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CICERO
ORATIONS

PRO LEGE MANILIA
PRO CAECINA • PRO CLUENTIO
PRO RABIRIO PERDUCELLIONIS



Translated by
H. GROSE HODGE

CICERO

PRO LEGE MANILIA

PRO CAECINA · PRO CLUENTIO
PRO RABIRIO PERDITURUS

WITH AN ENGLISH TRANSLATION BY
J. GROSSE HOEGE



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PREFATORY NOTE

It may fairly be claimed that no four speeches of Cicero surpass in interest those contained in this volume: the rhetorical splendour of the *De imperio*, the legal and antiquarian lore of the *Pro Caecina*, the dramatic story and impassioned pleading of the *Pro Cluentio* and the historical significance of the *Pro Rabirio*—all this, coupled with the fact that the second and fourth of these speeches do not appear to have been translated into English before, has made the translator's task particularly attractive.

In translating the *De imperio* I have followed the text, and am chiefly indebted to the edition, of J. R. Nicol. In the *Pro Caecina* I followed Baiter's text and gained some useful information from Long's edition. In the *Pro Cluentio* I followed Faussett's text, based on that of Classen, and owe much to his and to Peterson's edition. In the *Pro Rabirio* I followed Heitland's text, based on that of Kayser, and am greatly indebted to his exhaustive edition. Deviations from these texts have been pointed out in the footnotes. On historical questions I have throughout consulted Mommsen.

I should like also to express my thanks to Mr. W. H. Moresby, C.B.E., barrister-at-law of the
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Inner Temple, who has helped me in questions involving technical legal phraseology; and to Mr. Harold Hodge, barrister-at-law of the Middle Temple and formerly editor of the *Saturday Review*, who, in addition to reading the proofs of this volume, has contributed some valuable suggestions.

H. G. H.

SUMMARY OF EVENTS REFERRED TO IN THE FOUR SPEECHES

Civil

- B.C.**
133. Tribune and murder of Ti. Gracchus.
123. Tribune of G. Gracchus; institution of equestrian jurors.
121. Murder of G. Gracchus.
106. Birth of Cicero and Pompeius. Proposal to restore the law courts to the Senate. Lex Servilia of Caepio.
100. Birth of Julius Caesar. Marius consul for the sixth time. Death of Saturninus and Glaucia. Failure of the *Leges Appuleias*.

Military

- B.C.**
133. The province of Asia formed by bequest of the kingdom of Pergamus to Rome.
120. Birth of Mithridates VI.
102. Marius defeats the Teutons at Aquae Sextiae.
101. Marius defeats the Cimbri at Vercellae.

SUMMARY OF EVENTS

<i>Civil</i>	<i>Military</i>
<p>B.C.</p> <p>99. Condemnation of Sex-tus Titius.</p> <p>91. Attempt of Drusus to reform the Senate: proposal to punish (retrospectively) corrupt jurors. Murder of Drusus.</p> <p>88. Consulship of Sulla and Q. Pompeius Rufus.</p> <p>82. Sulla dictator: pro-scription of the Marians. <i>Leges Corneliae</i>: law courts transferred from Equestrians to Senate; degradation of tribunate. Oppianicus at Larinum. Disfranchisement of Volaterrae.</p> <p>81. Cicero called to the Bar.</p>	<p>B.C.</p> <p>91. Outbreak of the Social War.</p> <p>89. Pompeius serves under his father.</p> <p>88. First Mithridatic War: massacre of 80,000 Romans.</p> <p>87. Sulla sails to Greece.</p> <p>86. Victory of Chaeronea.</p> <p>85. Victory of Orchomenus.</p> <p>84. End of first Mithridatic War. Murena left in charge of Asia.</p> <p>83. Sulla returns to Italy: Pompeius raises troops to support him.</p> <p>82. Second Mithridatic War.</p> <p>81. Pompeius recovers Sicily from the Marians. Pompeius in Africa: his first triumph.</p>

SUMMARY OF EVENTS

Civil

Military

B.C.

B.C.

- 79. Cicero defends the woman of Arretium against Sulla.
- 78. Attempted revolution of Lepidus.

- 80. Revolt of Sertorius in Spain.

- 76. Cicero quaestor.
- 75. *Lex Aurelia* of Cotta : partial restoration of the tribunate.

- 77. Pompeius, appointed to command against Sertorius, marches through Gaul into Spain.

- 74. Cicero defends Scamander.
- Trial of Oppianicus. "iudicium Iunianum."

- 75. Bithynia bequeathed to Rome. Mithridates in treaty with Sertorius.

- 74. Third Mithridatic War. Antonius commissioned against the Pirates. Mithridates besieges Cyzicus.

- 74-66. Propaganda by Quinctius : various jurors put on trial.

- 73. Lucullus relieves Cyzicus. The Slave War.

- 72. Death of Oppianicus.

- 72. Defeat of Mithridates at Cabira and flight to Armenia.

Murder of Sertorius ends war in Spain.

- 71. Death of Spartacus and end of Slave War. Triumph of Pompeius.

SUMMARY OF EVENTS

Civil

B.C.

70. Consulship of Pompeius and Crassus : restoration of the tribunate and division of the law courts between Senate, Equestrians, and *Tribuni aerarii*.

Gellius and Lentulus censors.

69. Cicero curule aedile.
Trial of Caecina.

67. Cicero elected praetor.

66. Cicero *Pro lege Manilia*.

Trial of Cluentius.

63. Cicero consul.
Agrarian law of Rullus proposed and rejected.
Trial of Rabirius for High Treason.

Military

B.C.

70. Lucullus declares war on Armenia.

69. Victory of Tigranocerta.

68. Retreat of Lucullus from Artaxata.

67. Retreat of Lucullus to Pontus. Defeat of Ziela : recovery of Mithridates.

Lex Gabinia. Pompeius exterminates piracy in 49 days.

66. *Lex Manilia*. Pompeius appointed to command in Asia.

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**THE SPEECH OF MARCUS TULLIUS
CICERO ON THE APPOINT-
MENT OF GNAEUS POMPEIUS**

INTRODUCTION

§ 1. THE destruction of Carthage left Rome free to become the mistress of the world. She had had to fight her way step by step for the sovereignty of Italy and for every stage which she advanced beyond it ; and to fight still harder for her very existence against her great rival in the West. But once that rivalry was no longer to be feared, she was free to turn her attention to the East ; and in the course of the next fifty years she conquered, absorbed, and even inherited wide dominions in Greece and Asia.

This period of imperial expansion coincided with the supremacy at Rome of the Senate, a narrow, aristocratic oligarchy which, though admirably fitted to pilot the Republic through a time of national danger, failed to resist the effects of comparative security and the temptations involved in a world-wide empire ; while troubles at home and abroad diverted the attention of the central government from responsibilities which were perhaps hardly realized. There were efforts at reform ; but the reformers could not look beyond Italy : Gaius Gracchus deliberately sacrificed the provinces to the greed of the new, plutocratic class by whose elevation he strove to check the power of the Senate ; and the plight of the provincials, ground between the upper

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and the nether millstone of the governor and the tax-farmer, was an unhappy one indeed.

The provincial governor during the later years of the Republic was not, as under the Empire, a trained civil servant, but a successful politician. He looked forward during his political career to the command of a province as a means whereby to pay his debts and to live in comfort after his return : to many, such a career was impossible as well as unattractive without this prospect ; and Cicero himself, whose humanity had won him the love of the provincials when quaestor in Sicily, and who was profoundly shocked by the cruelty and rapacity of a man like Verres, shows in the present speech that he still regards Asia as primarily a gold-mine.

While the provincial governor regarded it as a perquisite of his office to despoil his province, its complete exploitation was due to the system which placed the collection of provincial taxes in the hands of private individuals. The financiers and business men, who constituted the Equestrian order, secured at an auction held in Rome the right to farm the taxes of Asia ; and the large staff of agents maintained for the purpose in the province, while supported by all the resources of Rome, were responsible only to the " company " which employed them. The sole object of such a company was to extract the uttermost farthing from the provincials.

It was to their governor that the provincials should have been able to look for redress ; but his private interests made it probable that he would connive at the misdeeds of the tax-farmers in return for their silence about his own. So that it was only by a formal trial at Rome that either could be

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brought to book. But both safeguarded themselves by methods of extortion sufficiently thorough to provide them with an ample surplus wherewith to bribe the jury, whose members at this time were mostly drawn from the Senatorial and Equestrian orders—that is to say, it consisted of men who, whether they hoped to be provincial governors themselves or had money invested in the farming of the revenues, were ready enough to give their support to the governor or the tax-farmer in return for a share in the spoils of the world ; while little sympathy was to be expected from the Roman people as a whole who had no interest to spare for the condition of the provinces and an increasing need for their riches.

Under this vicious system and without hope of redress, the condition of the provinces was well nigh desperate : Cicero himself provides abundant evidence both of their misery and of its cause. It may be that, as an advocate, he was taking on the complexion of his cause ; but as an Equestrian by birth and a Senator by elevation, he was as much prejudiced one way as another, and there is no reason to doubt the truth of his admission in this speech that “ words can hardly express the hatred felt against us by foreign nations, owing to the wanton and outrageous conduct of those whom of late years we have sent them as governors.”

§ 2. In these circumstances the provincials of Asia were ready to look in any direction for a saviour ; and it is not surprising that they believed they had found one in the brilliant and ambitious king of Pontus. Mithridates VI., despite a veneer of Hellenism, was a thorough oriental save only for the

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energy and tenacity with which he pushed his schemes of aggrandizement and which brought him within a little of overthrowing the power of Rome in Asia.

The first collision occurred in 92 B.C. Aggression and intrigue had by this time placed most of Asia Minor under the control of Mithridates ; but when he planted his nominee on the throne of Cappadocia, the buffer state between his territory and that of Roman Cilicia, Lucius Sulla, the governor, with a small force succeeded in ejecting the usurper and putting Ariobarzanes in his place. But no sooner had Sulla left for Italy than Mithridates drove Ariobarzanes into exile, restored his nominee to the kingdom of Cappadocia, and supplanted the king of Bithynia with another more useful to himself.

Ariobarzanes appealed to Rome and a struggle became inevitable. But Mithridates was prepared for it : in 91 B.C. with a vast army he swept away the resistance of the Romans, overwhelmed the province of Asia, and, not content with putting to death by torture the chief Roman official, Manius Aquilius, he ordered the massacre, on a single day of 88 B.C., of every Italian in Asia Minor : the groaning provincials were avenged at last. But such a vengeance was Mithridates' greatest mistake, for it was more than even the supineness of the Roman Senate could overlook and it meant that the Mithridatic war must be fought to a finish. Sulla was the one man for the task ; and leaving Italy to his enemies he crossed with a small army to Greece, where, by 85 B.C., he defeated the hosts of Mithridates in two pitched battles. Next year he dictated the terms of peace in Asia ; but he could no longer delay

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his return, and the final punishment of Mithridates was postponed.

The end of this first campaign left Mithridates in a position not much worse than he was in at the beginning, and he set himself at once, under cover of peace, to recapture lost ground. The so-called second Mithridatic war was not of his choosing : he contented himself with inflicting a heavy defeat upon Murena who had rashly attacked him, and Sulla at once recalled his lieutenant. The peace was renewed in 81 B.C., leaving Mithridates free to continue his preparations for the final struggle in conjunction with his son-in-law Tigranes, king of Armenia.

§ 3. On the death in 75 B.C. of the king of Bithynia, his kingdom passed, in accordance with his will, to Rome, whose territory was thus advanced still nearer to the frontiers of Pontus ; and Mithridates, seeing Rome already occupied by the war with Sertorius in Spain, took this opportunity to declare war and immediately overran Bithynia. Sulla was dead : Lucius Lucullus was appointed to the command in Asia and a brilliant campaign followed. Mithridates barely escaped from before Cyzicus with the remnant of his army : his fleet, largely manned by Romans from the camp of Sertorius, was intercepted on its way to Italy and sunk ; and after his utter defeat at the battle of Cabira in 72 B.C. he fled for refuge to Armenia and remained, little more than a prisoner, at the court of Tigranes. Lucullus spent the next three years in reorganizing Asia ; but this could never be done securely till Armenia was dealt with also. Accordingly he demanded the surrender of Mithridates : Tigranes refused and, in 69 B.C., Lucullus

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crossed the Euphrates. He won a brilliant and overwhelming victory at Tigranocerta and started out to finish the campaign by an attack on Artaxata, the capital of Armenia.

But he had tempted Fortune too far : his strict discipline had made him unpopular with his troops and his reforms in Asia had brought him into collision with the tax-farmers. As a result he now found himself hampered by intrigues at home and threatened with a mutiny in the field. He turned to retreat ; and though he conducted his retirement with credit and even with success, it had its inevitable consequences in a war against orientals. Tigranes, whose cause had but lately seemed hopeless, yielded to the influence of Mithridates and took the offensive with renewed vigour and resources ; and when at last Lucullus made his way back to Pontus in 67 B.C., he found that the army which he had left there under a lieutenant had been annihilated at Ziela and that a successor had already been sent from Rome to take his place. Glabrio, indeed, refused to take over the command, but Lucullus was rendered powerless by the mutinous temper of his soldiers to prevent the undoing of all that eight years' campaigning had achieved ; and when both he and Glabrio were finally superseded in 66 B.C., the position in Asia Minor was much what it had been when he first took the field in 74 B.C.

§ 4. Gnaeus Pompeius, who was now invested with the supreme command in Asia, was already established as the favourite general of the Roman people by a series of victories more appreciated if less deserved than those of Lucullus. Born, like Cicero, in 106 B.C., he served at the age of seventeen in his father's