

THE SPEECH AGAINST QUINTUS CÆCILIUS.

THE ARGUMENT.

The provinces of the quæstors being distributed to them by lot, the province of Sicily fell to Cicero; Sextus Peducæus being the prætor. In his discharge of the duties of his office he very much ingratiated himself with the Sicilians, and at his departure he assured them of his assistance in whatever business they might have at Rome. Three years after his return from Sicily he was elected to the ædileship, being now in his thirty-seventh year, the earliest age at which a man could be ædile. Before his entrance into this office he undertook the prosecution of Caius Verres, late prætor of Sicily, who was accused of having treated the Sicilians with the greatest rapacity and tyranny. All the cities of Sicily concurred in this prosecution except Syracuse and Messina, as Verres had kept on good terms with them through fear of their riches and influence. The other towns all by a joint petition to Cicero entreated him to take the management of the prosecution, and he consented; Verres was supported by the Scipios, by the Metelli, and Hortensius. As soon as Cicero had agreed to undertake the management of the business, Quintus Cæcilius Niger came forth, a Sicilian by birth, who had been quæstor to Verres, and (being in reality the tool of Verres, and making this demand in order to stifle the prosecution) demanded that the management of it should be entrusted to him; partly on the ground that he was a Sicilian, partly because he was, as he stated, a personal enemy of Verres; also he alleged, that having been his quæstor in Sicily, he knew better than Cicero could know the crimes which Verres really had committed. Cicero replies to this with many reasons why the conduct of the prosecution should be committed to him, especially because he did not volunteer to take it up, but is urged by a sense of duty, being begged to do so by all the Sicilians; and also because he is in every respect well able to conduct it, from his acquaintance with the country and with the Sicilians.

There is some question why this speech is called *Divinatio*, and different reasons have been alleged for it; some saying that it is because it refers to what is to be done, not to what has been done: others, that it is so called because no witnesses and no documents are produced, and the judges, having to decide on the arguments of the speakers alone, are forced to guess their way. Cicero carried his point, and the prosecution was entrusted to him.

I. If any one of you, O judges, or of those who are present here, marvels perhaps at me, that I, who have for so many years been occupied in public causes and trials in such a manner

that I have defended many men but have prosecuted no one should now on a sudden change my usual purpose, and descend to act as accuser;—he, if he becomes acquainted with the cause and reason of my present intention, will both approve of what I am doing, and will think, I am sure, that no one ought to be preferred to me as manager of this cause. As I had been quæstor in Sicily, O judges, and had departed from that province so as to leave among all the Sicilians a pleasing and lasting recollection of my quæstorship and of my name, it happened, that while they thought their chief protection lay in many of their ancient patrons, they thought there was also some support for their fortunes secured in me, who, being now plundered and harassed, have all frequently come to me by the public authority, entreating me to undertake the cause and the defence of all their fortunes. They say that I repeatedly promised and repeatedly assured them, that, if any time should arrive when they wanted anything of me, I would not be wanting to their service. They said that the time had come for me to defend not only the advantages they enjoyed, but even the life and safety of the whole province; that they had now not even any gods in their cities to whom they could flee, because Caius Verres had carried off their most sacred images from the very holiest temples. That whatever luxury could accomplish in the way of vice, cruelty in the way of punishment, avarice in the way of plunder, or arrogance in the way of insult, had all been borne by them for the last three years, while this one man was prætor. That they begged and entreated that I would not reject them as suppliants, who, while I was in safety, ought to be suppliants to no one.

II. I was vexed and distressed, O judges, at being brought into such a strait, as to be forced either to let those men's hopes deceive them who had entreated succour and assistance of me, or else, when I had from my very earliest youth devoted myself entirely to defending men, to be now, under the compulsion of the occasion and of my duty, transferred to the part of an accuser. I told them that they had an advocate in Quintus Cæcilius, who had been quæstor in the same province after I was quæstor there. But the very thing which I thought would have been an assistance to me in getting rid of this difficulty, was above all things a hindrance to me; for

they would have much more easily excused me if they had not known him, or if he had never been among them as quæstor. I was induced, O judges, by the considerations of duty, good faith, and pity; by the example of many good men; by the ancient customs and habits of our ancestors, to think that I ought to take upon myself this burden of labour and duty, not for any purpose of my own, but in the time of need to my friends. In which business, however, this fact consoles me, O judges, that this pleading of mine which seems to be an accusation is not to be considered an accusation, but rather a defence. For I am defending many men, many cities, the whole province of Sicily. So that, if one person is to be accused by me, I still almost appear to remain firm in my original purpose, and not entirely to have given up defending and assisting men. But if I had this cause so deserving, so illustrious, and so important; if either the Sicilians had not demanded this of me, or I had not had such an intimate connexion with the Sicilians; and if I were to profess that what I am doing I am doing for the sake of the republic, in order that a man endowed with unprecedented covetousness, audacity, and wickedness,—whose thefts and crimes we have known to be most enormous and most infamous, not in Sicily alone, but in Achaia, in Asia, in Cilicia, in Pamphylia, and even at Rome, before the eyes of all men,—should be brought to trial by my instrumentality, still, who would there be who could find fault with my act or my intention?

III. What is there, in the name of gods and men! by which I can at the present moment confer a greater benefit on the republic? What is there which either ought to be more pleasing to the Roman people, or which can be more desirable in the eyes of the allies and of foreign nations, or more adapted to secure the safety and fortunes of all men? The provinces depopulated, harassed, and utterly overturned; the allies and tributaries of the Roman people afflicted and miserable, are seeking now not for any hope of safety, but for comfort in their destruction. They who wish the administration of justice still to remain in the hands of the senatorial body, complain that they cannot procure proper accusers; those who are able to act as accusers, complain of the want of impartiality in the decisions. In the meantime the Roman people, although it suffers under many disadvantages and

difficulties, yet desires nothing in the republic so much as the restoration of the ancient authority and importance to the courts of law. It is from a regret at the state of our courts of law that the restoration of the power of the tribunes¹ is so eagerly demanded again. It is in consequence of the uncertainty of the courts of law, that another class² is demanded to determine law-suits; owing to the crimes and infamy of the judges, even the office of censor, which formerly was used to be accounted too severe by the people, is now again demanded, and has become popular and praiseworthy. In a time of such licentiousness on the part of the wicked, of daily complaint on the part of the Roman people, of dishonour in the courts of law, of unpopularity of the whole senate, as I thought that this was the only remedy for these numerous evils, for men who were both capable and upright to undertake the cause of the republic and the laws, I confess that I, for the sake of promoting the universal safety, devoted myself to upholding that part of the republic which was in the greatest danger. Now that I have shown the motives by which I was influenced to undertake the cause, I must necessarily speak of our contention, that, in appointing an accuser, you may have some certain line of conduct to follow. I understand the matter thus, O judges:—when any man is accused of extortion, if there be a contest between any parties as to who may best be entrusted with the prosecution, these two points ought to be regarded most especially; first, whom they, to whom the injury is said to have been done, wish most to be their counsel; and secondly, whom he, who is accused of having done those injuries, would least wish to be so.

IV. In this cause, O judges, although I think both these

¹ Sylla in his reform of the constitution on the early aristocratic principles, left to the tribunes only the *jus auxiliandi*, but deprived them of the right of making legislative or other proposals either to the senate or to the comitia without having previously obtained the sanction of the senate. But this arrangement did not last, for Pompey restored them to their former rights. Smith, Dict. Ant. p. 990, v. *Tribunis*. †

² Caius Gracchus had procured a law to be passed, that the Roman knights should be the judges; and they acted as such for forty years. After his victory over Marius, Sylla made a law that the judges should be selected from the senate. This arrangement had lasted ten years with the effect mentioned here by Cicero; and Aurelius Cotta was at this time proposing a law that the judges should be taken from the senators, knights, and tribuni ærarii, jointly.

points plain, yet I will dilate upon each, and first on that which ought to have the greatest influence with you, that is to say, on the inclination of those to whom the injuries have been done; of those for whose sake this trial for extortion has been instituted. Caius Verres is said for three years to have depopulated the province of Sicily, to have desolated the cities of the Sicilians, to have made the houses empty, to have plundered the temples. The whole nation of the Sicilians is present, and complains of this. They fly for protection to my good faith, which they have proved and long known; they entreat assistance for themselves from you and from the laws of the Roman people through my instrumentality; they desire me to be their defender in these their calamities; they desire me to be the avenger of their injuries, the advocate of their rights, and the pleader of their whole cause. Will you, O Quintus Cæcilius, say this, that I have not approached the cause at the request of the Sicilians? or that the desire of those most excellent and most faithful allies ought not to be of great influence with these judges? If you dare to say that which Caius Verres, whose enemy you are pretending to be, wishes especially to be believed,—that the Sicilians did not make this request to me,—you will in the first place be supporting the cause of your enemy, against whom it is considered that no vague presumption, but that an actual decision has been come to, in the fact that has become notorious, that all the Sicilians have begged for me as their advocate against his injuries. If you, his enemy, deny that this is the case, which he himself to whom the fact is most injurious does not dare to deny, take care lest you seem to carry on your enmity in too friendly a manner. In the second place, there are witnesses, the most illustrious men of our states, all of whom it is not necessary that I should name; those who are present I will appeal to; while, if I were speaking falsely, they are the men whom I should least wish to be witnesses of my impudence. He, who is one of the assessors on this trial, Caius Marcellus, knows it; he, whom I see here present, Cnæus Lentulus Marcellinus, knows it; on whose good faith and protection the Sicilians principally depend, because the whole of that province is inalienably connected with the name of the Marcelli. These men know that this request was not only made to me, but that it was made so frequently and with such

earnestness, that I had no alternative except either to undertake the cause, or to repudiate the duty of friendship. But why do I cite these men as witnesses, as if the matter were doubtful or unknown? Most noble men are present here from the whole province, who being present, beg and entreat you, O judges, not to let your judgment differ from their judgment in selecting an advocate for their cause. Deputations from every city in the whole of Sicily, except two,¹ are present; and if deputations from those two were present also, two of the very most serious of the crimes would be lessened in which these cities are implicated with Caius Verres. But why have they entreated this protection from me above all men? If it were doubtful whether they had entreated it from me or not, I could tell why they had entreated it; but now, when it is so evident that you can see it with your eyes, I know not why it should be any injury to me to have it imputed to me that I was selected above all men. But I do not arrogate any such thing to myself, and I not only do not say it, but I do not wish even to leave any one to believe that I have been preferred to every possible advocate. That is not the fact, but a consideration of the opportunities of each individual, and of his health, and of his aptitude for conducting this cause, has been taken into account. My desire and sentiments on this matter have always been these, that I would rather that any one of those who are fit for it should undertake it than I; but I had rather that I should undertake it myself than that no one should.

V. The next thing is, since it is evident that the Sicilians have demanded this of me, for us to inquire whether it is right that this fact should have any influence on you and on your judgments; whether the allies of the Roman people, your suppliants, ought to have any weight with you in a matter of extortion committed on themselves. And why need I say much on such a point as this? as if there were any doubt that the whole law about extortion was established for the sake of the allies. For when citizens have been robbed of

¹ Cicero means Syracuse and Messana, which did not join in the outcry against Verres, because Verres had resided at Syracuse, and had enriched that city with some of the plunder which he had taken from other cities; and he had treated Messana in the same way, which place he had made the repository of his plunder till he could export it to Italy.

their money, it is usually sought to be recovered by civil action and by a private suit. This is a law affecting the allies,—this is a right of foreign nations. They have this fortress somewhat less strongly fortified now than it was formerly, but still if there be any hope left which can console the minds of the allies, it is all placed in this law. And strict guardians of this law have long since been required, not only by the Roman people, but by the most distant nations. Who then is there who can deny that it is right that the trial should be conducted according to the wish of those men for whose sake the law has been established? All Sicily, if it could speak with one voice, would say this:—"All the gold, all the silver, all the ornaments which were in my cities, in my private houses, or in my temples,—all the rights which I had in any single thing by the kindness of the senate and Roman people,—all that you, O Caius Verres, have taken away and robbed me of, on which account I demand of you a hundred million of sesterces according to the law. If the whole province, as I have said, could speak, it would say this; and as it could not speak, it has of its own accord chosen an advocate to urge these points, whom it has thought suitable. In a matter of this sort, will any one be found so impudent as to dare to approach or to aspire to the conduct of the cause of others against the will of those very people whose affairs are involved in it?

VI. If, O Quintus Cæcilius, the Sicilians were to say this to you,—we do not know you—we know not who you are, we never saw you before; allow us to defend our fortunes through the instrumentality of that man whose good faith is known to us; would they not be saying what would appear reasonable to every one? But now they say this—that they know both the men, that they wish one of them to be the defender of their cause, that they are wholly unwilling that the other should be. Even if they were silent they would say plainly enough why they are unwilling. But they are not silent; and yet will you offer yourself, when they are most unwilling to accept you? Will you still persist in speaking in the cause of others? Will you still defend those men who would rather be deserted by every one than defended by you? Will you still promise your assistance to those men who do neither believe that you wish to give it for their sake, nor

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