, which taken by itself is doubtful, or at all events not very probable. But there are two kinds of arguing, one of which aims directly at creating belief, the other principally looks to exciting such and such feelings. It goes straight on when it has proposed to itself something to prove, and assumed grounds on which it may depend; and when these have been established, it comes back to its original proposition, and concludes. But the other kind of argumentation, proceeding as it were backwards and in an inverse way, first of all assumes what it chooses, and confirms it; and then, having excited the minds of the hearers, it throws on to the end that which was its original object. But there is this variety, and a distinction which is not disagreeable in arguing, as when we ask something ourselves, or put questions, or express some command, or some wish, as all these figures are a kind of embellishment to an oration. But we shall be able to avoid too much sameness, if we do not always begin with the proposition which we desire to establish, and if we do not confirm each separate point by dwelling on it separately, and if we are at times very brief in our explanation of what is sufficiently clear, and if we do not consider it at all times necessary to sum up and enumerate what results from these premises when it is sufficiently clear.

XIV. C. *F.* What comes next? Is there any way or any respect in which those things which are said to be devoid of art, and which you said just now were accessories to the main argument, require art?

Page 384

C. P. Indeed they do. Nor are they called devoid of art because they really are so, but because it is not the art of the orator which produces them, but they are brought to him from abroad, as it were, and then he deals with them artistically; and this is especially the case as to witnesses. For it is often necessary to speak of the whole class of witnesses, and to show how weak it is; and to urge that arguments refer to facts, testimony to inclination; and one must have recourse to precedents of cases where witnesses were not believed; and with respect to individual witnesses, if they are by nature vain, trifling, discreditable, or if they have been influenced by hope, by fear, by anger, by pity, by bribery, by interest; and they must be compared with the authority of the witnesses in the case cited, where the witnesses were not believed. Often, also, one must resist examinations under torture, because many men, out of a desire to avoid pain, have often told lies under torture; and have preferred dying while confessing a falsehood to suffering pain while persisting in their denial. Many men, also, have been indifferent to the preservation of their own life, as long as they could save those who were dearer to them than they were to themselves; others, owing to the nature of their bodies, or to their being accustomed to pain, or because they feared punishment and execution, have endured the violence of torture; others, also, have told lies against those whom they hated. And all these arguments are to be fortified by instances. Nor is it at all uncertain that (since there are instances on both sides of a question, and topics also for forming conjectures on both sides) contrary arguments must be used in contrary cases. There is, also, another method of disparaging witnesses, and examinations under torture; for often those answers which have been given may be attacked very cleverly, if they have been expressed rather ambiguously or inconsistently, or with any incredible circumstances; or in different ways by different witnesses.

XV. *C. F.* The end of the oration remains to be spoken of by you; and that is included in the peroration, which I wish to hear you explain?

C. P. The explanation of the peroration is easy; for it is divided into two parts, amplification and enumeration. And the proper place for amplification is in the peroration, and also in the course of the oration there are opportunities of digressing for the purpose of amplification, by corroborating or refuting something which has been previously said. Amplification, then, is a kind of graver affirmation, which by exciting feelings in the mind conciliates belief to one's assertion. It is produced by the kind of words used, and by the facts dwelt upon. Expressions are to be used which have a power of illustrating the oration; yet such as are not unusual, but weighty, full-sounding, sonorous, compound, well-invented, and well-applied, not vulgar; borrowed from other subjects,

Page 385

and often metaphorical, not consisting of single words, but dissolved into several clauses, which are uttered without any conjunction between them, so as to appear more numerous. Amplification is also obtained by repetition, by iteration, by redoubling words, and by gradually rising from lower to loftier language; and it must be altogether a natural and lively sort of speech, made up of dignified language, well suited to give a high idea of the subject spoken of. This then is amplification as far as language goes. To the language there must be adapted expression of tone, of countenance, and gesture, all in harmony together and calculated to rouse the feelings of the hearers. But the cause must be maintained both by language and action, and carried on according to circumstances. For, because these appear very absurd when they are more vehement than the subject will bear, we must diligently consider what is becoming to each separate speaker, and in each separate case.

XVI. The amplification of facts is derived from all the same topics as those arguments which are adduced to create belief. And above all things, a number of accumulated definitions carries weight with it, and a repeated assertion of consequents, and a comparison of contrary and dissimilar facts, and of inconsistent circumstances. Causes too, and those things which arise from causes, and especially similarities and instances, are efficacious; so also are imaginary characters. Lastly, mute things may be introduced as speaking, and altogether all things are to be employed (if the cause will allow of them) which are considered important; and important things are divisible into two classes. For there are some things which seem important by nature, and some by use. By nature, as heavenly and divine things, and those things the causes of which are obscure, as those things which are wonderful on the earth and in the world, from which and from things resembling which, if you only take care, you will be able to draw many arguments for amplifying the dignity of the cause which you are advocating. By use; which appear to be of exceeding benefit or exceeding injury to men; and of these there are three kinds suitable for amplification.

For men are either moved by affection, for instance, by affections for the gods, for their country, or for their parents; or by love, as for their wives, their brothers, their children, or their friends; or by honourableness, as by that of the virtues, and especially of those virtues which tend to promote sociability among men, and liberality. From them exhortations are derived to maintain them; and hatred is excited against, and commiseration awakened for those by whom they are violated.

Page 386

XVII. It is a very proper occasion for having recourse to amplification, when these advantages are either lost, or when there is danger of losing them. For nothing is so pitiable as a man who has become miserable after having been happy. And this is enough to move us greatly, if any one falls from good fortune; and if he loses all his friends; and if we have it briefly explained to us what great happiness he is losing or has lost, and by what evils he is overwhelmed, or is about to be overwhelmed. For tears soon dry, especially at another's misfortunes. Nor is there anything which it is less wise to exhaust than amplification. For all diligence attends to minutiae; but this topic requires only what is on a large scale. Here again is a matter for a man's judgment, what kind of amplification we should employ in each cause. For in those causes which are embellished for the sake of pleasing the hearers, those topics must be dealt with, which can excite expectation, admiration, or pleasure. But in exhortations the enumerations of instances of good and bad fortune, and instances and precedents, are arguments of great weight. In trials those topics are the most suitable for an accuser which tend to excite anger; those are usually the most desirable for a person on his trial which relate to raising pity. But some times the accuser ought to seek to excite pity, and the advocate for the defence may aim at rousing indignation.

Enumeration remains; a topic sometimes necessary to a panegyrist, not often to one who is endeavouring to persuade; and more frequently to a prosecutor than to a defendant. It has two turns, if you either distrust the recollection of those men before whom you are pleading, either on account of the length of time that has elapsed since the circumstances of which you are speaking, or because of the length of your speech; in this case your cause will have the more strength if you bring up numberless corroborative arguments to strengthen your speech, and explain them with brevity. And the defendant will have less frequent occasion to use them, because he has to lay down propositions which are contrary to them: and his defence will come out best if it is brief, and full of pungent stings. But in enumeration, it will be necessary to avoid letting it have the air of a childish display of memory; and he will best avoid that fault who does not recapitulate every trifle, but who touches on each particular briefly, and dwells only on the more weighty and important points.

XVIII. C. F. Since you have now discussed the orator himself and his oration, explain to me now the topic of questions, which you reserved for the last of the three.

Page 387

C. P. There are, as I said at the beginning, two kinds of questions: one of which, that which is limited to times and persons, I call the cause; the other, which is infinite, and bounded neither by times nor by persons, I call the proposition. But consultation is, as it were, a part of the cause and controversy. For in the definite there is what is infinite, and nevertheless everything is referred to it. Wherefore, let us first speak of the proposition; of which there are two kinds: one of investigation; the end of this science, as for instance, whether the senses are to be depended upon; the other of action, which has reference to doing something: as if any one were to inquire by what services one ought to cultivate friendship. Again, of the former, namely, of investigation, there are three kinds: whether a thing is, or is not; what it is; of what sort it is. Whether it is or not, as whether right is a thing existing by nature or by custom. But what a thing is, as whether that is right which is advantageous to the greater number. And again, what sort of a thing anything is, as whether to live justly is useful or not.

But of action there are two kinds. One having reference to pursuing or avoiding anything; as for instance, by what means you can acquire glory, or how envy may be avoided. The other, which is referred to some advantage or expediency; as how the republic ought to be managed, or how a man ought to live in poverty.

But again in investigation, when the question is whether a thing is, or is not, or has been, or is likely to be. One kind of question is, whether anything can be effected; as when the question is whether any one can be perfectly wise. Another question is, how each thing can be effected; as for instance, by what means virtue is engendered, by nature, or reason, or use. And of this kind are all those questions in which, as in obscure subjects or those which turn on natural philosophy, the causes and principles of things are explained.

XIX. But of that kind in which the question is what that is which is the subject of discussion, there are two sorts; in the one of which one must discuss whether one thing is the same as another, or different from it; as whether pertinacity is the same as perseverance. But in the other one must give a description and representation as it were of some genus; as for instance, what sort of a man a miser is, or what pride is.

But in the third kind, in which the question is what sort of thing something is, we must speak either of its honesty, or of its utility, or of its equity. Of its honesty thus. Whether it is honourable to encounter danger or unpopularity for a friend. But of its expediency thus. Whether it is expedient to occupy oneself in the conduct of state affairs. But of its equity thus. Whether it is just to prefer one's friend to one's relations. And in the same kind of discussion, in which the question is what sort of thing something is, there arises another

Page 388

kind of way of arguing. For the question is not simply what is honourable, what is expedient, what is equitable; but also by comparison, which is more honourable, which is more expedient, which is more equitable; and even which is most honourable, which is most expedient, which is most equitable. Of which kind are those speculations, which is the most excellent dignity in life. And all these questions, as I have said before, are parts of investigation.

There remains the question of action. One kind of which is conversant with the giving of rules which relate to principles of duty; as, for instance, how one's parents are to be revered. And the other to tranquillising the minds of men and healing them by one's oration; as in consoling affliction, in repressing ill-temper, in removing fear, or in allaying covetousness. And this kind is exactly opposed to that by means of which the speaker proposes to engender those same feelings of the mind, or to excite them, which it is often requisite to do in amplifying an oration. And these are nearly all the divisions of consultation. XX. C. F. I understand you. But I should like to hear from you what in these divisions is the proper system for discovering and arranging the heads of one's discourse.

C. P. What? Do you think it is a different one, and not the same which has been explained, so that everything may be deduced from the same topics, both to create belief, and to discover arguments? But the system of arrangement which has been explained as appropriate to other kinds of speeches may be transferred to this also.

Since therefore we have now investigated the entire arrangement of the consultations which we proposed to discuss, the kinds of causes are now the principal things which remain. And their species is twofold; one of which aims at affording gratification to the ears, while the whole object of the other is to obtain, and prove, and effect the purpose which it has in view. Therefore the former is called embellishment, and as that may be a kind of extensive operation, and sufficiently various, we have selected one instance of it which we adopt for the purpose of praising illustrious men, and of vituperating the wicked ones. For there is no kind of oration which can be either more fertile in its topics, or more profitable to states, or in which the orator is bound to have a more extensive acquaintance with virtues and vices. But the other class of causes is conversant either with the foresight of the future, or with discussions on the past. One of which topics belongs to deliberation and the other to judgment. From which division three kinds of causes have arisen; one, which, from the best portion of it, is called that of panegyric; another that of deliberation; the third that of judicial decisions. Wherefore let us first, if you please, discuss the first.

C. F. Certainly, I do please.

Page 389

XXI. *C. P.* And the systems of blaming and praising, which have influence not only on speaking well but also on living honourably, I will explain briefly; and I will begin from the first principles of praise and blame. For everything is to be praised which is united with virtue; and everything which is connected with vice is to be blamed. Wherefore the end of the one is honour, of the other baseness. But this kind of discourse is composed of the narration and explanation of facts, without any argumentations, in a way calculated to handle the feelings of the mind gently rather than to create belief or to confirm it in a suitable manner. For they are not doubtful points which are established in this way; but those which being certain, or at least admitted as certain, are enlarged upon. Wherefore the rules for narrating them and enlarging upon them must be sought for from among those which have been already laid down.

And since in these causes the whole system has reference generally to the pleasure and entertainment of the hearer, the speakers must employ in them all the beauties of those separate expressions which have in them the greatest amount of sweetness. That is, he must often use newly-coined words, and old-fashioned words, and metaphorical language; and in the very construction of his periods he must often compare like with like, and parallel cases with parallel. He must have recourse to contrasts, to repetitions, to harmoniously-turned sentences, formed not like verses, but to gratify the sensations of the ears by as it were a suitable moderation of expression. And those ornaments are frequently to be employed, which are of a marvellous and unexpected character, and also those which are full of monsters, and prodigies, and oracles. And also those things must be mentioned which appeared to have befallen the man of whom the orator is speaking in consequence of some divine interposition, or decree of destiny. For all the expectation and admiration of the hearer, and all unexpected terminations, contribute to the pleasure which is felt in listening to the orator.

XXII. But since advantages or evils are of three classes, external, affecting the mind, or affecting the body, the first are external which are derived from the genus; and this being praised in brief and moderate terms, or, if it is discreditable, being passed over; if it is of a lowly nature, being either passed over, or handled in such a way as to increase the glory of him whom you are praising. In the next place, if the case allows it, we must speak of his fortune and his abilities, and after that of his personal qualifications; among which it is very natural to praise his beauty, which is one of the greatest indications of virtue. After that we must come to his actions. The arrangement is threefold. For we must have regard either to the order of time, or the most recent actions must be spoken of first, or else many and various actions of his must be classified according to the different kinds of virtue which they display. But this topic of virtues and vices, which is a very extensive one, will now be brought into a very brief and narrow compass, instead of the many and various volumes in which philosophers have discussed it.

Page 390

The power of virtue then is twofold, for virtue is distinguished either by theory or by practice. For that which is called prudence, or shrewdness, or (if we must have the most dignified title for it) wisdom, is all theoretical. But that which is praised as regulating the passions, and restraining the feelings of the mind, finds its exercise in practice. And its name is temperance. And prudence when exerted in a man's own business is called domestic, when displayed in the affairs of the state is called civil prudence. But temperance in like manner is divided according to its sphere of action, whether displayed in a man's own affairs, or in those of the state. And it is discerned in two ways with respect to advantages, both by not desiring what it has not got, and by abstaining from what it is in its power to get. Again, in the case of disadvantages it is also twofold; for that quality which resists impending evils is called fortitude; that which bears and endures the evil that is present is termed patience. And that which embraces these two qualities is called magnanimity. And one of the forms of this virtue is shown in the use of money. And at the same time loftiness of spirit in supporting disadvantages, and especially injuries, and everything of the sort, being grave, sedate, and never turbulent. But that division of virtue which is exercised between one being and another is called justice. And that when exercised towards the gods is called religion; towards one's relations, affection; towards all the world, goodness; when displayed in things entrusted to one, good faith; as exhibited in moderation of punishment, lenity; when it develops itself in goodwill towards an individual its name is friendship.

XXIII. And all these virtues are visible in practice. But there are others, which are as it were the handmaidens and companions of wisdom; one of which distinguishes between and decides what arguments in a discussion are true or false, and what follows from what premises. And this virtue is wholly placed in the system and theory of arguing; but the other virtue belongs to the orator. For eloquence is nothing but wisdom speaking with great copiousness; and while derived from the same source as that which is displayed in disputing, is more rich, and of wider application, better suited to excite the minds of men and to work on the feelings of the common people. But the guardian of all the virtues, which avoids all conspicuousness, and yet attains the greatest eminence of praise, is modesty. And these are for the most part certain habits of mind, so affected and disposed as to be each of them distinguished from one another by some peculiar kind of virtue; and according as everything is done by one of them, in the same proportion must it be honourable and in the highest degree praiseworthy. But there are other habits also of a well-instructed mind which has been cultivated beforehand as it were, and prepared for virtue by virtuous pursuits and accomplishments:

Page 391

as in a man's private affairs, the studies of literature, as of tunes and sounds, of measurement, of the stars, of horses, of hunting, of arms. In the affairs of the commonwealth his eager pursuit of some particular kind of virtue, which he selects as his especial object of devotion, in discharging his duty to the gods, or in showing careful and remarkable affection to his relations, his friends, or those connected with family ties of hospitality. And these then are the different kinds of virtue. But those of vice are their exact contraries.

But these also must be examined carefully, so that those vices may not deceive us which appear to imitate virtue. For cunning tries to assume the character of prudence, and moroseness, in despising pleasures, wishes to be taken for temperance; and pride, which puffs a man up, and which affects to despise legitimate honours, seeks to vaunt itself as magnanimity; prodigality calls itself liberality, audacity imitates courage, hardhearted sternness imitates patience, bitterness justice, superstition religion, weakness of mind lenity, timidity modesty, captiousness and carping at words wishes to pass for acuteness in arguing, and an empty fluency of language for this oratorical vigour at which we are aiming. And those, too, appear akin to virtuous pursuits, which run to excess in the same class.

Wherefore all the force of praise or blame must be derived from these divisions of virtues and vices. But in the whole context, as it were, of the oration, these points must above all others be made clear,—how each person spoken of has been born, how he has been educated, how he has been trained, and what are his habits; and if any great or surprising thing has happened to any one, especially if anything which has happened should appear to have befallen him by the interposition of the gods; and also whatever the person in question has thought, or said, or done, must be adapted to the different kinds of virtue which have been enumerated, and from the same topics we must inquire into the causes of things, and the events, and the consequences. Nor ought the death of those men, whose life is praised, to be passed over in silence; provided only, there be anything noticeable either in the manner of their death, or in the consequences which have resulted from their death.

XXIV. C. F. I have attended to what you say, and I have learnt briefly, not only how to praise another, but also how to endeavour to deserve to be praised myself. Let us, then, consider in the next place what system and what rules we are to observe in delivering our sentiments.

Page 392

C. P. In deliberation, then, the end aimed at is utility, to which everything is referred in giving counsel, and in delivering our sentiments, so that the first thing which requires to be noticed by any one who is advising or dissuading from such and such a course of action is what is possible to be done, or what is impossible; or what is necessary to be done, or what is unnecessary. For if a thing be impossible there is no use in deliberating about it, however desirable it may be; and if a thing be necessary, (when I say necessary, I mean such that without it we cannot be safe or free), then that must be preferred to everything else which is either honourable or advantageous in public affairs. But when the question is, What can be done? we must also consider how easily it can be done: for the things which are very difficult are often to be considered in the same light as if they were totally impossible. And when we are discussing necessity, although there may be something which is not absolutely necessary, still we must consider of how much importance it is. For that which is of very great importance indeed, is often considered necessary. Therefore, as this kind of cause consists of persuasion and dissuasion, the speaker who is trying to persuade, has a simple course before him; if a thing is both advantageous and possible, let it be done. The speaker who is trying to dissuade his hearers from some course of action, has a twofold division of his labour. One, if it is not useful it must not be done; the other, if it is impossible it must not be undertaken. And so, the speaker who is trying to persuade must establish both these points; the one whose object it is to dissuade, may be content with invalidating either.

Since, then, all deliberation turns on these two points, let us first speak of utility, which is conversant about the distinction between advantages and disadvantages. But of advantages, some are necessarily such; as life, chastity, liberty, or as children, wives, relations, parents; and some are not necessarily such; and of these last, some are to be sought for their own sakes, as those which are classed among the duties or virtues, and others are to be desired because they produce some advantage, as riches and influence. But of those advantages which are sought for their own sake, some are sought for their honourableness, some for their convenience, which is inherent in them: those are sought for their honourableness which proceed from those virtues which have been mentioned a little while ago, which are intrinsically praiseworthy on their own account; but those are sought on account of some inherent advantage which are desirable as to goods of fortune or of the body: some of which are to a certain extent combined with honourableness, as honour, and glory; some have no connexion with that, as strength, beauty, health, nobleness, riches, troops of dependents. There is also a certain sort of matter, as it were, which is subordinate to

Page 393

what is honourable, which is most particularly visible in friendship. But friendships are seen in affection and in love. For regard for the gods, and for our parents, and for our country, and for those men who are eminent for wisdom or power, is usually referred to affection; but wives, and children, and brothers, and others whom habit and intimacy has united with us, although they are bound to us by affection, yet the principal tie is love. As, then, you know now what is good in these things, it is easily to be understood what are the contrary qualities.

XXV. But if we were able always to preserve what is best, we should not have much need of deliberation, since that is usually very evident. But because it often happens on account of some peculiarity in the times, which has great weight, that expediency is at variance with what is honourable, and since the comparison of the two principles gives rise to deliberation, lest we should either pass over what is seasonable, on account of some considerations of dignity, or what is honourable on account of some idea of expediency, we may give examples to guide us in explaining this difficulty. And since an oration must be adapted not only to truth, but also to the opinions of the hearers, let us first consider this, that there are two kinds of men: one of them unlettered and rustic, always preferring what is expedient to what is honourable; the other, accomplished and polite, preferring dignity to everything. Therefore, the one class sets its heart upon, praise, honour, glory, good faith, justice, and every virtue; but the other regards only gain, emolument, and profit. And even pleasure, which is above all things hostile to virtue, and which adulterates the nature of what is good by a treacherous imitation of it, which all men of grosser ideas eagerly follow, and which prefers that spurious copy, not only to what is honourable, but even to what is necessary, must often be praised in a speech aiming at persuasion, when you are giving counsel to men of that sort.

XXVI. This also must be considered, how much greater eagerness men display in fleeing from what is disadvantageous, than in seeking what is advantageous; for they are in the same manner not so zealous in seeking what is honourable, as in avoiding what is base. For who ever seeks for honour, or glory, or praise, or any kind of credit as earnestly as he flees from ignominy, infamy, contumely, and disgrace? For these things are attended with great pain. There is a class of men born for honour, not corrupted by evil training and perverted opinions—on which account, when exhorting or persuading, we must keep in view the object of teaching them by what means we may be able to arrive at what is good, and to avoid what is evil. But before men who have been properly brought up we shall dwell chiefly on praise and honourableness, and speak chiefly of those kinds of virtues which are concerned in maintaining and increasing the general advantage of men. But if we are speaking before uneducated and ignorant men, then we shall set before them profits, emoluments, pleasures, and the means of escaping pain; we shall also introduce the mention of insult and ignominy; for no one is such a clown, as not (even though honour itself may have no influence on him) to be greatly moved by insult and disgrace.

Page 394

Wherefore we must find out from what has been already said, what has reference to utility; but as to what is possible to be done or not, with reference to which people usually inquire also how easily a thing can be done, and how far it is desirable that it should be done, we must consider chiefly with reference to those causes which produce each separate result. For there are some causes which of themselves produce results, and some which only contribute to the production of a result. Therefore, the first are called efficient causes; and the last are classed as such, that without them a thing cannot be brought about. Again, of efficient causes, some are complete and perfect in themselves; some are accessory to, and, as it were, partners in the production of the result in question. And of this kind the effect is very much diversified, being sometimes greater or less; so that which is the most efficacious is often called the only cause, though it is in reality but the main one. There are also other causes which, either on account of their origin or on account of their result, are called efficient causes. But when the question is, what is best to be done, then it is either utility or the hope of doing it which urges men's minds to agree with the speaker. And since we have now said enough about utility, let us speak of the means of effecting it.

XXVII. And on this point of the subject we must consider with whom, and against whom, and at what time, and in what place we are to do such and such a thing, also what means of arms, money, allies, or those other things which relate to the doing of any particular thing we have it in our power to employ. Nor must we consider only those means which we have, but those circumstances also which are unfavourable to us. And if in the comparison the advantages preponderate, then we must persuade our hearers, not only that what we are advising can be effected, but we must also take care that it shall appear easy, manageable, and agreeable. But if we are dissuading from any particular course, then we must either disparage the utility of it, or we must make the most of the difficulties of doing it, not having recourse to other rules, but to the same topics as are used when trying to persuade our hearers to anything. And whether persuading or dissuading, the speaker must have a store of precedents, either modern, which will be the best known, or ancient, which will perhaps have the most weight. And in this kind of discourse he must consider how he may be able often to make what is useful or necessary appear superior to what is honourable, or *vice versa*. But sentiments of this kind will have great weight in influencing men's minds, (if it is desirable to make an impression on them,) which relate either to the gratification of people's desires, or to the glutting of hatred, or to the avenging of injury. But if the object is to repress the feelings of the hearers, then they must be reminded of the uncertainty of fortune, of

Page 395

the doubtfulness of future events, and of the risk there may be of retaining their existing fortune, if it is good; and on the other hand, of the danger of its lasting if it is bad. And these are topics for a peroration. But in expressing one's opinions, the opening ought to be short, for the orator does not come forth as a suppliant, as if he were speaking before a judge, but as an exhorter and adviser. Wherefore, he ought to settle beforehand with what intention he is going to speak, what his object is, what the subject of his discourse is to be, and he ought to exhort his hearers to listen to him while he detains them but a short time. And the whole of his oration ought to be simple, and dignified, and embellished rather by its sentiments than by its expressions.

XXVIII. *C.F.* I understand the topics of panegyric and persuasion. Now I am waiting to hear what is suited to judicial oratory, and I think that that is the only subject remaining.

C.P. You are quite right. And of that kind of oratory the object is equity, which is regarded, not in a single point of view only, but very often by a sort of comparison: as when there is a dispute as to who is the most appropriate prosecutor; or when the possession of an inheritance is sought for without any express law, or without any will. In which causes the question is, which alternative is the more equitable or which is most equitable. And for these causes a supply of arguments is sought for out of those topics of equity which will be mentioned presently. And even before the decision is given, there is often a dispute about the constitution of the bench of judges, when the question is either whether the person who brings the action has a right of action, or whether he has it at the present time, or whether he has ceased to have it, or whether the action ought to be brought under the provisions of this law, or according to that formula. And if these points are not discussed, or settled, or decided, before the case is brought into court, still they often have very great weight even at the trial itself, when the case is stated in this way:—"You demanded too much; you demanded it too late; it was not your business to make such a demand at all; you ought not to have demanded it of me; or you ought not to have done so under this law, or in accordance with this formula, or in this court." And this class of cases belongs to civil law, which depends on laws respecting public and private affairs, or on precedent; and the knowledge of it seems to have been neglected by most orators, but to us it appears very necessary for speaking. Wherefore, as to arranging the right of action, as to accepting or standing a trial, as to demurring to the illegality of a proceeding, as to comparisons of justice, all which topics usually belong to this class of oration, so that although they often get mixed up with the judicial proceedings, still they appear to deserve to be discussed separately;

Page 396

and therefore I separate them a little from the judicial proceedings, more, however, as to the time at which they are to be introduced into the discussion, than from any real diversity of character. For all discussions which are introduced about civil law, or about what is just and good, belong to that sort of discussion in which we doubt what sort of thing such and such a thing which we are going to mention is. And this question turns chiefly on equity and right.

XXIX. In all causes, then, there are three degrees, of which one at least is to be taken for the purposes of defence, if you are limited to one. For you must either take your stand in denying that the act imputed to you has been done at all, or in denying that that which you admit to have been done has the effect which, and is of the character which, the adversary asserts. Or if there can be no doubt as to the action, or the proper name of the action, then you must deny that what you are accused of is such as he states it to be; and you must urge in your defence that what you have done must be admitted to be right. Accordingly, the first objection,—the first point of conflict with the adversary, as I may call it, depends on a kind of conjecture; the second, on a kind of definition, or description, or notion of the word; but the third plea is to be maintained by a discussion on equity, and truth, and right, and on the becomingness to man of a disposition inclined to pardon. And since he who defends ought not always to resist the accuser by some objection, or denial, or definition, or opposite principles of equity, but should also at times advance general principles on which he founds his defence, the first kind of objection has in it the principle of asserting the charge to be unjust, an absolute denial of the fact; the second urges that the definition given by the adversary does not apply to the action in question the third consists in the advocate defending the action as having been rightly done, without raising any dispute as to the name of it.

In the next place, the accuser must oppose to every argument that, which if it were not in the accusation, would prevent, there being any cause at all. Therefore, those arguments which are brought forward in that way, are said to be the foundations of causes, although those which are brought forward in opposition to the plan of the defence, are no more so in reality than the principles of the defence themselves; but for the sake of distinction, we call that a reason which is urged by the party on his trial in the way of demurrer for the sake of repelling an accusation; and unless he had such a refuge he would have nothing to allege by way of defence: but the foundation of his defence is that which is alleged by way of undermining the arguments of the adversary, without which the accusation can have no ground to stand upon.

Page 397

XXX. But from the meeting and conflict, as it were, of the reasons and of the corroborative proofs, a question arises, which I call a dispute, in which the question is, what is the question before the court, and what the dispute is about. For the first point which the adversaries contend for implies an inquiry of large extent in conjecture: as "Whether Decius has received the money;" in definition, as "Whether Norbanus has committed treason against the people;" in justice, as "Whether Opimius slew Gracchus lawfully." These questions which come into conflict first by arguing and resisting, are, as I have said, of wide extent and doubtful meaning. The comparison of the arguments and corroborative proofs narrows the question in dispute. In conjecture there is no dispute at all. For no one either can, or ought to, or is accustomed to, give a reason for an act which he asserts never took place. Therefore, in these causes the original question and the ultimate dispute are one and the same thing. But in them, when the assertion is advanced, "He did not commit treason in proceeding to violent measures in respect to Caepio; for it was the first indignation of the Roman people that prompted that violent conduct, and not the conduct of the tribune: and the majesty, since it is identical with the greatness of the Roman people, was rather increased than diminished by retaining that man in power and office." And when the reply is, "Majesty consists of the dignity of the empire and name of the Roman people, which that man impairs, who excites sedition by appealing to the violent passions of the multitude;" then comes the dispute, Whether his conduct was calculated to impair that majesty, who acted upon the inclinations of the roman people, so as to do a thing which was both just and acceptable to them by means of violence. But in such causes as these, when it is alleged in defence of the accused party that something has been rightly done, or when it must be admitted that it has been done, while the principle of the act is open to discussion: as in the case of Opimius, "I did it lawfully, for the sake of preserving the general safety and the republic;" and when Decius replies, "You had no power or right to slay even the wickedest of the citizens without a trial." Then arises the dispute, "Had Opimius lawfully the power, for the sake of the safety of the republic, to put to death a citizen who was overturning the republic, without his being condemned?" And so those disputes which arise in these controversies which are marked out by certain persons and times become gradually infinite, and after the times and persons are put out of the question, are again reduced to the form and rules under which their merits can be discussed.



Page 398

XXXI. But in corroborative arguments of the most important character, those points must also be established which can be opposed to the defence, being derived either from the letter of the law, or of a will, or from the language of a judicial decision, or of a stipulation, or of a covenant. And even this kind has no connexion with those causes which depend upon conjecture. For when an action is denied altogether, it cannot be impeached by reference to the letter of the law. It does not even come under definition, as to the character of the letter of the law itself. For although some expression or other is to be defined by reference to the letter of the law, so as to be sure what meaning it has: as when the question arises out of a will, what is meant by provisions, or out of the covenant of a lease, what are moveables or fixtures; then it is not the fact of there being written documents, but the interpretation of what is written, that gives rise to controversy. But when many things may be implied by one expression, on account of the ambiguity of some word or words, so that he who is speaking on the other side may be allowed to draw the meaning of what is written as is advantageous to him, or in fact, as he pleases; or, if the document be not drawn up in ambiguous language, he may either deduce the wish and intention of the writer from the words, or else say that he can defend what has been done by a document which is perfectly different relating to the same facts; then a dispute arises from a comparison of the two written documents; so that the writings being ambiguous, it is a question which is most strongly implied; and in a comparison between the letter and the spirit of the documents an argument is adduced to show which the judge is the most bound to be guided by; or in documents of a wholly contradictory nature, which is the most to be approved.

But when the point in dispute is once established, then the orator ought to keep in view, what is to be proved by all the arguments derived from the different topics for discovering arguments. And although it is quite sufficient for him who sees what is concealed in each topic, and who has all those topics, as a kind of treasury of arguments, at his fingers' ends; still we will touch upon those which are peculiar to certain causes.

XXXII. In conjecture, then, when the person on his trial takes refuge in denial of the fact, these are the two first things for the accuser to consider, (I say accuser, meaning every kind of plaintiff or commencer of an action; for even without any accuser, in the strict sense of the word, these same kinds of controversies may frequently arise;) however, these are his first points for consideration, the cause and the event. When I say the cause, I mean the reason for doing a thing. When I say the event, I mean that which was done. And this same division of cases was made just now, when speaking of the topics of persuasion. For the rules which were given

Page 399

in deliberating upon the future, and how they ought to have a bearing upon utility, or a power of producing effects, a man who is arguing upon a fact is bound to collect, so as to show that they must have been useful to the man whom he is accusing, and that the act might possibly have been done by him. The question of utility, as far as it depends upon conjecture, is opened, if the accused person is said to have done the act of which he is accused, either out of the hope of advantage or the fear of injury. And this argument has the greater weight, the greater the advantages or disadvantages anticipated are said to be. With reference to the motive for an action we take into consideration also the feelings of minds, if any recent anger, or long-standing grudge, or desire for revenge, or indignation at an injury; if any eagerness for honour, or glory, or command, or riches; if any fear of danger, any debt, any difficulties in pecuniary matters, have had influence; if the man is bold, or fickle, or cruel, or intemperate, or incautious, or foolish, or loving, or excitable, or given to wine; if he had any hope of gaining his point, or any expectation of concealing his conduct; or, if that were detected, any hope of repelling the charge, or breaking through the danger, or even postponing it to a subsequent time; or if the penalty to be inflicted by a court of justice is more trifling than the prize to be gained by the act; or if the pleasure of the crime is greater than the pain of the conviction.

It is generally by such circumstances as these that the suspicion of an act is confirmed, when the causes why he should have desired it are found to exist in the party accused, together with the means of doing it. But in his will we look for the benefit which he may have calculated on from the attainment of some advantage, or the avoidance of some disadvantage, so that either hope or fear may seem to have instigated him, or else some sudden impulse of the mind, which impels men more swiftly to evil courses than even considerations of utility. So this is enough to have said about the causes.

C.F. I understand; and I ask you now what the events are which you have said are produced by such causes?

XXXIII. *C.P.* They are certain consequential signs of what is past, certain traces of what has been done, deeply imprinted, which have a great tendency to engender suspicion, and are, as it were, a silent evidence of crimes, and so much the more weighty because all causes appear as a general rule to be able to give ground for accusations, and to show for whose advantage anything was; and these arguments have an especial propriety of reference to those who are accused, such as a weapon, a footstep, blood, the detection of anything which appears to have been carried off or taken away; or any reply inconsistent with the truth, or any hesitation, or trepidation, or the fact of the accused person having been seen with any one

Page 400

whose character is such as to give rise to suspicion; or of his having been seen himself in that very place in which the action was done; or paleness, or tremor, or any writing, or anything having been sealed up or deposited anywhere. For these are circumstances of such a nature as to make the charge full of suspicion, either in connexion with the act itself, or with the time previous or subsequent to it. And if they are not so, still it will be proper to rely on the causes themselves, and on the means which the accused person had of doing the action, with the addition of that general argument, that he was not so insane as to be unable to avoid or conceal any indications of the action, so as to be discovered and to give ground for an accusation. On the other hand, there is that common topic, that audacity is joined to rashness, not to prudence. Besides, there comes the topic suited to amplification, that we are not to wait for his confessing; that offences are proved by arguments; and here, too, precedents will be adduced. And thus much about arguments.

XXXIV. But if there is also a sufficiency of witnesses, the first thing will be to praise the party accused, and to say that he himself has taken care not to be convicted by argument; that he could not escape from witnesses: then each of the witnesses must be praised, (and we have stated already what are the things for which people can be praised;) and in the next place, it must be urged that it is possible for it to be quite justifiable not to yield to a specious argument, (inasmuch as such an one is often false,) but quite impossible to refuse belief to a good and trusty man, unless there is some fault in the judge. And then, too, if the witnesses are obscure or insignificant, we must say that a man's credit is not to be estimated by his fortune, but that those are the most trustworthy witnesses on every point who have the easiest means of knowing the truth of the matter under discussion. If the fact of an examination of slaves under torture having taken place, or a demand that such should take place, will assist the cause, then in the first place the general character of such examinations must be extolled: we must speak of the power of bodily pain; of the opinion of our ancestors, who would certainly have abolished the whole system if they had not approved of it; of the customs of the Athenians and Rhodians, very wise men, among whom (and that is a most terrible thing) even freemen and citizens are tortured; of the principles also of the most prudent of our own countrymen, who though they are unwilling to allow slaves to be examined against their masters, still did allow of such examination in the case of incest and conspiracy,—and in fact such an examination took place in my consulship. That declamation which men are in the habit of using to throw discredit on such examinations must be laughed out of court, and called studied and childish. Then a belief must be inculcated that the examination has been conducted with care, and without any partiality; and the answers given in the examination must be weighed by arguments and by conjecture. And these are for the most part the divisions of an accusation.

Page 401

XXXV. But the first division of a defence is the invalidating of the motives alleged for the action,—either as having no real existence, or as not having been so important, or as not having been likely to influence any one but the person accused; or we may urge that he could have attained the same object more easily; or that he is not a man of such habits, or of such a character; or that he was not so much a slave to sudden impulses, or at all events not to such trifling ones. And the advocate for the defence will disparage the means alleged to be in the power of the accused person, if he shows that either strength, or courage, or power, or resources were wanting to him; or that the time was unfavourable, or the place unsuitable; or that there were many witnesses, not one of whom he would have chosen to trust; or that he was not such a fool as to undertake a deed which he could not conceal; nor so senseless as to despise the penalties of the law and the courts of justice. And he will do away with the effect of the consequences alleged, by explaining that those things are not certain proofs of an act which might have happened even if the act had never been done; and he will dwell on the details, and urge that they belong as much to what he himself alleges was the fact, as to that which is at present the ground of accusation: or if he agrees with the accuser on those points, still he will say that ought to be of avail rather as a defence to himself against danger, than as an engine for injuring his safety; and he will run down the whole body of witnesses and examinations under torture, generally, and also in detail as far as he can, by the use of the topics of reprehension which have been explained already. The openings of these causes which are intended to excite suspicion by their bitterness will be thus laid down by the accuser; and the general danger of all intrigues will be denounced; and men's minds will be excited so as to listen attentively. But the person who is being accused will bring forward complaints of charges having been trumped up against him, and suspicions ferreted out from all quarters; and he will speak of the intrigues of the accuser, and also of the common danger of all citizens from such proceedings: and so he will try to move the minds of the judges to pity, and to excite their good-will in some degree. But the narration of the accuser will be a separate count, as it were, which will contain an explanation of every sort of transaction liable to suspicion, with every kind of argument scattered over it, and all the topics for the defence discredited. But the speaker for the defence must pass over or discredit all the arguments employed to raise suspicion, and will limit himself to a narration of the actual facts and events which have taken place. But in the corroboration of our own arguments, and in the invalidation of those of our adversaries, it will be often the object of the accuser to rouse the feelings of the minds of his

Page 402

hearers, and of the advocate for the defence to pacify them. And this will be the course of both of them especially in the peroration. The one must have recourse to a reiteration of his arguments, and to a general accumulation of them together; the other, when he has once clearly explained his own cause, refuting the statements of his adversary, must have recourse to enumeration; and, when he has effaced every unfavourable impression, then at the end he will endeavour to move the pity of his judges.

XXXVI. *C.F.* I think I know now how conjecture ought to be dealt with. Let me hear you now on the subject of definition.

C.P. With respect to that the rules which are given are common to the accuser and the defender. For whichever of them by his definition and description of a word makes the greatest impression on the feelings and opinions of the judges, and whichever keeps nearest to the general meaning of the word, and to that preconceived opinion which those who are the hearers have adopted in their minds, must inevitably get the better in the discussion. For this kind of topic is not handled by a regular argumentation, but by shaking out, as it were, and unfolding the word; so that, if, for instance, in the case of a criminal acquitted through bribery and then impeached a second time, the accuser were to define prevarication to be the utter corruption of a tribunal by an accused person; and the defender were to urge a counter definition, that it is not every sort of corruption which is prevarication, but only the bribing of a prosecutor by a defendant: then, in the first place, there would be a contest between the different alleged meanings of the word; in which case, though the definition, if given by the speaker for the defence, approaches nearest to general usage and to the sense of common conversation, still the accuser relies on the spirit of the law, for he says that it ought not to be admitted that those men who framed the laws considered a judicial decision as ratified when wholly corrupt, but that if even one judge be corrupted, the decision should be annulled. He relies on equity; he urges that the law ought to have been framed differently, if that was what was meant; but that the truth is, that whatever kinds of corruption could possibly exist were all meant to be included under the one term prevarication. But the speaker for the defence will bring forward on his side the usage of common conversation; and he will seek the meaning of the word from its contrary; from a genuine accuser, to whom a prevarication is the exact opposite; or from consequents, because the tablets are given to the judge by the accuser; and from the name itself, which signifies a man who in contrary causes appears to be placed, as it were, in various positions. But still he himself will be forced to have recourse to topics of equity, to the authority of precedents, and to some dangerous result. And this may be a general rule, that when each has stated his definition, keeping as accurately as he can to the common sense and meaning of the word, he should then confirm his own meaning and definition by similar definitions, and by the examples of those men who have spoken in the same way.

Page 403

And in this kind of cause that will be a common topic for the accuser,—that it must never be permitted that the man who confesses a fact, should defend himself by a new interpretation of the name of it. But the defender must rely on those general principles of equity which I have mentioned, and he must complain that, while that is on his side, he is weighed down not by facts, but by the perverted use of a word; and while speaking thus he will be able to introduce many topics suited to aid him in discovering arguments. For he will avail himself of resemblances, and contrarieties, and consequences; and although both parties will do this, still the defendant, unless his cause is evidently ridiculous, will do so more frequently. But the things which are in the habit of being said, for the sake of amplification, or in the way of digression, or when men are summing up, are introduced either to excite hatred, or pity, or to work on the feelings of the judges by means of those arguments which have been already given; provided that the importance of the facts, or the envy of men, or the dignity of the parties, will allow of it.

XXXVII. *C.F.* I understand that. Now I wish to hear you speak of that part which, when the question is what is the character of such and such a transaction, will be suitable both for the accusation and also for the defence.

C.P. In a cause of that kind those who are accused confess that they did the very thing for which they are blamed; but since they allege that they did it lawfully, it is necessary for us to explain the whole principles of law. And that is divided into two principal divisions,—natural law and statute law. And the power of each of these is again distributed into human law and divine law; one of which refers to equity and the other to religion. But the power of equity is two-fold: one part of which is upheld by considerations of what is straightforward, and true, and just, and, as it is said, equitable and virtuous; the other refers chiefly to requiting things done to one suitably,—which in the case of that which is to be requited being a kindness, is called gratitude, but when it is an injury, it is called revenge. And these principles are common both to natural and statute law. But there are also other divisions of law; for there is both the written and the unwritten law,—each of which is maintained by the rights of nations and the customs of our ancestors. Again, written law is divided into public law and private law. Public law is laws, resolutions of the senate, treaties; private law is accounts, covenants, agreements, stipulations.

Page 404

But those laws which are unwritten, owe their influence either to custom or to some agreement between, and as it were to the common consent of men. And indeed it is in some degree prescribed to us by the laws of nature, that we are to uphold our customs and laws. And since the foundations of equity have been briefly explained in this manner, we ought to meditate carefully, with reference to causes of this kind, on what is to be said in our speeches about nature, and laws, and the customs of our ancestors, and the repelling of injuries, and revenge, and every portion of human rights. If a man has done anything unintentionally, or through necessity, or by accident, which men would not be excused for doing if they did it of their own accord and intentionally, by way of deprecating punishment for the action he should implore pardon and indulgence, founding his petition on many topics of equity. I have now explained as well as I could every kind of controversy, unless there is anything besides which you wish to know.

XXXVIII. *C.F.* I wish to know that which appears to me to be the only point left,—what is to be done when the discussion turns upon expressions in written documents.

C.P. You are right to ask: for when that is explained I shall have discharged the whole of the task which I have undertaken. The rules then which relate to ambiguity are common to both parties. For each of them will urge that the signification which he himself adopts is the one suited to the wisdom of the framer of the document; each of them will urge that that sense which his adversary says is to be gathered from the ambiguous expression in the writing, is either absurd, or inexpedient, or unjust, or discreditable, or again that it is inconsistent with other written expressions, either of other men, or, if possible, of the same man. And he will urge further that the meaning which he himself contends for is the one which would have been intended by every sensible and respectable man; and that such an one would express himself more plainly if the case were to come over again, and that the meaning which he asserts to be the proper one has nothing in it to which objection can be made, or with which any fault can be found; but that if the contrary meaning is admitted, many vices, many foolish, unjust, and inconsistent consequences must follow. But when it appears that the writer meant one thing and wrote another, then he who relies on the letter of the law must first explain the circumstances of the case, and then recite the law; then he must press his opponent, repeat the law, reiterate it, and ask him whether he denies that that is the expression contained in the writing, or whether he denies the facts of the case. After that he must invoke the judge to maintain the letter of the law. When he has dwelt on this sort of corroborative argument he must amplify his case by praising the law, and attack the audacity of the man who, when he has openly

Page 405

violated it, and confesses that he has done so, still comes forward and defends his conduct. Then he must invalidate the defence when his opponent says that the writer meant one thing and wrote another, and say that it is intolerable that the meaning of the framer of the law should be explained by any one else in preference to the law itself. Why did he write down such words if he did not mean them? Why does the opponent, while he neglects what is plainly written, bring forward what is not written anywhere? Why should he think that men who were most careful in what they wrote are to be convicted of extreme folly? What could have hindered the framer of this law from making this exception which the opponent contends that he intended to make, if he really had intended it? He will then bring forward those instances where the same writer has made a similar exception, or if he cannot do that, at least he will cite cases where others have made similar exceptions. For a reason must be sought for, if it is possible to find one, why this exception was not made in this case. The law must be stated to be likely to be unjust, or useless, or else that there is a reason for obeying part of it, and for abrogating part; it must be that the argument of the opponent and the law are at variance. And then, by way of amplification, it will be proper, both in other parts of the speech, and above all in the peroration, to speak with great dignity and energy about the desirableness of maintaining the laws, and of the danger with which all public and private affairs are threatened.

XXXIX. But he who defends himself by appeals to the spirit and intention of the law, will urge that the force of the law depends on the mind and design of the framer, not on words and letters. And he will praise him for having mentioned no exceptions in his law, so as to leave no refuge for offences, and so as to bind the judge to interpret the intention of the law according to the actions of each individual. Then he must cite instances in which all equity will be disturbed if the words of the law are attended to and not the meaning. Then all cunning and false accusation must be endeavoured to be put before the judge in an odious light, and complaints uttered in a tone of indignation. If the action in question has been done unintentionally, or by accident, or by compulsion, rather than in consequence of any premeditation,—and actions of those kinds we have already discussed,—then it will be well to use the same topics of equity to counteract the effect of the harshness of the language.

Page 406

But if the written laws contradict one another, then the connexion of art is such, and most of its principles are so connected and linked together, that the rules which we a little while ago laid down for cases of ambiguity, and which have just been given with reference to the letter and spirit of the law, may be all transferred to this third division also. For the topics by which, in the case of an ambiguous expression, we defended that meaning which is favourable to our argument must also be used to defend the law which is favourable to us when there are inconsistent laws. In the next place, we must contrive to defend the spirit of one law, and the letter of the other. And so the rules which were just now given relating to the spirit and letter of the law may all be transferred to this subject.

XL. I have now explained to you all the divisions of oratory which have prevailed, as laid down by the academy to which we are devoted, and if it had not been for that academy they could not have been discovered, or understood, or discussed. For the mere act of division, and of definition, and the distribution of the partitions of a doubtful question, and the understanding the topics of arguments, and the arranging the argumentation itself properly, and the discerning what ought to be assumed in arguing, and what follows from what has been assumed, and the distinguishing what is true from what is false, and what is probable from what is incredible, and refuting assumptions which are not legitimate, or which are inappropriate, and discussing all these different points either concisely as those do who are called dialecticians, or copiously as an orator should do, are all fruits of the practice in disputing with acuteness and speaking with fluency, which is instilled into the disciples of that academy. And without a knowledge of these most important arts how can an orator have either energy or variety in his discourse, so as to speak properly of things good or bad, just or unjust, useful or useless, honourable or base?

Let these rules then, my Cicero, which I have now explained to you, be to you a sort of guide to those fountains of eloquence, and if under my instruction or that of others you arrive at them, you will then acquire a clearer understanding of these things and of others which are much more important.

C.F. I will strive to arrive at them with great eagerness, my father; and I do not think that there is any greater advantage which I can derive even from your many excellent kindnesses to me.

THE TREATISE OF M. T. CICERO ON THE BEST STYLE OF ORATORS.

This little piece was composed by Cicero as a sort of preface to his translation of the Orations of Demosthenes and Aeschines de Corona; the translations themselves have not come down to us.

Page 407

I. There are said to be classes of orators as there are of poets. But it is not so; for of poets there are a great many divisions; for of tragic, comic, epic, lyric, and also of dithyrambic poetry, which has been more cultivated by the Latins, each kind is very different from the rest. Therefore in tragedy anything comic is a defect, and in comedy anything tragic is out of place. And in the other kinds of poetry each has its own appropriate note, and a tone well known to those who understand the subject. But if any one were to enumerate many classes of orators, describing some as grand, and dignified, and copious, others as thin, or subtle, or concise, and others as something between the two and in the middle as it were, he would be saying something of the men, but very little of the matter. For as to the matter, we seek to know what is the best; but as to the man, we state what is the real case. Therefore if any one likes, he has a right to call Ennius a consummate epic poet, and Pacuvius an excellent tragic poet, and Caecilius perhaps a perfect comic poet. But I do not divide the orator as to class in this way. For I am seeking a perfect one. And of perfection there is only one kind; and those who fall short of it do not differ in kind, as Attius does from Terentius; but they are of the same kind, only of unequal merit. For he is the best orator who by speaking both teaches, and delights, and moves the minds of his hearers. To teach them is his duty, to delight them is creditable to him, to move them is indispensable. It must be granted that one person succeeds better in this than another; but that is not a difference of kind but of degree. Perfection is one thing; that is next to it which is most like it; from which consideration it is evident that that which is most unlike perfection is the worst.

II. For, since eloquence consists of words and sentences, we must endeavour, by speaking in a pure and correct manner, that is to say in good Latin, to attain an elegance of expression with words appropriate and metaphorical. As to the appropriate words, selecting those which are most suitable; and when indulging in metaphor, studying to preserve a proper resemblance, and to be modest in our use of foreign terms. But of sentences, there are as many different kinds as I have said there are of panegyrics. For if teaching, we want shrewd sentences; if aiming at giving pleasure, we want musical ones; if at exciting the feelings, dignified ones. But there is a certain arrangement of words which produces both harmony and smoothness; and different sentiments have different arrangements suitable to them, and an order naturally calculated to prove their point; but of all those things memory is the foundation, (just as a building has a foundation,) and action is the light. The man, then, in whom all these qualities are found in the highest perfection, will be the most skilful orator; he in whom they exist in a moderate degree will be a mediocre orator: he in whom they are found to the slightest extent will be the most inferior sort of orator. All these, indeed, will be called orators, just as bad painters are still called painters; not differing from one another in kind, but in ability. So there is no orator who would not like to resemble Demosthenes; but Menander did not want to be like Homer, for his style was different.

Page 408

This difference does not exist in orators; or if there be any such difference, that one avoiding gravity aims rather at subtlety; and on the other hand, that another desires to show himself acute rather than polished: such men, although they may be tolerable orators, are certainly not perfect ones; since that is perfection which combines every kind of excellence.

III. I have stated these things with greater brevity than the subject deserves; but still, with reference to my present object, it was not worth while being more prolix. For as there is but one kind of eloquence, what we are seeking to ascertain is what kind it is. And it is such as flourished at Athens; and in which the genius of the Attic orators is hardly comprehended by us, though their glory is known to us. For many have perceived this fact, that there is nothing faulty in them: few have discerned the other point; namely, how much in them there is that is praiseworthy. For it is a fault in a sentence if anything is absurd, or foreign to the subject, or stupid, or trivial; and it is a fault of language if any thing is gross, or abject, or unsuitable, or harsh, or far-fetched. Nearly all those men who are either considered Attic orators or who speak in the Attic manner have avoided these faults. But if that is all their merit, then they may deserve to be regarded as sound and healthy, as if we were regarding athletes, to such an extent as to be allowed to exercise in the palaestra, but not to be entitled to the crown at the Olympic games. For the athletes, who are free from defects, are not content as it were with good health, but seek to produce strength and muscles and blood, and a certain agreeableness of complexion; let us imitate them, if we can; and if we cannot do so wholly, at least let us select as our models those who enjoy unimpaired health, (which is peculiar to the Attic orators,) rather than those whose abundance is vicious, of whom Asia has produced numbers. And in doing this (if at least we can manage even this, for it is a mighty undertaking) let us imitate, if we can, Lysias, and especially his simplicity of style: for in many places he rises to grandeur. But because he wrote speeches for many private causes, and those too for others, and on very trifling subjects, he appears to be somewhat simple, because he has designedly filed himself down to the standard of the inconsiderable causes which he was pleading.

IV. And a man who acts in this way, even if he be not able to turn out a vigorous speaker as he wishes, may still deserve to be accounted an orator, though an inferior one; but even a great orator must often also speak in the same manner in causes of that kind. And in this way it happens that Demosthenes is at times able to speak with simplicity, though perhaps Lysias may not be able to arrive at grandeur. But if men think that, when an army was marshalled in the forum and in all the temples round the forum, it was possible to speak in defence of Milo, as if

Page 409

we had been speaking in a private cause before a single judge, they measure the power of eloquence by their own estimate of their own ability, and not by the nature of the case. Wherefore, since some people have got into a way of repeating that they themselves do speak in an Attic manner, and others that none of us do so; the one class we may neglect, for the facts themselves are a sufficient answer to these men, since they are either not employed in causes, or when they are employed they are laughed at; for if the laughter which they excite were in approbation of them, that very fact would be a characteristic of Attic speakers. But those who will not admit that we speak in the Attic manner, but yet profess that they themselves are not orators; if they have good ears and an intelligent judgment, may still be consulted by us, as one respecting the character of a picture would take the opinion of men who were incapable of making a picture, though not devoid of acuteness in judging of one. But if they place all their intelligence in a certain fastidiousness of ear, and if nothing lofty or magnificent ever pleases them, then let them say that they want something subtle and highly polished, and that they despise what is dignified and ornamented; but let them cease to assert that those men alone speak in the Attic manner, that is to say, in a sound and correct one. But to speak with dignity and elegance and copiousness is a characteristic of Attic orators. Need I say more? Is there any doubt whether we wish our oration to be tolerable only, or also admirable? For we are not asking now what sort of speaking is Attic: but what sort is best. And from this it is understood, since those who were Athenians were the best of the Greek orators, and since Demosthenes was beyond all comparison the best of them, that if any one imitates them he will speak in the Attic manner, and in the best manner, so that since the Attic orators are proposed to us for imitation, to speak well is to speak Attically.

V. But as there was a great error as to the question, what kind of eloquence that was, I have thought that it became me to undertake a labour which should be useful to studious men, though superfluous as far as I myself was concerned. For I have translated the most illustrious orations of the two most eloquent of the Attic orators, spoken in opposition to one another: Aeschines and Demosthenes. And I have not translated them as a literal interpreter, but as an orator giving the same ideas in the same form and mould as it were, in words conformable to our manners; in doing which I did not consider it necessary to give word for word, but I have preserved the character and energy of the language throughout. For I did not consider that my duty was to render to the reader the precise number of words, but rather to give him all their weight. And this labour of mine will have this result, that by it our countrymen may understand what to require of those who wish to be accounted Attic speakers, and that they may recal them to, as it were, an acknowledged standard of eloquence.

Page 410

But then Thucydides will rise up; for some people admire his eloquence. And they are quite right. But he has no connexion with the orator, which is the person of whom we are in search. For it is one thing to unfold the actions of men in a narration, and quite a different one to accuse and get rid of an accusation by arguing. It is one thing to fix a hearer's attention by a narration, and another to excite his feelings. "But he uses beautiful language." Is his language finer than Plato's? Nevertheless it is necessary for the orator whom we are inquiring about, to explain forensic disputes by a style of speaking calculated at once to teach, to delight, and to excite.

VI. Wherefore, if there is any one who professes that he intends to plead causes in the forum, following the style of Thucydides, no one will ever suspect him of being endowed with that kind of eloquence which is suited to affairs of state or to the bar. But if he is content with praising Thucydides, then he may add my vote to his own. Moreover, even Isocrates himself, whom that divine author, Plato, who was nearly his contemporary, has represented in the *Phaedrus* as being highly extolled by Socrates, and whom all learned men have called a consummate orator, I do not class among the number of those who are to be taken for models. For he is not engaged in actual conflict; he is not armed for the fray; his speeches are made for display, like foils. I will rather, (to compare small things with great,) bring on the stage a most noble pair of gladiators. Aeschines shall come on like *aeserninus*, as *Lucilius* says—

"No ordinary man, but fearless all,
And skill'd his arms to wield—his equal match
Pacideianus stands, than whom the world
Since the first birth of man hath seen no greater."

For I do not think that anything can be imagined more divine than that orator. Now this labour of mine is found fault with by two kinds of critics. One set says, "But the Greek is better." And I ask them whether the authors themselves could have clothed their speeches in better Latin? The others say, "Why should I rather read the translation than the original?" Yet those same men read the *Andria* and the *Synephebi*; and are not less fond of Terence and Caecilius than of Menander. They must then discard the *Andromache*, and the *Antiope*, and the *Epigoni* in Latin. But yet, in fact, they read Ennius and Pacuvius and Attius more than Euripides and Sophocles. What then is the meaning of this contempt of theirs for orations translated from the Greek, when they have no objection to translated verses?

VII. However, let us now come to the task which we have undertaken, when we have just explained what the cause is which is before the court.

Page 411

As there was a law at Athens, that no one should be the cause of carrying a decree of the people that any one should be presented with a crown while invested with office till he had given in an account of the way in which he had discharged its duties; and another law, that those who had crowns given them by the people ought to receive them in the assembly of the people, and that they who had them given to them by the senate should receive them in the senate; Demosthenes was appointed a superintendent of repairs of the walls; and he did it at his own expense. Therefore, with reference to him Ctesiphon proposed a decree, without his having given in any accounts, that he should be presented with a golden crown, and that that presentation should take place in the theatre, the people being summoned for the purpose, (that is not the legitimate place for an assembly of the people;) and that proclamation should be made, "that he received this present on account of his virtue and devotion to the state, and to the Athenian people." Aeschines then prosecuted this man Ctesiphon because he had proposed a decree contrary to the laws, to the effect that a crown should be given when no accounts had been delivered, and that it should be presented in the theatre, and that he had made false statements in the words of his motion concerning Demosthenes's virtue and loyalty; since Demosthenes was not a good man, and was not one who had deserved well of the state.

That kind of cause is indeed inconsistent with the precedents established by our habits; but still it has an imposing look. For it has on each side of the question a sufficiently clever interpretation of the laws, and a very grave contest as to the respective services done by the two rival orators to the republic. Therefore the object of Aeschines was, since he himself had been prosecuted on a capital charge by Demosthenes, for having given a false account of his embassy, that now a trial should take place affecting the conduct and character of Demosthenes, that so, under pretence of prosecuting Ctesiphon, he might avenge himself on his enemy. For he did not say so much about the accounts not having been delivered, as to the point that a very bad citizen had been praised as an excellent.

Aeschines instituted this prosecution against Ctesiphon four years before the death of Philip of Macedon. But the decision took place a few years afterwards; when Alexander had become master of Asia. And it is said that all Greece thronged to hear the issue of the trial. For what was ever better worth going to see, or better worth hearing, than the contest of two consummate orators in a most important cause, inflamed and sharpened by private enmity?

If then, as I trust, I have given such a copy of their speeches, using all their excellencies, that is to say, their sentiments, and their figures, and the order of their facts; adhering to their words only so far as they are not inconsistent with our customs, (and though they may not be all translated from the Greek, still I have taken pains that they should be of the same class,) then there will be a standard to which the orations of those men must be directed who wish to speak Attically. But I have said enough of myself—let us now hear Aeschines speaking in Latin. (*These Orations are not extant.*)

Page 412

END OF THE TREATISE.

FOOTNOTES:

[Footnote 1: Dolabella had been married to Cicero's daughter Tullia, but was divorced from her.]

[Footnote 2: The name was given them early. Juvenal, who wrote within a hundred years of Cicero's time, calls them "divina Philippica."]

[Footnote 3: This meeting took place on the third day after Caesar's death.]

[Footnote 4: [Greek: Mae mnaesikakin].]

[Footnote 5: The hook was to drag his carcass along the streets to throw it into the Tiber. So Juvenal says—

"Sejanus ducitur unco
Spectandus."—x. 66.]

[Footnote 6: This refers to a pillar that was raised in the forum in honour of Caesar, with the inscription, "To the Father of his Country."]

[Footnote 7: See Philippic 2.]

[Footnote 8: This was the name of a legion raised by Caesar in Gaul, and called so, probably, from the ornament worn on their helmet.]

[Footnote 9: He meant to insinuate that Antonius had been forging Caesar's handwriting and signature]

[Footnote 10: Fulvia, who had been the wife of Clodius, and afterwards of Curio, was now the wife of Antonius.]

[Footnote 11: These were the names of slaves.]

[Footnote 12: Ityra was a town at the foot of Mount Taurus.]

[Footnote 13: Brutus was the Praetor urbanus this year, and that officer's duty confined him to the city; and he was forbidden by law to be absent more than ten days at a time during his year of office.]

[Footnote 14: I have translated *jugerum* "an acre," because it is usually so translated, but in point of fact it was not quite two-thirds of an English acre. At the same time it was

nearly three times as large as the Greek [Greek: plethros] such by the fault of fortune and not by his own. You assumed the manly gown, which you soon made a womanly one: at first a public prostitute, with a regular price for your wickedness, and that not a low one. But very soon Curio stepped in, who carried you off from your public trade, and, as if he had bestowed a matron's robe upon you, settled you in a steady and durable wedlock. No boy bought for the gratification of passion was ever so wholly in the power of his master as you were in Curio's. How often has his father turned you out of his house? How often has he placed guards to prevent you from entering? while you, with night for your accomplice, lust for your encourager, and wages for your compeller, were let down through the roof. That house could no longer endure your wickedness. Do you not know that I am speaking of matters with which I am thoroughly acquainted? Remember that time when Curio, the father, lay weeping in his bed; his son throwing himself at my feet with tears recommended to me you; he entreated me to defend you against his

Page 413

own father, if he demanded six millions of sesterces of you; for that he had been bail for you to that amount. And he himself, burning with love, declared positively that because he was unable to bear the misery of being separated from you, he should go into banishment. And at that time what misery of that most nourishing family did I allay, or rather did I remove! I persuaded the father to pay the son's debts; to release the young man, endowed as he was with great promise of courage and ability, by the sacrifice of part of his family estate; and to use his privileges and authority as a father to prohibit him not only from all intimacy with, but from every opportunity of meeting you. When you recollected that all this was done by me, would you have dared to provoke me by abuse if you had not been trusting to those swords which we behold?]

[Footnote 15: Sisapo was a town in Spain, celebrated for some mines of vermilion, which were farmed by a company.]

[Footnote 16: She was a courtesan who had been enfranchised by her master Volumnius. The name of Volumnia was dear to the Romans as that of the wife of Coriolanus, to whose entreaties he had yielded when he drew off his army from the neighbourhood of Rome.]

[Footnote 17: This is a play on the name Hippias, as derived from [Greek: hippos], a horse.]

[Footnote 18: The custom of erecting a spear wherever an auction was held is well known, it is said to have arisen from the ancient practice of selling under a spear the booty acquired in war.]

[Footnote 19: There seems some corruption here. Orellius apparently thinks the case hopeless.]

[Footnote 20: The Latin is, "non solum de die, sed etiam in diem, vivere;" which the commentators explain, "*De die* is to feast every day and all day. Banquets *de die* are those which begin before the regular hour." (Like Horace's *Partem solido demere de die*.) "To live *in diem* is to live so as to have no thought for the future."—Graevius.]

[Footnote 21: This accidental resemblance to the incident in the "Forty Thieves" in the "Arabian Nights" is curious.]

[Footnote 22: The *septemviri*, at full length *septemviri epulones* or *epulonum*, were originally triumviri. They were first created BC. 198, to attend to the *epulum Jovis*, and the banquets given in honour of the other gods, which duty had originally belonged to the *pontifices*. Julius Caesar added three more, but that alteration did not last. They

formed a *collegium*, and were one of the four great religious corporations at Rome with the *pontifices*, the *augures*, and the *quindecemviri*. Smith, Diet, Ant. v. *Epulones*.]

[Footnote 23: It had been explained before that Fulvia had been the widow of Clodius and of Curio, before she married Antonius.]

[Footnote 24: Riddle (Dict. Lat. in voce) says, that this was the regular punishment for deserters, and was inflicted by their comrades.]

Page 414

[Footnote 25: Cnaeus Octavius, the real father of Octavius Caesar, had been praetor and governor of Macedonia, and was intending to stand for the consulship when he died.]

[Footnote 26: Bambalio is derived from the Greek word [Greek: bambala] to lisp.]

[Footnote 27: Julia, the mother of Antonius and sister of Lucius Caesar, was also a native of Aricia.]

[Footnote 28: He had intended to propose to the senate to declare Octavius a public enemy. We must recollect that in these orations Cicero, even when he speaks of Caius Caesar, means Octavius.]

[Footnote 29: It is quite impossible to give a proper idea of Cicero's meaning here. He is arguing on the word *dignus*, from which *dignitas* is derived. But we have no means of keeping up the play on the words in English.]

[Footnote 30: The general proceeding on such occasions being to ask each senator's opinion separately, which gave those who chose an opportunity for pronouncing some encomium on the person honoured.]

[Footnote 31: Spartacus was the general of the gladiators and slaves in the Servile war.]

[Footnote 32: Lepidus had not in reality done any particular service to the republic (he was afterwards one of the triumviri), but he was at the head of the best army in the empire, and so was able to be of the most important service to either party, and, therefore, Cicero hoped to attach him to his side by this compliment.]

[Footnote 33: It has been already explained that this was the name of one legion.]

[Footnote 34: The mirmillo was the gladiator who fought with the retiarius; he wore a Gallic helmet with a fish for a crest.]

[Footnote 35: The English reader must recollect that what is called Gaul in these orations, is Cisalpine Gaul containing what we now call the North of Italy, coming down as far south as Modena and Ravenna.]

[Footnote 36: After the year B.C. 403 there were two classes of Roman knights, one of which received a horse from the state, and were included in the eighteen centuries of service, the other class, first mentioned by Livy (v. 7) in the account of the siege of Veii, served with their own horses, and instead of having a horse found them, received a certain pay, (three times that of the infantry) and were not included in the eighteen centuries of service. The original knights, to distinguish them from these latter, are often



called *equites equo publico*, sometimes also *ficus vanes* or *trossuli* Vide Smith, Dict. Ant. P. 394-396, v. *Equites*]

[Footnote 37: He had been one of the septemvirs appointed to preside over the distribution of the lands.]

[Footnote 38: Janus was the name of a street near the temple of Janus, especially frequented by bankers and usurers. It was divided into *summus*, *nedus* and *imus* Horace says—

Hase Janus summus ab imo
Edocet [lacuna]
Postquam omms res mea Janum
Ad medium fracta cat.

Page 415

]

[Footnote 39: *I.e. tumultus*, as if it were *tumor multus*]

[Footnote 40: These were the names of officers devoted to Antonius.]

[Footnote 41: The province between the Alps and the Rubicon was called Gallia *Citerior*, or *Oisalpina*, from its situation, also *Togata*, from the inhabitants wearing the Roman toga. The other was called *Ulterior*, and by Cicero often *Ultima*, or *Transalpina*, and also *Comata*, from the fashion of the inhabitants wearing long hair]

[Footnote 42: Sulpicius was of about the same age as Cicero, and an early friend of his, and he enjoyed the reputation of being the first lawyer of his time, or of all who ever had studied law as a profession in Rome.]

[Footnote 43: There is some corruption of the text here.]

[Footnote 44: Brutus had been adopted by his maternal uncle Quintus Servilius Caepio, so that his legal designation was what is given in the text now, as Cicero is proposing a formal vote—though at all other times we see that he calls him Marcus Brutus]

[Footnote 45: The Latin is *Samarius*, or as some read it *Samarius*. Orellius says, “perhaps it means some sort of trade, for I doubt its having been a Roman proper name.” Nizollius says, “*Samarius exul—proverbium*.” Facciolatti calls him a man whose business it was to clean the arms of the guards, &c. with Samian chalk.]

[Footnote 46: Vopiscus is another name of Bestia.]

[Footnote 47: It is impossible to give the force of the original here, which plays on the word *tabula*. The Latin is, “*vindicem enim novarum tabularum novam tabulam vidimus*,” *novae tabulae* meaning as is well known a law for the abolition of debts, *nova tabula* in the singular an advertisement of (Trebellius’s) property being to be sold.]

[Footnote 48: Here too is a succession of puns. Lysidicus is derived from the Greek [Greek: lyo] to loosen and [Greek: dikae], justice. *Cimber* is a proper name, and also means one of the nation of the Cimbri, *Germanus* is a German, and *germanus* a brother, and he means here to impute to Caius Cimber that he had murdered his brother.]

[Footnote 49: Compare St Paul,—“For if the trumpet give an uncertain sound, who shall prepare himself to the battle?” 1 Cor. xiv 8.]

[Footnote 50: That is, without being crucified like a slave.]



[Footnote 51: The Latin here is “Itaque Caesaris munera rosit,”—playing on the name mus, mouse; but Orellius thinks the whole passage corrupt, and indeed there is evident corruption in the text here in many places.]

[Footnote 52: He means Lucius Aemilius Paullus, and Caius Claudius Marcellus, who were consuls the year after Servius Sulpicius and Marcus Claudius Marcellus, A.U.C. 704.]

[Footnote 53: These two were tribunes of the people, who had been dispossessed of their offices by Julius Caesar.]

Page 416

[Footnote 54: There is some difficulty here. Many editors propose to read “offen lerint” which Orellius thinks would hardly be Latin. He says, “Antonius is here speaking of those veterans who had deserted him indeed but who, at the time of his writing this letter, had not acted against him”. Therefore, he says it is open to them to become reconciled to him again (wishing to conciliate them, and to alarm his enemies). On the other hand, Cicero replies, Nothing is so open to them now as to do what their duty to the republic requires. That is to say, openly to attack you, whose party they have already abandoned.]

[Footnote 55: There were two wine feasts, Vinalia, at Rome: the vinalia urbano, celebrated on the twenty-third of April; and the vinalia rustica, on the nineteenth of October. This was the urbana vinalia; on which occasion the wine casks which had been filled in the autumn were tasted for the first time.]

[Footnote 56: There is much dispute as to who is meant here. Some say Cicero refers to Amphion, some to Orpheus, and some to Mercury; the Romans certainly did attribute the civilization of men to Mercury, as Horace says—

Qui feros cultus hominum recenti
Voce formasti catus l. 9, 2.]

[Footnote 57: This is very frequently quoted by Cicero; the Latin lines being the opening of the Medea of Ennius, translated from the first lines of the Medea of Euripides.]

[Footnote 58: The Talysus was a hunter at Rhodes, of whom Protogenes had made an admirable picture, which was afterwards brought to Rome, and placed in the temple of Peace.]

[Footnote 59: Brutus was at present proprætor in Gaul.]

[Footnote 60: Theophrastus’s real name was Tyrtamus, but Aristotle, whose pupil he was, surnamed him Theophrastus, from the Greek words [Greek: Theos], God and [Greek: phrazo], to speak.]

[Footnote 61: He refers to the Menexenus.]

[Footnote 62: Cape si vis.]

[Footnote 63: “Assiduus. Prop, sitting down, seated, and so, well to do in the world, rich. The derivation *ab assis duendis* is therefore to be rejected. Servius Tullius divided the Roman people into two classes, *assidui*, i. e. the rich, who could sit down and take their ease, and *proletarii*, or *capite censi*, the poor.”—Riddle, in voc. *Assiduus*, quoting this passage. One does not see, however, why aelius and Cicero should not understand the meaning and derivation of a Latin word. Smith’s Dict. Ant. takes no notice of the word at all.]

[Footnote 64: See chap. x.]