



THE LETTERS

VOLUME 1

CICERO

The Letters

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PREFACE

The object of this book is to give the English-speaking public, in a convenient form, as faithful and readable a copy as the translator was capable of making of a document unique in the literature of antiquity. Whether we regard the correspondence of Cicero from the point of view of the biographer and observer of character, the historian, or the lover of *belles lettres*, it is equally worthy of study. It seems needless to dwell on the immense historical importance of letters written by prominent actors in one of the decisive periods of the world's history, when the great Republic, that had spread its victorious arms, and its law and discipline, over the greater part of the known world, was in the throes of its change from the old order to the new. If we would understand—as who would not?—the motives and aims of the men who acted in that great drama, there is nowhere that we can go with better hope of doing so than to these letters. To the student of character also the personality of Cicero must always have a great fascination. Statesman, orator, man of letters, father, husband, brother, and friend—in all these capacities he comes before us with singular vividness. In every one of them he will doubtless rouse different feelings in different minds. But though he will still, as he did in his lifetime, excite vehement disapproval as well as strong admiration, he will never, I think, appear to anyone dull or uninteresting. In the greater part of his letters he is not posing or assuming a character; he lets us only too frankly into his weaknesses and his vanities, as well as his generous admirations and warm affections. Whether he is weeping, or angry, or exulting, or eager for compliments, or vain of his abilities and achievements, he is not a phantasm or a farceur, but a human being with fiercely-beating pulse and hot blood.

The difficulty of the task which I have been bold enough to undertake is well known to scholars, and may explain, though perhaps not excuse, the defects of my work. One who undertakes to express the thoughts of antiquity in modern idiom goes to his task with his eyes open, and has no right at every stumbling-block or pitfall to bemoan his unhappy fate. So also with the particular difficulties presented by the great founder of Latin style—his constant use of superlatives, his doubling and trebling of nearly synonymous terms, the endless shades of meaning in such common words as *officium*, *fides*, *studium*, *humanitas*, *dignitas*, and the like—all these the translator has to take in the day's work. Finally, there are the hard nuts to crack—often very hard—presented by corruption of the text. Such problems, though, relatively with other ancient works, not perhaps excessively numerous, are yet sufficiently numerous and sufficiently difficult. But besides these, which are the natural incidents of such work, there is the special difficulty that the letters are frequently answers to others which we do not possess, and which alone can fully explain the meaning of sentences which must remain enigmatical to us; or they refer to matters by a word or phrase of almost telegraphic abruptness, with which the recipient was well acquainted, but as to which we are reduced to guessing. When, however, all such insoluble difficulties are allowed for, which after all in absolute bulk are very small, there should (if the present version is at all worthy) be enough that is perfectly plain to everyone, and generally of the highest interest.

I had no intention of writing a commentary on the language of Cicero or his correspondents, and my translation must, as a rule, be taken for the only expression of my judgment formed after reading and weighing the arguments of commentators. I meant only to add notes on persons and things enabling the reader to use the letters for biographical, social, and historical study. I should have liked to dedicate it by the words *Boswellianus Boswellianis*.

But I found that the difficulties of the text compelled me to add a word here and there as to the solution of them which I preferred, or had myself to suggest. Such notes are very rare, and rather meant as danger signals than critical discussions. I have followed in the main the chronological arrangement of the letters adopted by Messrs. Tyrrell and Purser, to whose great work my obligations are extremely numerous. If, as is the case, I have not always been able to accept their conclusions, it is none the less true that their brilliant labours have infinitely lightened my task, and perhaps made it even possible.

I ought to mention that I have adopted the English mode of dating, writing, for instance, July and August, though Cicero repudiated the former and, of course, never heard of the latter. I have also refrained generally from attempting to represent his Greek by French, partly because I fear I should have done it ill, and partly because it is not in him as in an English writer who lards his sentences with French. It is almost confined to the letters to Atticus, to whom Greek was a second mother-tongue, and often, I think, is a quotation from him. It does not really represent Cicero's ordinary style.

One excuse for my boldness in venturing upon the work is the fact that no complete translation exists in English. Mr. Jeans has published a brilliant translation of a selection of some of the best of the letters. But still it is not the whole. The last century versions of Melmoth and Herbenden have many excellences; but they are not complete either (the letters to Brutus, for instance, having been discovered since), and need, at any rate, a somewhat searching revision. Besides, with many graces of style, they may perhaps prove less attractive now than they did a century ago. At any rate it is done, and I must bear with what equanimity nature has given me the strictures of critics, who doubtless will find, if so minded, many blemishes to set off against, and perhaps outweigh, any merit my translation

may have. I must bear that as well as I may. But no critic can take from me the days and nights spent in close communion with Rome's greatest intellect, or the endless pleasure of solving the perpetually recurring problem of how best to transfer a great writer's thoughts and feelings from one language to another:

"Cæsar in hoc potuit iuris habere nihil."

INTRODUCTION

Ground covered by the Correspondence.

The correspondence of Cicero, as preserved for us by his freedman Tiro, does not open till the thirty-ninth year of the orator's life, and is so strictly contemporary, dealing so exclusively with the affairs of the moment, that little light is thrown by it on his previous life. It does not become continuous till the year after his consulship (B.C. 62). There are no letters in the year of the consulship itself or the year of his canvass for the consulship (B.C. 64 and 63). It begins in B.C. 68, and between that date and B.C. 65 there are only eleven letters. We have, therefore, nothing exactly contemporaneous to help us to form a judgment on the great event which coloured so much of his after life, the suppression of the Catilinarian conspiracy and the execution of the conspirators, in the last month of his consulship. But setting aside the first eleven letters, we have from that time forward a correspondence illustrating, as no other document in antiquity does, the hopes and fears, the doubts and difficulties, of a keen politician living through the most momentous period of Roman history, the period of the fall of the Republic, beginning with Pompey's return from the East in B.C. 62, and ending with the appearance of the young Octavian on the scene and the formation of the Triumvirate in B.C. 43, of whose victims Cicero was one of the first and most illustrious. It is by his conduct and speeches during this period that Cicero's claim to be a statesman and a patriot must be judged, and by his writings in the same period that his place in literature must chiefly be assigned. Before B.C. 63 his biography, if we had it, would be that of the advocate and the official, no doubt

with certain general views on political questions as they occurred, but not yet committed definitely to a party, or inclined to regard politics as the absorbing interest of his life. In his early youth his hero had been his fellow townsman Marius, in whose honour he composed a poem about the time of taking the *toga virilis*. But it was as the successful general, and before the days of the civil war. And though he served in the army of Sulla in the Marsic war (B.C. 90-88), he always regarded his cruelties with horror, however much he may have afterwards approved of certain points of his legislation. It was not till the consulship that he became definitely a party man^[1] and an Optimate, and even then his feelings were much distracted by a strong belief—strangely ill-founded—that Pompey would be as successful as a statesman as he had been fortunate as a general. For him he had also a warm personal attachment, which never seems to have wholly died out, in spite of much petulance of language. This partly accounts for the surrender of B.C. 56, and his acquiescence in the policy of the triumvirs, an acquiescence never hearty indeed, as far as Cæsar and Crassus were concerned, but in which he consoled himself with the belief that nothing very unconstitutional could be done while Pompey was practically directing affairs at Rome.

The various nature of the Correspondence.

It is through this period of political change and excitement that the correspondence will take us, with some important gaps indeed, but on the whole fullest when it is most wanted to shew the feelings and motives guiding the active politicians of the day, or at any rate the effect which events had upon one eager and acute intellect and sensitive heart. One charm of the correspondence is variety. There is almost every sort of letter. Those to Atticus are unstudied,

spontaneous, and reflect the varying moods of the writer. At times of special excitement they follow each other day by day, and sometimes more than once in the same day; and the writer seems to conceal nothing, however much it might expose him to ridicule, and to the charge of fickleness, weakness, or even cowardice. Those addressed to other friends are sometimes familiar and playful, sometimes angry and indignant. Some of them are careful and elaborate state papers, others mere formal introductions and recommendations. Business, literature, and philosophy all have their share in them; and, what is so rare in ancient literature, the family relations of the writer, his dealings with wife, son, and daughter, brother and nephew, and sons-in-law, are all depicted for us, often with the utmost frankness. After reading them we seem to know Cicero the man, as well as Cicero the statesman and orator. The eleven letters which precede the consulship are happily, from this point of view, addressed to Atticus. For it was to Atticus that he wrote with the least concealment, and with the confidence that any detail, however small, which concerned himself would be interesting to his correspondent. It is well, therefore, that, though we thus come into his life when it was more than half over, we should at once hear his genuine sentiments on whatever subjects he may be speaking. Besides his own, we have about ninety letters to Cicero from some of the chief men of the day—Pompey, Cæsar, Cato, Brutus, Antony, and many others. They are of very various excellence. The best of them are by much less known men. Neither Pompey nor Cæsar were good letter-writers, or, if the latter was so, he was too busy to use his powers.

Cicero's position previous to the beginning of the Correspondence in B.C. 68.

The letters begin, then, in B.C. 68, when Cicero was in his thirty-seventh year. He was already a man of established reputation both as a pleader and a writer. Rhetorical treatises (B.C. 86), translations from Xenophon and Plato (B.C. 84), and from the poems of Aratus (B.C. 81), had given evidence of a varied literary interest and a promise of future eminence, while his success as an advocate had led to the first step in the official *cursus honorum* by his becoming a quæstor in B.C. 75. The lot assigned Lilybæum as his sphere of work, and though the duties of a quæstor in Sicily were not such as to bring a man's name much before the Roman public, Cicero plumes himself, as was not unusual with him, on the integrity and energy which he displayed in his administration. He has indeed the honesty to tell against himself the story of the acquaintance who, meeting him at Puteoli on his return journey, asked Quæstor, B.C. 75. him what day he had left Rome and what was the news there. When he answered rather crossly that he had just come from Sicily, another acquaintance put in with "Why, of course. Didn't you know he has just been quæstor *at Syracuse!*" At any rate he had done sufficiently well in Lilybæum to give him his next step, the ædileship to which he was elected B.C. 70, and to induce the Sicilians to apply to him, when in that year they desired the prosecution of the extortionate Verres. His energy and success in this business raised him, without question, to the first rank of advocates, and pledged him to a righteous policy in regard to the government of the provinces.

Cicero's Boyhood and Education.

Still Cicero was a *novus homo*, and the jealous exclusiveness of the great families at Rome might yet prevent his attainment of the highest office of all. When the correspondence opens he is a candidate for the prætorship, which he obtained without difficulty, at the head of the poll.

But his birth might still be a bar to the consulship. His father, M. Tullius, lived at Arpinum, an ancient city of the Volscians and afterwards of the Samnites, which had long enjoyed a partial, and from B.C. 188 a complete, Roman franchise, and was included in the Cornelian tribe. Cicero's mother's name was Helvia, of whom we know nothing but the one anecdote told by Quintus (*Fam.* xvi. 26), who says that she used to seal the wine jars when they were emptied, so that none might be drained without her knowing it—a testimony to her economy and careful housewifery. His father had weak health and resided almost entirely in his villa at Arpinum, which he had considerably enlarged, much devoted to study and literature (*de Leg.* ii. 1). But though he apparently possessed considerable property, giving him equestrian rank, and though Cicero says that his family was very ancient, yet neither he nor any of his ancestors had held Roman magistracies. Marcus and his brother Quintus were the first of their family to do so, and both had to depend on character and ability to secure their elections. But though the father did nothing for his sons by holding curule office himself, he did the best for their education that was possible. Cicero calls him *optimus et prudentissimus*, and speaks with gratitude of what he had done for his sons in this respect. They were sent early to Rome to the house of C. Aculeo, a learned jurisconsult, married to a sister of Helvia; and attended—with their cousins, the sons of Aculeo—the best schools in the city.^[2] The young Marcus shewed extraordinary ability from the first, and that avidity for reading and study which never forsook him. As a young man he diligently attended the chambers of renowned jurisconsults, especially those of the elder and younger Scævola, Crassus, and Antonius, and soon found that his calling in life was oratory. It was not till he was twenty-eight years old, however—when he had already written much and pleaded many cases—that he

went on a visit of between two and three years to Greece, Asia, and Rhodes, to study in the various schools of rhetoric and philosophy, and to view their famous cities (B.C. 79-77). It was after his return from this tour that his age (he was now thirty-one) made the seeking of office at Rome possible. From that time his election to the several offices—quæstorship, ædileship, prætorship, consulship—followed without any repulse, each in the first year of his age at which he was legally capable of being elected.

He had doubtless made the acquaintance of Titus Pomponius, afterwards called Atticus, early in life. But it seems that it was their intimacy at Athens (B.C. 79), where Atticus, who was three years his senior, had been residing for several years, that began the very close and warm friendship which lasted with nothing but the slightest and most passing of clouds till his death. His brother Quintus was married to Pomponia, a sister of Atticus; but the marriage turned out unfortunately, and was a strain upon the friendship of Cicero and Atticus rather than an additional bond. This source of uneasiness meets us in the very first letter of the correspondence, and crops up again and again till the final rupture of the ill-assorted union by divorce in B.C. 44. Nothing, however, had apparently interrupted the correspondence of the two friends, which had been going on for a long time before the first letter which has been preserved.

Cicero the successful Advocate.

The eleven letters, then, which date before the consulship, shew us Cicero in full career of success as an advocate and rising official, not as yet apparently much interested in party politics, but with his mind, in the intervals of forensic business, engaged on the adornment of the new villa at Tusculum, the first of the numerous country residences which his growing wealth or his

heightened ideas of the dignity of his position prompted him to purchase. Atticus is commissioned to search in Athens and elsewhere for objects of art suitable for the residence of a wealthy Roman, who at the same time was a scholar and man of letters. He is beginning to feel the charm of at any rate a temporary retreat from the constant bustle and occupations of the city. Though Cicero loved Rome, and could hardly conceive of life unconnected with its business and excitements,^[3] and eagerly looked for news of the city in his absence, yet there was another side to his character. His interest in literature and philosophy was quite as genuine as his interest in the forum and senate-house. When the season came for temporarily withdrawing from the latter, he returned to the former with eager passion. But Tusculum was too near Rome to secure him the quiet and solitude necessary for study and composition. Thus, though he says (vol. i., p. 4), "I am so delighted with my Tusculan villa that I never feel really happy till I get there," he often found it necessary, when engaged in any serious literary work, to seek the more complete retirement of Formiæ, Cumæ, or Pompeii, near all of which he acquired properties, besides an inheritance at Arpinum.^[4] But the important achievements in literature were still in the future. The few letters of B.C. 68-67 are full of directions to Atticus for the collection of books or works of art suitable to his house, and of matters of private interest. They are also short and sometimes abrupt. The famous allusion to his father's death in the second letter of this collection, contained in a single line—*pater nobis decessit a.d. 111 Kal. Decembris*—followed by directions to Atticus as to articles of *vertu* for his villa, has much exercised the minds of admirers, who do not like to think Cicero capable of such a cold-hearted sentence. It is certainly very unlike his usual manner.^[5] He is more apt to exaggerate than understate his emotions;

and in the first letter extant he speaks with real feeling of the death of a cousin. Elsewhere—as we have seen—he refers to his father with respect and gratitude. How then are we to account for such a cold announcement? Several expedients have been hit upon. First, to change *decessit* to *discessit*, and to refer the sentence to the father's quitting Rome, and not life; in which case it is not easy to see why the information is given at all. Second, to suppose it to be a mere answer to a request for the information on the part of Atticus; in which case the date must refer to some previous year, or the letter must be placed considerably later, to allow of time for Atticus to hear of the death and to write his question. In favour of the first is the fact that Asconius (§ 82) says that Cicero lost his father when he was a candidate for the consulship (B.C. 64). Some doubt has been thrown upon the genuineness of the passage in Asconius; and, if that is not trustworthy, we have nothing else to help us. On the whole I think we must leave the announcement as it stands in all its baldness. Cicero's father had long been an invalid, and Atticus may have been well aware that the end was expected. He would also be acquainted with the son's feelings towards his father, and Cicero may have held it unnecessary to enlarge upon them. It is possible, too, that he had already written to tell Atticus of the death and of his own feelings, but had omitted the date, which he here supplies. Whatever may be the true explanation—impossible now to recover—everything we know of Cicero forbids us to reckon insensibility among his faults, or reserve in expressing his feelings among his characteristics.

The Prætorship, B.C. 66.

In the next year (B.C. 67) we find Cicero elected to the prætorship, after at least two interruptions to the *comitia*, which, though not aimed at himself, gave him a foretaste of the political troubles to come a few years later. He is,

however, at present simply annoyed at the inconvenience, not yet apprehensive of any harm to the constitution. The double postponement, indeed, had the effect of gratifying his vanity: for his own name was returned three times first of the list of eight. His prætorship (B.C. 66) passed without any startling event. The two somewhat meagre letters which remain belonging to this year tell us hardly anything. Still he began more or less to define his political position by advocating the *lex Manilia*, for putting the Mithridatic war into the hands of Pompey; and one of his most elaborate forensic speeches—that for Cluentius—was delivered in the course of the year: in which also his brother Quintus was elected to the ædileship.

B.C. 65-64. Preparations for the Consulship.

So far Cicero had risen steadily and without serious difficulty up the official ladder. But the stress was now to come. The old families seem not to have been so ready to oppose the rise of the *novus homo* to the prætorship. It was the consulship on which they tried to keep a tight hand. Accordingly, immediately after the year of his prætorship, we find him anxiously looking out for support and inquiring who are likely to be his competitors. The interesting point in regard to this is his connexion with Catiline. In his speech in the senate delivered in the following year (*in toga candida*, B.C. 64) he denounced Catiline in the most violent language, accusing him of every conceivable crime; yet in B.C. 65 he not only contemplated being elected with him without any expression of disgust, but even considered whether he should not undertake his defence on some charge that was being brought against him—perhaps for his conduct during the Sullan proscriptions. To whitewash Catiline is a hopeless task; and it throws a lurid light upon the political and moral sentiments of the time to find Cicero even contemplating such a conjunction.

After this, for two years, there is a break in the correspondence. Atticus had probably returned to Rome, and if there were letters to others (as no doubt there were) they have been lost. A certain light is thrown on the proceedings of the year of candidature (B.C. 64) by the essay "On the duties of a candidate," ascribed to his brother Quintus, who was himself to be a candidate for the prætorship in the next year (B.C. 63). We may see from this essay that Pompey was still regarded as the greatest and most influential man at Rome; that Catiline's character was so atrocious in the eyes of most, that his opposition was not to be feared; that Cicero's "newness" was a really formidable bar to his election, and that his chief support was to be looked for from the individuals and companies for whom he had acted as counsel, and who hoped to secure his services in the future. The support of the nobles was not a certainty. There had been a taint of *popularity* in some of Cicero's utterances, and the writer urges him to convince the consulars that he was at one with the Optimates, while at the same time aiming at the conciliation of the equestrian order. This was, in fact, to be Cicero's political position in the future. The party of the Optimates—in spite of his disgust at the indifference and frivolity of many of them—was to be his party: his favourite constitutional object was to be to keep the equites and the senate on good terms: and his greatest embarrassment was how to reconcile this position with his personal loyalty to Pompey, and his views as to the reforms necessary in the government of the provinces.

The Consulship, B.C. 63.

For the momentous year of the consulship we have no letters. His brother Quintus was in Rome as candidate and then prætor-designate; Atticus was also in Rome; and the business, as well as the dignity of a consul, were against

anything like ordinary correspondence. Of the earlier part of the consulship we have little record. The speeches against Rullus were delivered at the beginning of the year, and commit Cicero pretty definitely to a policy as to the *ager publicus*—which was, to his disgust, entirely reversed by the triumvirs in B.C. 59—but they do not shew any sense of coming trouble. Cicero, however, throughout his consulship took a very definite line against the *populares*. Not only did he defend Rabirius Postumus, when accused by Cæsar of the assassination of Saturninus, and address the people against offering violence to L. Roscius on account of the unpopular *lex theatralis*,^[6] but he even resisted the restoration to their civil rights of the sons of the men proscribed by Sulla, avowedly on the ground of the necessity of maintaining the established order, though he knew and confessed the justice of the proposal.^[6]

The Conspiracy of Catiline.

Any movement, therefore, on the side of the popular party had now his opposition with which to reckon. He professes to have known very early in his year of office that some more than usually dangerous movement was in contemplation. We cannot well decide from the violent denunciation of Catiline contained—to judge from extant fragments—in the speech *in toga candida*, how far Cicero was really acquainted with any definite designs of his. Roman orators indulged in a violence of language so alien from modern ideas and habits, that it is difficult to draw definite conclusions. But it appears from Sallust that Catiline had in a secret meeting before the elections of B.C. 64, professed an intention of going all lengths in a revolutionary programme and, if that was the case, Cicero would be sure to have had some secret information on the subject. But his hands were partly tied by the fact that the

comitia had given him a colleague—C. Antonius—deeply implicated in Catiline's policy, whatever it was. Pompey, whom he regarded as the champion of law and order, was in the East: and Catiline's candidature—and it was supposed his policy also—had had the almost open support of the richest man in Rome, M. Licinius Crassus, and of the most influential man of the *populares*, C. Iulius Cæsar. In the house of one or the other of them, indeed, the meeting at which Catiline first unfolded his purposes was believed to have been held. Still Catiline had not been guilty of any overt act which enabled Cicero to attack him. He had, indeed, been informed, on very questionable authority, that Catiline had made a plot to assassinate him while holding the elections, and he made a considerable parade of taking precautions for his safety—letting it be seen that he wore a cuirass under his toga, and causing his house to be guarded by the younger members of his party. The elections, according to Plutarch, had at least been once postponed from the ordinary time in July, though this has been denied.^[7] At any rate it was not till they had taken place and Catiline had been once more rejected, that any definite step is alleged to have been taken by him, such as Cicero could lay hold of to attack him. On the 20th of October, in the senate, Cicero made a speech warning the Fathers of the impending danger, and on the 21st called upon Catiline for an explanation in their presence. But, after all, even the famous meeting of the 5th of November, in the house of M. Porcius Læca, betrayed to Cicero by Fulvia, the mistress of Q. Curius, would not have sufficed as grounds for the denunciation of the first extant speech against Catiline (7th of November), if it had not been for something else. For some months past there had been rumours of risings in various parts of Italy; but by the beginning of November it was known that C. Manlius (or Mallius) had collected a band of desperadoes near Fæsulæ,

and, having established there a camp on the 27th of October, meant to advance on Rome. Manlius had been a centurion in Sulla's army, and had received an allotment of confiscated land in Etruria; but, like others, had failed to prosper. The movement was one born of discontent with embarrassments which were mostly brought about by extravagance or incompetence. But the rapidity with which Manlius was able to gather a formidable force round him seems to shew that there were genuine grievances also affecting the agricultural classes in Etruria generally. At any rate there was now no doubt that a formidable disturbance was brewing; the senate voted that there was a *tumultus*, authorized the raising of troops, and named commanders in the several districts affected. It was complicity in this rising that Cicero now sought to establish against Catiline and his partisans in Rome. The report of the meeting in the house of Læca gave him the pretext for his first step—a fiery denunciation of Catiline in the senate on the 7th of November. Catiline left Rome, joined the camp of Manlius, and assumed the ensigns of *imperium*. That he was allowed thus to leave the city is a proof that Cicero had as yet no information enabling him to act at once. It was the right of every citizen to avoid standing a trial by going into exile. Catiline was now under notice of prosecution for *vis*, and when leaving Rome he professed to be going to Marseilles, which had the *ius exilii*. But when it was known that he had stopped short at Fæsulæ, the senate at once declared both him and Manlius *hostes*, and authorized the consuls to proceed against them. The expedition was intrusted to Antonius, in spite of his known sympathy with Catiline, while Cicero was retained with special powers to protect the city. The result is too well known to be more than glanced at here. Catiline's partisans were detected by letters confided to certain envoys of the Allobroges, which were held to convict them of the guilt of treason, as instigating Catiline to march on Rome, and the

senate of the Allobroges to assist the invasion by sending cavalry to Fæsulæ.

Execution of the conspirators, December, B.C. 63. Its legal grounds and consequences.

The decree of the senate, *videant consules, etc.*, had come to be considered as reviving the full *imperium* of the consul, and investing him with the power of life and death over all citizens. Cicero acted on this (questionable) constitutional doctrine. He endeavoured, indeed, to shelter himself under the authority of a senatorial vote. But the senate never had the power to try or condemn a citizen. It could only record its advice to the consul. The whole legal responsibility for the condemnation and death of the conspirators, arrested in consequence of these letters, rested on the consul. To our moral judgment as to Cicero's conduct it is of primary importance to determine whether or not these men were guilty: to his legal and constitutional position it matters not at all. Nor was that point ever raised against him. The whole question turns on whether the doctrine was true that the *senatus consultum ultimum* gave the consul the right of inflicting death upon citizens without trial, *i.e.*, without appeal to the people, on the analogy of the dictator *seditionis sedandæ causa*, thus practically defeating that most ancient and cherished safeguard of Roman liberty, the *ius provocationis*. The precedents were few, and scarcely such as would appeal to popular approval. The murder of Tiberius Gracchus had been *ex post facto* approved by the senate in B.C. 133-2. In the case of Gaius Gracchus, in B.C. 121, the senate had voted *uti consul Opimius rempublicam defenderet*, and in virtue of that the consul had authorized the killing of Gaius and his friends: thus for the first time exercising *imperium sine provocatione*. Opimius had been impeached after his year of office, but acquitted, which the senate might claim

as a confirmation of the right, in spite of the *lex* of Gaius Gracchus, which confirmed the right of *provocatio* in all cases. In B.C. 100 the tribune Saturninus and the prætor Glaucia were arrested in consequence of a similar decree, which this time joined the other magistrates to the consuls as authorized to protect the Republic: their death, however, was an act of violence on the part of a mob. Its legality had been impugned by Cæsar's condemnation of Rabirius, as *duovir capitalis*, but to a certain extent confirmed by the failure to secure his conviction on the trial of his appeal to the people. In B.C. 88 and 83 this decree of the senate was again passed, in the first case in favour of Sulla against the tribune Sulpicius, who was in consequence put to death; and in the second case in favour of the consuls (partisans of Marius) against the followers of Sulla. Again in B.C. 77 the decree was passed in consequence of the insurrection of the proconsul Lepidus, who, however, escaped to Sardinia and died there.

In every case but one this decree had been passed against the popular party. The only legal sanction given to the exercise of the *imperium sine provocazione* was the acquittal of the consul Opimius in B.C. 120. But the jury which tried that case probably consisted entirely of senators, who would not stultify their own proceedings by condemning him. To rely upon such precedents required either great boldness (never a characteristic of Cicero), or the most profound conviction of the essential righteousness of the measure, and the clearest assurance that the safety of the state—the supreme law—justified the breach of every constitutional principle. Cicero was not left long in doubt as to whether there would be any to question his proceeding. On the last day of the year, when about to address the people, as was customary, on laying down his consulship, the tribune Q. Cæcilius Metellus Nepos forbade him to speak, on the express ground that he "had put citizens to death uncondemned"—*quod cives indemnatos necavisset*.

Cicero consoled himself with taking the required oath as to having observed the laws, with an additional declaration that he had "saved the state." Nevertheless, he must have felt deeply annoyed and alarmed at the action of Metellus, for he had been a *legatus* of Pompey, and was supposed to represent his views, and it was upon the approbation and support of Pompey, now on the eve of his return from the East, that Cicero particularly reckoned.

Letters after B.C. 63.

The letters in our collection now recommence. The first of the year (B.C. 62) is one addressed to Pompey, expressing some discontent at the qualified manner in which he had written on recent events, and affirming his own conviction that he had acted in the best interests of the state and with universal approval. But indeed the whole correspondence to the end of Cicero's exile is permeated with this subject directly or indirectly. His quarrel with Metellus Nepos brought upon him a remonstrance from the latter's brother (or cousin), Metellus Celer (Letters XIII, XIV), and when the correspondence for B.C. 61 opens, we find him already on the eve of the quarrel with Publius Clodius which was to bring upon him the exile of B.C. 58.

Publius Clodius Pulcher.

P. Clodius Pulcher was an extreme instance of a character not uncommon among the nobility in the last age of the Republic. Of high birth, and possessed of no small amount of ability and energy, he belonged by origin and connexion to the Optimates; but he regarded politics as a game to be played for his personal aggrandizement, and public office as a means of replenishing a purse drained by boundless extravagance and self-indulgence. His record had been bad. He had accompanied his brother-in-law Lucullus, or

had joined his staff, in the war with Mithridates, and had helped to excite a mutiny in his army in revenge for some fancied slight. He had then gone to Cilicia, where another brother-in-law, Q. Marcus Rex, was proprætor, and while commanding a fleet under him had fallen into the hands of pirates, and when freed from them had gone—apparently in a private capacity—to Antioch, where he again excited a mutiny of Syrian troops engaged in a war against the Arabians (B.C. 70-65). On his return to Rome he attempted to make himself conspicuous by prosecuting Catiline, but accepted a bribe to withdraw. In B.C. 64, on the staff of the governor of Gallia Narbonensis, he is accused of having enriched himself with plunder. For a time after that he was still acting as a member of the party of the Optimates; seems to have supported Cicero during the Catiline conspiracy; and in B.C. 62 stood for the quæstorship and was elected. His violation of the mysteries was alleged to have been committed in December of that year, and before he could go to the province allotted to him as quæstor in Sicily he had to stand a trial for sacrilege. Such an offence—penetrating in disguise into the house of the Pontifex Maximus, when his wife was engaged in the secret rites of the Bona Dea—would place him under a curse, and not only prevent his entering upon his quæstorship, but would disfranchise and politically ruin him. Clodius would seem not to have been a person of sufficient character or importance to make this trial a political event. But not only had he powerful backers, but his opponents also, by proposing an innovation in the manner of selecting the jurors for trying him, had managed to give a spurious political importance to the case. One of the most brilliant of the early letters (XV, p. 37) gives us a graphic picture of the trial. Clodius was acquitted and went to his province, but returned in B.C. 60, apparently prepared for a change of parties. Cicero and he had quarrelled over the trial. He had said sarcastic things about the sacred consulship, and

Cicero had retaliated by bitter speeches in the senate, and by giving evidence at the trial of having seen Clodius in Rome three hours before he professed to have been at Interamna, on the day of the alleged sacrilege. It is perhaps possible that his alibi may have been true in substance, for he may have been well out of Rome on his way to Interamna after seeing Cicero. But, however that may be, he nourished a grudge against Cicero, which he presently had an opportunity of satisfying. The year of his return to Rome from Sicily (B.C. 60) was the same as that of Cæsar's return from Spain. Pompey—who had returned the year before—was at enmity with the senate on account of the difficulties raised to the confirmation of his *acta* and the allotments for his veterans. Cæsar had a grievance because of the difficulties put in the way of his triumph. The two coalesced, taking in the millionaire Crassus, to form a triumvirate or coalition of three, with a view to getting measures they desired passed, and offices for themselves or their partisans. This was a great blow to Cicero, who clung feverously to Pompey as a political leader, but could not follow him in a coalition with Cæsar: for he knew that the object of it was a series of measures of which he heartily disapproved. His hope of seeing Pompey coming to act as acknowledged leader of the Optimates was dashed to the ground. He could not make up his mind wholly to abandon him, or, on the other hand, to cut himself adrift from the party of Optimates, to whose policy he had so deeply committed himself. Clodius was troubled by no such scruples. Perhaps Cæsar had given him substantial reasons for his change of policy. At any rate, from this time forward he acts as an extreme *popularis*—much too extreme, as it turned out, for Pompey's taste. As a patrician his next step in the official ladder would naturally have been the ædileship. But that peaceful office did not suit his present purpose. The tribuneship would give him the right to bring forward measures in the *comitia tributa*, such as he desired

to pass, and would in particular give him the opportunity of attacking Cicero. The difficulty was that to become tribune he must cease to be a patrician. He could only do that by being adopted into a plebeian gens. He had a plebeian ready to do it in B.C. 59. But for a man who was *sui iuris* to be adopted required a formal meeting of the old *comitia curiata*, and such a meeting required the presence of an augur, as well as some kind of sanction of the pontifices. Cæsar was Pontifex Maximus, and Pompey was a member of the college of augurs. Their influence would be sufficient to secure or prevent this being done. Their consent was, it appears, for a time withheld. But Cæsar was going to Gaul at the end of his consulship, and desired to have as few powerful enemies at Rome during his absence as possible. Still he had a personal feeling for Cicero, and when it was known that one of Clodius's objects in seeking to become a plebeian and a tribune was to attack him, Cæsar offered him two chances of honourable retreat—first as one of the commissioners to administer his land law, and again as one of his *legati* in Gaul. But Cicero would not accept the first, because he was vehemently opposed to the law itself: nor the second, because he had no taste for provincial business, even supposing the proconsul to be to his liking; and because he could not believe that P. Clodius would venture to attack him, or would succeed if he did. Cæsar's consulship of B.C. 59 roused his worst fears for the Republic; and, though he thought little of the statesmanship or good sense of Cæsar's hostile colleague Bibulus, he was thoroughly disgusted with the policy of the triumvirs, with the contemptuous treatment of the senate, with the high-handed disregard of the auspices—by means of which Bibulus tried to invalidate the laws and other *acta* of Cæsar—and with the armed forces which Pompey brought into the *campus*, nominally to keep order, but really to overawe the *comitia*, and secure the passing of Cæsar's laws. Nor was it in his nature to conceal his

feelings. Speaking early in the year in defence of his former colleague, C. Antonius, accused of *maiestas* for his conduct in Macedonia, he expressed in no doubtful terms his view of the political situation. Within a few hours the words were reported to the triumvirs, and all formalities were promptly gone through for the adoption of Clodius. Cæsar himself presided at the *comitia curiata*, Pompey attended as augur, and the thing was done in a few minutes. Even then Cicero does not appear to have been alarmed, or to have been fully aware of what the object of Publius was. While on his usual spring visit to his seaside villas in April (B.C. 59), he expressed surprise at hearing from the young Curio that Clodius was a candidate for the tribuneship (vol. i., p. 99). His surprise no doubt was more or less assumed: he must have understood that Clodius's object in the adoption was the tribunate, and must have had many uneasy reflexions as to the use which he would make of the office when he got it. Indeed there was not very much doubt about it, for Publius openly avowed his intentions. We have accordingly numerous references, in the letters to Atticus, to Cicero's doubts about the course he ought to adopt. Should he accept Cæsar's offer of a legation in Gaul, or a free and votive legation? Should he stay in Rome and fight it out? The latter course was the one on which he was still resolved in July, when Clodius had been, or was on the point of being, elected tribune (p. 110). He afterwards wavered (p. 113), but was encouraged by the belief that all the "orders" were favourable to him, and were becoming alienated from the triumvirs (pp. 117, 119), especially after the affair of Vettius (pp. 122-124), and by the friendly disposition of many of the colleagues of Clodius in the tribuneship. With such feelings of confidence and courage the letters of B.C. 59 come to an end.

The Exile, April, B.C. 58—August, B.C. 57.

The correspondence only opens again in April of B.C. 58, when the worst has happened. Clodius entered upon his tribuneship on the 10th of December, B.C. 59, and lost little time in proposing a law to the *comitia* for the trial of any magistrate guilty of putting citizens to death without trial (*qui cives indemnatos necavisset*). The wording of the law thus left it open to plead that it applied only to such act as occurred after its enactment, for the pluperfect *necavisset* in the dependent clause answers to the future perfect in a direct one. And this was the interpretation that Cæsar, while approving the law itself, desired to put upon it.^[8] He again offered Cicero a legation in Gaul, but would do nothing for him if he stayed in Rome; while Pompey, who had been profuse in promises of protection, either avoided seeing Cicero, or treated his abject entreaties with cold disdain.^[9] Every citizen, by a humane custom at Rome, had the right of avoiding a prosecution by quitting the city and residing in some town which had the *ius exilii*. It is this course that we find Cicero already entered upon when the correspondence of the year begins. In the letters of this year of exile he continually reproaches himself with not having stayed and even supported the law, in full confidence that it could not be applied to himself. He attributes his having taken the less courageous course to the advice of his friends, who were actuated by jealousy and a desire to get rid of him. Even Atticus he thinks was timid, at the best, in advising his retirement. It is the only occasion in all the correspondence in which the least cloud seems to have rested on the perfect friendship of the two men. Atticus does not appear to have shewn any annoyance at the querulous remarks of his friend. He steadily continued to write, giving information and advice, and made no difficulty in supplying his friend with money. During Cicero's absence Atticus became still more wealthy than before by inheriting the estates of his cross-grained

uncle Cæcilius. But he was always careful as to the investment of his money and he would not, perhaps, have been so ready to trust Cicero, had he not felt confidence in the ultimate recovery of his civil status. Still his confidence was peculiarly welcome at a time which would have been otherwise one of great pressure. For Clodius had followed up Cicero's retirement with the usual *lex* in regard to persons leaving Rome to avoid a trial—a prohibition "of fire and water" within a fixed distance from Italy, which involved the confiscation of all his property in Italy. His villas were dismantled, his town house pulled down, and a vote of the people obtained by Clodius for the consecration of its site as a *templum* dedicated to Liberty, and a scheme was formed and the work actually commenced for occupying part of it by an extension of an existing porticus or colonnade (the *porticus Catuli*) to contain a statue of Liberty. That this consecration was regular is shewn by the pleas by which it was afterwards sought to reverse it.^[10] When Cicero was recalled the question came before the pontifices, who decided that the consecration was not valid unless it had been done by the "order of the people." It could not be denied on the face of it that there had been such an order. Cicero was obliged to resort to the plea that Clodius's adoption had been irregular and invalid, that therefore he was not legally a tribune, and could not take an order of the people. Finally, the senate seems to have decided that its restoration to Cicero was part of the general *restitutio in integrum* voted by the *comitia centuriata*; and a sum of money was assigned to him for the rebuilding of the house. Clodius refused to recognize the validity of this decree of the senate, and attempted by violence to interrupt the workmen engaged on the house. We have a lively picture of this in Letter XCI (vol. i., pp. 194-196).