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CICERO

SELECTED WORKS

AGAINST VERRES · I  
TWENTY-THREE LETTERS  
THE SECOND PHILIPPIC AGAINST  
ANTONY  
ON DUTIES · III  
ON OLD AGE

*Translated with an Introduction by*  
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CHAPTER ONE

ATTACK ON MISGOVERNMENT

(AGAINST VERRES · I)

There is great force about this speech. Cicero had not attained that perfect mastery of the whole art of rhetoric which he possessed at a later period. But on the other hand there is a freedom, a boldness, a zeal for popular rights, a scorn of the vicious and insolent gang whom he afterwards called the 'boni', which makes these early speeches more pleasing than the later.

THOMAS BABINGTON MACAULAY

*Born in 106 B.C. at the central Italian hill-town of Arpinum (Arpino), Marcus Tullius Cicero received his education at Rome in rhetoric (public-speaking – the basis of higher education of the day) and philosophy, as well as in law which, combined with politics, was to be his career. After a courageous speech at the age of twenty-six, in which he criticized an agent of the dictator Sulla, he proceeded to Athens, and then to Rhodes, for more advanced courses in philosophy and rhetoric; he cured himself of a bad habit of shouting the most important passages in his speeches. At Athens he cemented his friendship with Atticus, whose name derives from his close association with that city. During the seventies B.C. Cicero embarked on the first stages of a Roman official's career – serving for a year in Sicily – and married his first wife Terentia, who bore him a daughter Tullia (their son Marcus was born about twelve years later).<sup>1</sup>*

*He also undertook a number of important briefs culminating in his first major triumph, against Verres. In 70 B.C. Gaius Verres, governor of Rome's oldest province Sicily during the past three years, was prosecuted at Rome by Cicero, as a result of serious complaints from the Sicilian communities. Since the restoration of large sums was demanded, his charge came before the court reserved for cases of extortion;<sup>2</sup> but it was widely understood to involve*

1. For Terentia, Tullia, and Marcus, see below, pp. 65, 84, 157.

2. Established by the Calpurnian law of 149 B.C., regularizing procedure established twenty-two years earlier. Verres' rapacity caused fears at Rome that the Sicilians would cut their wheat production, and the Roman state lose its rich tithes.

defendant whom I am prosecuting, being the man he is, provides you with your opportunity to recover the lost prestige of these courts and to regain the favour of Romans and the outside world alike.

Verres has sacked the Treasury.<sup>1</sup> He has devastated Asia and Pamphylia. His tenure of the city-praetorship was a record of robberies; and the province of Sicily found him an annihilating pestilence. Pronounce a just and scrupulous verdict against Verres, and you will keep the good name which ought always to be yours. Let us imagine, on the other hand, that his great wealth succeeds in undermining the conscience and honesty of the judges. Well, even then I shall accomplish one thing. For the general conclusion will not be that the judges failed to find a guilty defendant – or that the defendant lacked a competent prosecutor. On the contrary: the deduction will be that there are no good judges in the land.

I have a personal statement to make. On land and on sea, Gaius Verres has set me many traps. Certain of them I have avoided by my own precautions; others my loyal and vigilant friends have helped me to escape. But I have never felt so conscious of danger, never so apprehensive, as I do in this court today. The keen hopes that are invested in this speech of mine, the great crowd that is assembled here – these are disturbing enough. Yet it is not because of them that my anxiety is so great. No: what alarms me is the fresh series of criminal plots that Verres has laid. By their means he proposes to ensnare, at one and the same time, myself, yourselves, the presiding praetor Manius Acilius Glabrio: indeed the whole Roman people itself, and its allies, and the other nations of the world – not to speak of the Senatorial Order and everything for which it stands. The people who have reason to fear prosecutions, Verres assures his friends, are those who have only stolen just enough for their own use: whereas what he, on the contrary, has stolen is enough to satisfy many people! Nothing, he declares, is too sacred to be corrupted by money; nothing too strong to resist its attack. If the secrecy with which his projects are put into effect were comparable to the criminality which inspires their

1. As quaestor to Gnaeus Papirius Carbo, in Cisalpine Gaul, 84 B.C. Verres was in Pamphylia (to the south-east of the province of Asia) as legate to Gnaeus Cornelius Dolabella, governor of Cilicia, 81 B.C. He became city-praetor (see Appendix C, praetor) in 74 B.C., just before going to Sicily as governor. See also Appendix D (maps).

design, he might, to some extent or at some stage, have kept them from my notice. But so far, conveniently enough, his unbelievable unscrupulousness has been matched by a peculiar degree of folly. He has grabbed his wealth without any attempt at concealment; and he has let everyone see the schemes and intrigues by which he hopes to corrupt his judges.

Verres says he was only seriously frightened once in his life; and that was when I announced that I was going to prosecute him. He had recently arrived from his province. The blaze of virulent hostility, though itself far from new, had only just begun to rage around him – and he had struck a bad moment for bribing the court. That is why, when I requested a very brief period to make inquiries in Sicily,<sup>1</sup> he created a diversion by finding someone to ask for a duration two days shorter in order to make inquiries about another governor, in Achaia. I worked hard to complete my mission, but he had not the slightest intention that his nominee should carry out an equally painstaking and industrious job. Indeed, this Achaian investigator never even reached Brundisium! I, on the other hand, spent fifty days on a careful investigation of the entire island of Sicily; I got to know every document, every wrong suffered either by a community or an individual. Anyone could see, therefore, that this other investigator was not put forward with any genuine idea that his ostensible defendant from Achaia should be prosecuted. Verres' real aim was that the time I needed for the case against himself should be occupied by other business.

And now listen to this demented scoundrel's present intention. He realizes that my preparation and documentation of this trial have been thorough: and that I can consequently pin him down, in your hearing and before the eyes of the world, as a thief and a criminal. He sees the

1. The chronology of these events of 70 B.C. has recently (though without certainty) been interpreted as follows: 10 January, prosecution announced, 20 January, speech against Quintus Caecilius Niger (p. 36), 20 January–20 April (a period which in this year may have included an 'intercalary', i.e. additional, month after 23 February). Cicero's investigations (perhaps 20/25 days studying case in Rome, 15/20 in Sicily, 10/12 back in Rome), end April–early July abortive Achaian inquiry, between 14 and 26 July challenging of judges in Verres case, 5 August, this speech, 13 August, adjournment, mid-September, Verres retires into exile, 20 September, his conviction. For the Games during the later part of the year, see p. 48.

many Senators and knights who can bear witness to his misdeeds. He sees the crowds of Romans and allies whom he has grievously wronged. He sees also the numerous, highly responsible deputations, from communities in the friendliest relations with Rome, which have assembled here bearing the official credentials of their governments. Yet, in spite of these facts, his estimate of all right-minded men must indeed be low – and his belief in the ruinous corruption of the senatorial courts unbounded. Indeed he habitually asserts, in public, that his passion for money-making is justified – since he finds money such a wonderful protection! He has bought something which was by no means easy to buy – namely the date for his own trial: and now that this has been bought, it will be simpler to buy everything else in future! Meanwhile, granted that he cannot permanently evade his impending charges, he can at least avoid meeting them at the stormiest season.

Now if he had felt the slightest confidence in the strength of his case, or in any honest defence, or in the eloquence or reputation of his supporters, he would surely not have had to chase up and scrape together all these expedients. Nor would he have revealed his utter scorn and contempt for the Senatorial Order indicated by the arbitrary selection of this other Senator from Achaia to stand his trial first, so that Verres could have time to prepare his own defence.

I can quite clearly see his hopes and intentions in all this. It is true that with you on this bench, gentlemen, with Manius Acilius Glabrio as your president, I do not understand what Verres can hope to achieve. But what I do understand is this – and when the judges' names were challenged<sup>1</sup> the people of Rome came to the same conclusion: his hopes of salvation were based on his money and his money only. If this protection were removed, he was thoroughly well aware that nothing else could save him. For the greatest brains, fluency, and eloquence in the world could not even begin to defend the life this man has led. His innumerable vices and misdeeds have long since received passionate and unanimous condemnation from the entire world. I will leave unmentioned the shames and disgraces of his younger days, and turn to his quaestorship, the first stage of his official career. This is a story of Gnaeus Papirius Carbo having public

1. See last note. Under a law of the dictator Sulla both parties had a right to reject judges.

funds stolen from him by his own quaestor. Consul and commanding officer, Carbo was left stranded and defenceless; deserting his army, abandoning his province, Verres spurned the official lot by which he had been appointed – in violation of his sacred duty.<sup>1</sup>

Then came his tenure as provincial legate: upon Asia and Pamphylia, in their entirety, it brought disaster. Household after household, cities in great number, holy shrines one and all, succumbed to his depredations. Moreover, he revived and repeated, during this period, that original scandal of his quaestorship – this time at the expense of Gnaeus Cornelius Dolabella. As his legate and acting quaestor, he was guilty of criminal disloyalty to his superior, and brought deep discredit upon him. Indeed, not content with abandoning Dolabella at a critical juncture, Verres deliberately subjected him to treacherous abuse. Next came his praetorship at Rome. This was one long series of thefts from temples and other public buildings, and of legal cases in which properties were awarded or given away in contravention of every conceivable proper precedent.

But the most conspicuous and numerous instances and demonstrations of his criminality come from his governorship in Sicily. For three long years he so thoroughly despoiled and pillaged the province that its restoration to its previous state is out of the question. A succession of honest governors, over a period of many years, could scarcely achieve even a partial rehabilitation. While Verres was governor the Sicilians enjoyed the benefit neither of their own laws, nor of the Roman Senate's decrees, nor even of the rights to which everyone in the world is entitled. All the property that anyone in Sicily still has for his own today is merely what happened to escape the attention of this avaricious lecher, or survived his gluttonous appetites.

In Sicily, during those three years, not a single lawsuit was decided without his connivance. Inheritances from a father or a grandfather, however authentic, were cancelled – if Verres said the word. Under a new and immoral ruling, the properties of farmers were robbed of countless sums. Allies of unassailable loyalty were treated as enemies; Roman citizens were tortured and put to death like slaves. Criminals of the deepest dye would bribe their way to acquittal, while men of

1. The quaestor was expected to behave like a son towards his governor, but in the civil war between the Marians and Sulla, Verres deserted his governor in order to change sides to the victorious Sulla.

impeccable honesty were prosecuted in their absence, and convicted and banished unheard. Powerfully fortified harbours, great and well-protected cities, were left open for pirates and robbers to attack. Sicilian soldiers and sailors, allies and friends of ours, were starved to death. Splendid, beautifully equipped fleets were squandered and thrown away. It was an appalling disgrace for our country.

Then again, ancient monuments given by wealthy monarchs to adorn the cities of Sicily, or presented or restored to them by victorious Roman generals, were ravaged and stripped bare, one and all, by this same governor. Nor was it only statues and public monuments that he treated in this manner. Among the most sacred and revered Sicilian sanctuaries, there was not a single one which he failed to plunder; not one single god, if only Verres detected a good work of art or a valuable antique, did he leave in the possession of the Sicilians.

When I turn to his adulteries and similar outrages, considerations of decency deter me from giving details of these loathsome manifestations of his lusts. Besides, I do not want, by describing them, to worsen the calamities of the people who have not been permitted to save their children and their wives from Verres' sexual passions. It is, however, incontestable that he himself did not take the slightest precaution to prevent these abominations from becoming universally known. On the contrary, I believe that every man alive who has heard the name of Verres would be able to recount the atrocities which he has committed. I am more likely, therefore, to be criticized for omitting many of his evil deeds than to be suspected of inventing non-existent ones. This great crowd which has gathered here today to listen has not, in my opinion, come to learn from me what happened. It has come to go over, with my assistance, events of which it is already well aware.

Such being the case, this degraded lunatic has to discover a new way of fighting me. To find a clever speaker who will oppose me is not his real aim. He places his trust in no man's popularity, or prestige, or power. He pretends otherwise; but I see what his real aim is. Indeed he makes no great secret of it. He puts forward an empty list of aristocratic names of arrogant persons. The nobility of these names does not damage my case – their notoriety assists it! These are the men upon whose protection Verres pretends to rely. Meanwhile, however, he has long been working at quite a different scheme; and I propose

to explain to you briefly, gentlemen, what his actual hopes and designs are.

But first I must ask you to note how he handled the situation in its early stages. He returned from his province – and then, instantly, he tried to buy up the whole panel of judges!<sup>1</sup> The attempt cost him a large sum. All went well according to the terms and conditions then laid down, until the day when the judges were challenged. On an earlier occasion the drawing of lots by which you yourselves were appointed had constituted a defeat for his hopes and a triumph for the destiny of Rome; and now, too, in the challenging of the judges' names, my labours again frustrated the unscrupulous tactics of the opposition. Consequently, after this failure, his agents abandoned their part of the bargain altogether.

The prospects were now excellent. The lists showing your names as members of this court were published for all to see; it was evident that no marks,<sup>2</sup> or colours, or smudges could be superimposed to affect the verdict. Verres, who had been so lively and cheerful, suddenly displayed gloom and depression. He now appeared to share the general belief among Romans that condemnation was in store for him. But then the next year's consuls were elected, and see, the same old intrigues are promptly under way again! Behind them are even larger sums of money: against your good name, and against the well-being of the entire community, the same insidious campaign is being conducted – and by the same men.

Gentlemen, I first learnt what was going on from a minute piece of evidence that came my way. Once it had aroused suspicion, this led me unmistakably to all the most secret designs of Verres and his supporters. Quintus Hortensius<sup>3</sup> had just been appointed consul-elect, and a large crowd was escorting him home from the Field of Mars. Caius Scribonius Curio happened to meet them. My allusion to him here should not be regarded as derogatory – on the contrary; for if he had not intended his words during this encounter to be repeated, he would have refrained from uttering them so openly and publicly

1. i.e. promised agents a large sum to secure his acquittal by bribing the judges.

2. Such as would have indicated violation of secrecy, bribery of judges, or distrust of the bribed by the bribers.

3. Cicero's chief opponent in this case (p. 36).

in front of such a large gathering. Even so, however, my comments on what he said will be in tentative and guarded terms: I want it to be clear that considerations of our friendship and his rank are very much in my mind. Well, near the Arch of Fabius, Curio caught sight of Verres among the crowd, and shouted congratulations to him. Although Hortensius had just been elected consul, he, and his relations and friends who were also there, received not one word from Curio; it was Verres whom he accosted, with embraces and assurances that he need not worry. 'I hereby proclaim,' he declared, 'that today's elections mean your acquittal!'

This announcement was heard by a large number of reputable witnesses, and was immediately reported to me – or rather, everyone who saw me told me without delay. The statement was variously regarded as scandalous or ridiculous. It seemed ridiculous to people who believed the case to depend, not on the result of the consular elections, but on considerations such as the reliability of witnesses, the factual basis of the charges, and the powers vested in the judges. Those, on the other hand, who could see further appreciated how scandalous this congratulatory utterance was, since it implied that members of the court were corrupt.

The highly respectable people whose discussions with each other and myself led them to the latter view argued that it was now clear for all to see how impotent our courts had become. Does a man one day regard his conviction as certain, and on the next procure acquittal when his advocate has become consul? If so, it can only be assumed that the present concentration at Rome of all Sicily and all Sicilians, of the island's entire business community and whole public and private archives will be regarded as totally unimportant – if the consul-elect so desires! And the charges, the witnesses, even the good name of Rome itself – of these, presumably, the judges will take no account whatever. Instead, all power and all authority is to be vested in one single individual.

Gentlemen, I shall speak frankly: this seemed to me a deeply disturbing situation. Every decent person was saying: 'Yes, Verres will escape you, but we Senators will lose our courts: for once he is acquitted no one could have the least hesitation in transferring them out of our hands.' There was universal distress – due not so much to this rascal's sudden gaiety as to the unheard-of congratulations offered him

by so highly-placed a personage. I tried not to show how upset I felt; I did what I could to conceal my pain by looking calm and saying nothing.

Then, only a few days later, the praetors-elect cast lots for their offices, and the presidency of the extortion court went to Marcus Caecilius Metellus.<sup>1</sup> And behold, it was reported to me that Verres had again received warm congratulations. He even sent people to his home to tell his wife the news! Here, in the appointment of Metellus, was another development which obviously could not be welcome to me. All the same, I saw no reason to find this allotment of duties particularly frightening. But certain persons, who regularly kept me informed, brought one fact to my notice. A Senator had conveyed to a knight a number of baskets containing Sicilian money. But about ten other purses were retained in the Senator's house – for an object concerned with my candidature for the aedileship! And one night, the distributing agents<sup>2</sup> from the tribes were summoned to Verres' house.

One of these agents, however, always felt in duty bound to help me in any way he could. So the very same night this man visited me and repeated what Verres had told them. He had begun by recalling their generous treatment at his hands on an earlier occasion, when he had been standing for the praetorship, and also at the recent elections of consuls and praetors. Then he had at once gone on to promise them any sum they chose to ask if they would block my election as aedile. On hearing this, some of his listeners answered that they dared not make the attempt, while others declared the scheme impracticable.

1. At this period the conservative patrician clan of the Metelli gained a large proportion of the most important offices of state – as they had formerly under Sulla, of whose party they were the nucleus and also in the latter part of the previous century. There was also an earlier saying (p. 47), doubtfully attributed to the poet Naevius (c. 270–201 B.C.), 'it is fated for the Metelli to become consuls at Rome'. The consul-elect, Quintus Metellus, was later known as Creticus for his brutal reduction of Crete, a pirate base (68–66 B.C.). Lucius Metellus became consul in 68 and died during the year. (See Genealogical Table on p. 254.)

2. Candidates in a major election formed groups of supporters in each quarter of the city, paying them sums of money through an intermediary, who employed agents to distribute the money. On the present occasion the portion of the Sicilian plunder sent to the knight was intended for the forthcoming elections to consulships and praetorships.

However, a stout supporter turned up from his own clan – Quintus Verres of the Romilian tribe. This choice specimen of the distributing-agent tradition, a pupil and friend of Verres' father, promised to do the job for 500,000 sesterces. Then a number of the others announced that they would take part after all. In the light of these developments my informant obligingly advised me to take every possible precaution.

Thus within a very short space of time I was faced by a number of extremely serious anxieties. My candidature for the aedileship was impending, and in this as well as the trial vast sums of money were mobilized against me. The trial, too, was imminent; and in trial and election alike I was menaced by those baskets full of Sicilian coin. Worries concerning the election made it impossible for me to concentrate on the trial; and, conversely, the trial prevented me from devoting adequate attention to my candidature. What is more, there was no point in threatening the distributing agents with prosecution, since I was completely tied and pinned down by this trial – as I could see they were well aware.

That was the moment when I heard for the first time how Hortensius had requested the Sicilians to visit him at his home, and how they, on learning the purpose of this summons, had asserted their independence by refusing to go.

And now started my election. Like all the other elections of the year, Verres believed it was under his control. Round the tribes this portentous figure circulated, with his smooth and popular son, canvassing and seeking out all the family's friends – that is to say, the distributing agents. However, the citizens of Rome noted and understood what was happening, and most wholeheartedly arranged matters so that the man whose riches had not availed to undermine my honesty did not succeed any better in his attempt to keep me out of office.<sup>1</sup>

Once relieved from the grave anxiety of standing for the aedileship, I felt much less distracted and preoccupied, and began to devote myself wholeheartedly to researches and plans relating to this trial. And I discovered, gentlemen, that the scheme of my opponents was this: to postpone consideration of the case, by any available means, until Marcus Caecilius Metellus becomes praetor and president of the

1. It is not known whether Verres made such an attempt.

court. They favoured this course for two reasons. First, Marcus Metellus is extremely well-disposed to Verres. Secondly, not only will Hortensius then be consul, but his colleague will be Quintus Caecilius Metellus – whose close friendship with Verres has been clearly demonstrated by substantial preliminary indications of his support. These have already made Verres feel amply rewarded for his help with those centuries<sup>1</sup> which voted first in Quintus's election.

You expected me to say nothing about matters as serious as this? But when our country and my honour are in peril, you would be wrong to suppose that I did not place my duty and my obligations before everything else in the whole world.

Well, the second consul-elect, Quintus Metellus, now sent for the Sicilians; and, bearing in mind that another Metellus – Lucius – had become governor in Sicily, some of them put in an appearance. Quintus spoke to them in these terms: 'I am consul, one of my brothers is governor in Sicily, the other is going to be president of the extortion court; many measures have been taken to ensure that Verres will come to no harm.' I ask you, Metellus: if that is not corruption, what is? – using your influence, and a consul's powers of intimidations, and the authority of two praetors, to browbeat witnesses: in particular, these timid, crushed Sicilians. So, in support of this degraded ruffian, who is in no way a connexion of yours, you throw duty and dignity to the winds. One may well ask what you would do to help a man who was both innocent and your kinsman! You give people every encouragement to believe what Verres was saying about you. For he was quoted as declaring that, whereas the rest of your family attained their consulships 'by act of fate', yours was the product of his efforts!

That is to say, Verres will have on his side two consuls and the president of the court. His reasoning goes like this. 'For one thing, we shall avoid having Manius Acilius Glabrio<sup>2</sup> as president. He is too painstaking in his inquiries, and too jealous of his high reputation. And we shall also gain another advantage. One of the present judges is Marcus Caesonius, my prosecutor's colleague as aedile-elect. He is a well-known and experienced judge, whose presence on a panel

1. See Appendix C. The centuries which voted first influenced the votes of those which followed and therefore needed particularly generous bribes.

2. In the *Brutus*, Cicero describes him as lazy and careless.

which we might want in any way to corrupt would be highly inconvenient. For on an earlier occasion, when he was judge in Gaius Julius's court<sup>1</sup>, the corruption of the proceedings horrified him into a public denunciation. But from 1 January onwards we shall no longer have Caesonius as one of the judges.

'Nor shall we have the just and scrupulous Quintus Manlius and Quintus Cornificius,<sup>2</sup> since they will have taken office as tribunes of the people. Publius Sulpicius, too – another judge of strict and lofty principles – must take up his post on 5 December. Then again Marcus Crepereius, whose family of knights has so vigorous a tradition of public service; and Lucius Cassius, of a house which cherishes the most exacting standards in judicial as in all other matters; and that religious, conscientious person Gnaeus Tremellius Scrofa – these three personalities of the old stamp have been appointed to military tribuneships, and after 1 January will not be judges any longer. We shall also require a supplementary ballot to fill the place of Marcus Caecilius Metellus, since he will be presiding over this very court. That is to say, from 1 January onwards the president and almost the entire membership of the court will have changed. However imposing, therefore, may be the prosecutor's threats, however keen popular expectations of the outcome, we shall be able to frustrate them in any way we wish and choose!'

Today is 5 August. You met at one-thirty p.m.: they do not regard today as counting at all. In ten days' time are Pompey's Votive Games.<sup>3</sup> Those will take fifteen days; and then the Roman Games fol-

1. This court in 73 B.C. had convicted Statius Albius (or Abbius) Oppianicus, with two others, of attempting to poison his stepson Aulus Cluentius Habitus, whom in 66 B.C. Cicero was to defend against charges of poisoning Oppianicus (who had died in exile) and of bribing Gaius Junius's court – of which Cicero himself however, in the present case, has nothing good to say.

2. A 'new man', became praetor in 67 or 66. Publius Sulpicius was elected to a quaestorship for 69. Gaius Tremellius Scrofa was an agriculturist and a friend of Varro.

3. Reference is made to the following Games: *Pompey's* (last half of August, duration fifteen days), to celebrate his successful conclusion of the civil war against the ex-Marian Quintus Sertorius in Spain in 72 B.C.; *Roman* (4–19 September), annual Games originally promised to gods in event of Roman victory, gradually extended in scope: *Victory* (27–31 October), instituted by Sulla to commemorate his victory over the Samnites (Marians) in 82 B.C.; *Plebeian*, 4–17 November.

low at once. So before having to reply to my charges they count on almost forty days' grace. And even then they reckon, by making speeches and pleading other engagements, to prolong the case without difficulty until the Victory Games – which are immediately succeeded by the Plebeian Games. After all that, there will be no days, or very few, left for conducting the trial. They count on these circumstances to damp and exhaust the prosecution: and then the whole case would come up afresh before Marcus Caecilius Metellus when he becomes president of the court. As for him, if I had doubted his honesty, I should not have allowed his continuation as a judge. Nevertheless, while a decision on this case is pending, I shall feel happier to have him as a judge than as president, and to let him dispose, on oath, of his own voting-tablet rather than see him dispose, unsworn, of other people's votes.

Now, gentlemen, I must ask you what you think I ought to do. I am convinced that your unspoken advice will correspond with what my own understanding tells me is the necessary course. If I employ for my speech the whole time allotted by law, then certainly my industrious efforts will not go altogether unrewarded; for my conduct of the prosecution will at least demonstrate that no one in human memory can ever have come to court better equipped, more thoroughly prepared, and more vigilantly watchful. But there is a serious danger that amid such praises for my laborious endeavours the defendant will slip away!

What, then, can be done? The answer does not seem to me particularly complicated or obscure. I shall have to save up for another occasion the harvest of compliments which might have been earned by a continuous speech. Instead, my attack on Verres must concentrate on the evidence of records and witnesses, and the letters and other testimonies of individuals and public bodies.

Hortensius, you are the man I shall have to contend with all the time. I must speak openly. If I supposed that your opposition to me in this trial would consist of a speech refuting my charges against your client, then I too would devote all my energies to a comprehensive statement of those charges. Instead, however, you have chosen to fight me by methods more compatible with your client's critical predicament than with your own character. Consequently, I am obliged to find some way of counteracting the tactics you have adopted. Your

purpose is to postpone your speech until after the two Games; mine is to reach the adjournment<sup>1</sup> before the first of these Games begin. And whereas the ingenuity of your plan will not fail to be appreciated, no one will question that my response has taken the only possible form.

You are the man I have to contend with, I had begun to say. What I meant was this. When the Sicilians had prevailed upon me to take on this case, I felt it a fine compliment that their experience of me as a decent, honest man should have encouraged them to put their trust in my good faith and set me this strenuous task. Later, however, after I had set to work on the brief, I formed a more ambitious purpose: namely, to demonstrate to the people of Rome how I feel for my country. To bring into a court a man already convicted by unanimous public opinion did not, in itself, commend itself to me as an achievement worth so much hard and rigorous toil. But what persuaded me, Hortensius, was your own persistence, for this utter scoundrel's support, in unendurably domineering behaviour, and in the grasping propensities that you have displayed at a number of trials during recent years.

One thing, then, that has influenced me is this gloating of yours over your tyrannical dominance in our courts; and another is the evident existence of men who feel not the slightest shame or disgust for their repulsive and outrageous behaviour. On the contrary, they seem to court, deliberately, the hatred and detestation of every Roman. For these reasons I can declare with all emphasis that the burden I have undertaken, whatever the labours and perils it may bring me, will summon up – as it should – every effort that I can command, to the utmost capacity of my strength and my manhood.

The pressure of a few unscrupulous rascals has discredited our courts and plunged the entire Senatorial Order into crisis. That is why my attack on these scoundrels will be implacable. I declare myself their ruthless, irreconcilable, unrelenting enemy! And I claim a duty – I demand it as my own. I am referring to what I propose to do in that place where the people of Rome have appointed me, from the first of next January, to collaborate with them in the affairs of our state and its defence from criminal foes. I will tell you of the grandest and most glorious spectacle which I promise the people of Rome as their aedile.

1. For at least one day – a compulsory feature of the procedure (see below, p. 57).

Regard this as my advance notice, my warning pronouncement. It is addressed to all who habitually place, or accept, or promise bribes; who act as go-betweens or intermediaries in attempting to corrupt judges; and who have offered to lend their influence or their unscrupulousness in such a cause. I proclaim to you all: in the case now being tried, keep your hands and minds clear of this detestable crime!

From January onwards, Hortensius will have a consul's rank and power. I, on the other hand, shall be an aedile, that is, little more than a private citizen. Yet the programme which I am now promising you is of such significance, and will be so welcome and agreeable to Romans, that in opposing me on an issue of this magnitude even the consul himself will seem of less importance – if this were possible – than an ordinary citizen.

For I am going to disclose to you, with full corroborating evidence, the whole story of all the abominable crimes which have been perpetrated in the courts during these ten years since they were first transferred to the Senate. Gentlemen, here are the facts which I am going to reveal to the people of Rome. While the Order of Knights controlled the courts, for nearly fifty years not one single knight who was a judge incurred the slightest suspicion of allowing his verdict to be influenced by a bribe. Yet after the courts had been transferred to the Senate – after you had escaped,<sup>1</sup> every one of you, from the Roman people's control – Quintus Calidius,<sup>2</sup> on being found guilty, was able to remark that no ex-praetor could honourably be convicted for less than three million sesterces!

Again, when the Senator Publius Septimius Scaevola was condemned by an extortion court presided over by Quintus Hortensius – then praetor – his fine had to be expressly adjusted because, while member of a court, he had accepted a bribe. The successful prosecutions of other Senators, Gaius Herennius and Gaius Popilius Laenas, for stealing public funds, and of Marcus Atilius Bulbus for high treason, likewise clearly established that they had been bribed while

1. One of the tribunes' powers removed by Sulla had been their right to arrest and bring before an Assembly or throw into prison any offender of senatorial rank.

2. Governor of Spain, condemned 77 B.C.; Publius Septimius Scaevola, condemned 72 B.C. (in his speech *For Cluentius* Cicero tries to take back the present reference); Gaius Popilius Laenas subsequently went into exile at Nuceria (Campania); Marcus Atilius Bulbus, condemned 73–71 B.C.

serving as judges. Moreover, when Gaius Verres presided as city-praetor over the drawing of lots for judgeships, certain Senators<sup>1</sup> actually pronounced against a defendant and convicted him without a hearing! Whereas another judge of senatorial rank accepted money from the defendant to bribe his colleagues – and simultaneously accepted a further sum from the prosecutor to secure a verdict of guilty!

A further outrage, which has had a deplorable effect on the position of our entire Order, I have no words strong enough to denounce. In the trial to which I refer, though the judges had voted under oath, their tablets proved to display markings in different colours! This happened in *our* country – and it happened under a regime of senatorial control over the courts. From myself, I promise you, every such scandal will receive attention of the most thorough and unremitting character.

You can imagine, then, how I shall feel if I discover that the same kind of criminal irregularity has occurred in the present case! In this connexion I must record a fact which many witnesses can corroborate. When Gaius Verres was in Sicily, a number of people heard him saying this sort of thing on various occasions: 'I have a powerful friend! Whatever I steal from the province, I am sure he will protect me. My intention is not just to make money for myself: I have mapped out the three years of my Sicilian governorship like this. I shall consider myself to be doing nicely if I can earmark one year's profits for my own use, the second year's for my protectors and counsel, and the whole of the third year's – the richest and most lucrative – for the judges who try me!'

This reminds me of a remark I made before Manius Acilius Glabrio recently, when the judges for this case were being challenged – and I noticed that my words made a profound impression on the Romans assembled for the occasion. I asserted my belief that, one of these days, communities from the provinces would send deputations to the people of Rome requesting that the extortion law and its court should be abolished. For if no such court existed, they suppose that each governor would only take away with him enough for himself and his

1. Gaius Fidiculanus Falcula and others were charged with this in the Oppianicus case (p. 48); 'another judge' is believed to have been Gaius Aelius Staienus, in the same court.

children. At present, on the other hand, with the courts as they are, a governor takes enough for himself, and his protectors, and his counsel, and the president of the court, and the judges! In other words there is no end to it. A greedy man's lust for gain they could satisfy, but they cannot afford a guilty man's acquittal. How peculiarly glorious our courts have become, how scintillating is our Order's prestige, when Rome's allies pray that the courts which our ancestors created for their benefit should be struck out of existence!

Besides, would Verres ever have been so optimistic unless he, too, had absorbed this same deplorable opinion concerning yourselves? His evident agreement with this view ought – if possible – to make you hate him even more than other Romans do: seeing that in greed, criminality, and perjury he regards you as his equals.

In God's name, gentlemen, I pray you to devote all your care and all your foresight to facing this situation. It is evident to me, and I give you solemn warning, that heaven itself has vouchsafed you this opportunity of rescuing our entire Order from its present unpopularity, disgrace, ill-fame, and scandal. People believe that strictness and good faith are not to be found in our courts – indeed, that the courts themselves no longer have any reality. So we Senators are scorned and despised by the people of Rome: long have we laboured under this painful burden of disrepute. When Romans were so eager to give the tribunes back their powers, that was the only reason. The ostensible demand was for a restitution of all their powers, but it was really the courts that the people were after.

Quintus Lutatius Catulus,<sup>1</sup> whose wisdom and nobility are so pre-eminent, was well aware of this. Pompey, renowned and courageous man that he is, had moved<sup>2</sup> that the tribunes' powers should be restored to them. Then Catulus was called upon to speak. He immediately declared, with great effect, that the Senators were exercising their control of the courts in an immoral and criminal fashion; and that if only, while acting as judges, they had seen fit to live up to

1. Consul 78 B.C., moderate conservative; for many years leader of the Senate. A relative of Quintus Hortensius.

2. Earlier this year (70 B.C.) as fellow-consul with Marcus Licinius Crassus. His first public speech was made outside Rome because he had not yet laid down his military command (after the defeat of Sertorius, p. 48, and of the slave revolt of Spartacus) and could therefore not make an electoral speech within the walls.

Rome's expectations, the tribunes' loss of their powers would have provoked no such regrets.

Again, when Pompey himself, as consul-elect, was making his first public speech outside Rome, he responded to the general demand by proclaiming his intention to give the tribunes back their rights. On hearing this, his audience duly expressed their satisfaction and grateful approval; but only in a murmur. Later in the same speech, however, he declared that Roman provinces had been devastated and ravaged by their governors, that the conduct of the extortion courts was outrageous and criminal – and that he proposed to take vigorous action to put a stop to this. At that point, the people signified its approbation not by a murmur but by a roar.

Their eyes are upon you now. They are watching to see how far each of you means to act in accordance with the demands of our conscience and the law. They note that since the time when the tribunes' powers were legally restored<sup>1</sup> only one Senator has been found guilty: and he was a man of negligible resources! Certainly, they do not criticize his condemnation – but they find no great reason for high praise. For honesty is not particularly virtuous when there is no one with the ability or ambition to corrupt it. On the other hand your verdict upon the present defendant will decide another verdict also: and it is upon yourselves that this will be pronounced – by Rome. For here is the man, and here is the case, that will provide an answer to this question: will a court of Senators convict a guilty man if he is rich?

The defendant has only two characteristics: his appalling record, and his exceptional wealth. If, therefore, he is acquitted, the only reasons to which this decision can justifiably be ascribed are the worst. For it will be inconceivable that your leniency towards his numerous and abominable outrages could have been prompted by any personal liking, or family tie, or any good deed he might have done on other occasions, or even by any bad quality which he possessed in only a mild form. And finally, gentlemen, the facts that I shall be presenting to you in this case will be so notorious and well-attested, so glaring and incontrovertible, that no one could possibly attempt to make you acquit Verres as a personal favour.

1. Earlier this year by a law sponsored by the two consuls; this removed the disabilities (other than their exclusion from the courts) which Sulla had imposed.

I have a definite and methodical plan for tracing and disposing of every scheme that he and his friends may launch. I shall handle my prosecution in such a way as to make every one of their intrigues manifest to the ears of the world, and to the eyes of the people of Rome. The shameful discredit, which for years has been so damaging to our Order, you have been granted the power to blot out of existence. Ever since these courts were allotted their present composition, it is generally agreed that they have never had such a distinguished and impressive panel of judges as is sitting today. If things go wrong with this court, any proposal to search for other and more suitable Senators as judges will be unanimously rejected as a solution, since they could not be found. Instead, the general conclusion will be that our judges must be sought from another Order altogether.

So I begin, gentlemen, by begging heaven to fulfil this hope and prayer: that, apart from the one person whose rascality has long been evident, this court shall contain not a single dishonest man. And secondly, gentlemen, I assure you, and I assure the people of Rome, that if there do prove to be other malefactors here, I will sooner lose my life itself, so help me God, than fall short in the vigour and perseverance needed to punish their wickedness.

So upon any such scandal, at the expense of whatever labour, peril, and hostility to myself, I have sworn to bring drastic retribution. That must be after its perpetration. You on the other hand, Manius Glabrio, can employ your wisdom, prestige, and industry to prevent such a scandal from happening at all. Lend your support to our courts – let justice, honesty, principle, and conscience be your cause! Stand for the interests of the Senate – help it to surmount this test, and so to win the satisfied approval of all Romans!

Think of the position you occupy; of your duty to Rome. Think also of the debt you owe your ancestors. Remember your father's Acilian Law<sup>1</sup> – the law which provided excellent courts and just judges to protect our people from extortion. Surrounded by splendid precedents such as these, you are in no position to forget your family's renown. Day and night, you cannot fail to remember your courageous father, your wise grandfather, the noble father of your wife. Fight these scoundrels with your father's keenness and energy; borrow the

1. 123 or 122 B.C.: made the knights judges in extortion cases. This was one of the laws which Sulla had repudiated.

foresight of your grandfather Publius Mucius Scaevola,<sup>1</sup> and use it to steer clear of the traps which lie in wait for all your reputations. Rival the perseverance of your father-in-law Marcus Aemilius Scaurus: let no one undermine the firmness and accuracy of your judgement. And then the people of Rome will see that a select panel of judges, under an honest and scrupulous praetor, is more likely, because of a defendant's wealth, to damn him (if he is guilty) than to set him free on that account.

I am determined to prevent a change of president or judges in this case. When the consul-elect's slaves took the unparalleled course of summoning the Sicilians collectively, they refused to go: I do not propose to allow the trial to be delayed until they can be commanded to attend – by the lictors of consuls in office. Once these unfortunate people were Rome's allies and friends, now they are its slaves and suppliants. Their enemies will use their official powers to deprive these Sicilians not only of their rights and everything that they possess, but even of the opportunity to protest against the losses that have been inflicted upon them.

Nor have I the slightest intention of permitting the other side forty days' respite<sup>2</sup> after I have presented my case. During that length of time, the charges would be forgotten. Crowds from all parts of Italy have assembled here and now in Rome, to attend the elections, the Games, and the census. A postponement of the decision until after they have gone I shall not tolerate.

I am convinced, gentlemen, that this trial will bring you either great popularity or great discredit. To me it will bring much toil and anxiety. But it should also provide the entire population with a chance to understand the procedure, and to memorize what each speaker will be saying.

I shall call my witnesses at once. This is no novelty; it has been done before, by men who are now among our national leaders.<sup>3</sup> But where

1. Consul 133 B.C., chief priest 123; Glabrio's maternal grandfather. Marcus Aemilius Scaurus was consul in 117 and 115.

2. During Pompey's Votive Games and the Roman Games (p. 48).

3. Lucius Licinius Lucullus, commander in the East and conservative enemy of Pompey, and his brother Marcus (M. Terentius Varro Lucullus) when they accused the augur Servilius (or a certain Marcus Cotta) of responsibility for their father's death. (Neither of them was a good orator, which may account for their choice of this procedure.)

you will find a certain innovation<sup>1</sup> is in my method of handling these witnesses. As I come to each charge in turn, I shall state it in full; I shall go on to cross-examine, argue, and plead in proof of it; and then I shall call witnesses to that particular charge. So the only deviation from customary routine will be this: generally witnesses are not produced until after the conclusion of all the speeches, whereas I am going to call those relating to each individual charge as it is dealt with.

Under this procedure, my opponents will have the same opportunities as myself for cross-examining, arguing, and discussing. Anyone who misses the usual continuous speech for the prosecution will have what he wants at the second stage. Meanwhile, he must appreciate the necessity for my present programme, which is adopted as a counter-measure to the other side's intrigues.

In the first stage of the trial, then, my charge is this. I accuse Gaius Verres of committing many acts of lechery and brutality against the citizens and allies of Rome, and many crimes against God and man. I claim that he has illegally taken from Sicily sums amounting to forty million sesterces. By the witnesses and documents, public and private, which I am going to cite, I shall convince you that these charges are true. Indeed, you will conclude that even if I had been allowed entire days, all the time I wanted, for the presentation of my case, no long speech would have been necessary. At present I have no more to say.

1. According to the normal procedure for the first part of a trial, the prosecutor opened with a long speech, which was answered by a long speech for the defence; speeches by juniors may have followed. Only then was it customary for the witnesses to give evidence – first for the prosecution, then for the defence. It is not immediately clear *how* the modification of procedure proposed by Cicero would necessarily shorten the total duration of the trial, but perhaps he foresaw that the early witnesses (to be heard, incidentally, at a time when there were many summer visitors at Rome (p. 56)) would be so damning that Verres would quit: as in fact happened, so that the second part of the trial, which normally followed after the adjournment and was again introduced by long speeches on both sides, never took place. Moreover, if there was no legal limit to the length of time which could be spent on the customary long, continuous speeches, Cicero may have believed it useful to abandon these so as to prevent the defence from spinning theirs out to an inordinate length.