LATIN SERIES · VOLUME 63

In Defense of Cluentius

Cicero

Pro Roscio Amerino
Pro Cluentio
Pro Rabirio

In Defense of Cluentius

With the Defense of Sextus Roscius and the Defense of Rabirius

---

with a word-for-word interlinear English translation

preserving the original word order



CANES NOBILES · MMXXVI

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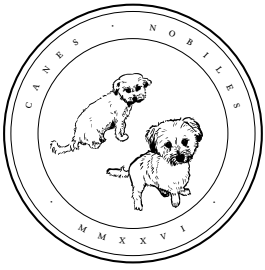

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CICERO

Pro Roscio Amerino

In Defense of Sextus Roscius of Ameria

PRO ROSCIO AMERINO

I · WHY CICERO SPEAKS

The judges may wonder why Cicero, young and without authority, rises when so many eminent orators sit silent. They think the wrong must be answered but dare not answer it themselves; a word from them on politics would be taken for more than they said, while Cicero's freedom may pass unnoticed or be pardoned as youth. Pressed by friends he could not refuse, he stands forth, not as the ablest but as the one who runs least risk.

Credo ego vos, iudices, mirari quid sit quod, cum tot 1
I-believe I you judges to-wonder what it-is that when so-many
summi oratores hominesque nobilissimi sedeant, ego
most-eminent orators and-men most-noble are-sitting I
potissimum surrexerim, is qui neque aetate neque ingenio
above-all have-risen he who neither in-age nor in-talent
neque auctoritate sim cum his qui sedeant comparandus.
nor in-authority am with these who are-sitting to-be-compared
Omnes hi quos videtis adesse in hac causa iniuriam
all these whom you-see to-be-present in this case the-wrong
novo scelere conflatam putant oportere defendi, defendere
by-a-new crime contrived think it-is-proper to-be-defended to-defend
ipsi propter iniquitatem temporum non audent. Ita
themselves on-account-of the-unfairness of-the-times not they-dare so
fit ut adsint propterea quod officium sequuntur,
it-happens that they-are-present for-this-reason that duty they-follow
taceant autem idcirco quia periculum vitant.
are-silent however for-that-reason because danger they-avoid
Quid ergo? audacissimus ego ex omnibus? Minime. An 2
what therefore most-audacious I of all by-no-means or
tanto officiosior quam ceteri? Ne istius quidem laudis ita
by-so-much more-dutiful than the-others not of-that even praise so

sum cupidus ut aliis eam praereptam velim. Quae me
am-I desirous that from-others it snatched-away I-should-wish what me
igitur res praeter ceteros impulit ut causam Sex. Rosci
therefore thing beyond the-others drove that the-case of-Sextus Roscius
reciperem? Quia, si qui istorum dixisset quos videtis adesse,
I-should-take-up because if any of-these had-spoken whom you-see to-be-present
in quibus summa auctoritas est atque amplitudo, si verbum
in whom the-highest authority is and eminence if a-word
de re publica fecisset, id quod in hac causa fieri
about the-thing public he-had-made that which in this case to-be-done
necesse est, multo plura dixisse quam dixisset putaretur.
necessary is much more to-have-said than he-had-said he-would-be-thought
3 Ego autem si omnia quae dicenda sunt libere dixero,
I however if all-things which to-be-said are freely I-shall-have-said
nequaquam tamen similiter oratio mea exire atque in
by-no-means still similarly speech my to-go-out and into
volgus emanare poterit. Deinde quod ceterorum neque
the-public to-spread-abroad will-be-able then because of-the-others neither
dictum obscurum potest esse propter nobilitatem et
a-saying obscure can be on-account-of nobility and
amplitudinem neque temere dicto concedi propter
eminence nor rashly to-a-saying to-be-granted on-account-of
aetatem et prudentiam. Ego si quid liberius dixero,
age and wisdom I if anything rather-freely I-shall-have-said
vel occultum esse propterea quod nondum ad rem
either hidden to-be for-this-reason that not-yet to the-thing
publicam accessi, vel ignosci adulescentiae meae
public I-have-approached or to-be-pardoned to-youth my
poterit; tametsi non modo ignoscendi ratio verum
it-will-be-possible although not only of-pardoning the-practice but
etiam cognoscendi consuetudo iam de civitate sublata est.
also of-inquiring the-custom now from the-state removed has-been

Accedit illa quoque causa quod a ceteris forsitan ita 4
there-is-added that also reason that from the-others perhaps so
petitum sit ut dicerent, ut utrumvis salvo officio se
asked was that they-should-speak that either-one with-safe duty themselves
facere posse arbitrarentur; a me autem ei contenderunt
to-do to-be-able they-thought from me however those pressed
qui apud me et amicitia et beneficiis et dignitate plurimum
who with me both by-friendship and by-kindnesses and by-rank the-most
possunt, quorum ego nec benevolentiam erga me ignorare
are-able whose I neither goodwill toward me to-be-ignorant-of
nec auctoritatem aspernari nec voluntatem neglegere debebam.
nor authority to-spurn nor wishes to-neglect ought
His de causis ego huic causae patronus exstiti, non 5
these for reasons I for-this case advocate have-stood-forth not
electus unus qui maximo ingenio sed relictus ex omnibus
chosen the-one who with-the-greatest talent but left of all
qui minimo periculo possem dicere, neque uti satis firmo
who with-the-least danger I-could to-speak nor that sufficiently strong
praesidio defensus Sex. Roscius verum uti ne omnino desertus
protection defended Sextus Roscius but that not altogether deserted
esset. Forsitan quaeratis qui iste terror sit et quae tanta
he-should-be perhaps you-may-ask what that terror is and what so-great
formido quae tot ac talis viros impediat quo minus pro
dread which so-many and such men hinders by-which the-less for
capite et fortunis alterius quem ad modum consuerunt
the-life and fortunes of-another in-what to manner they-are-accustomed
causam velint dicere. Quod adhuc vos ignorare non
a-case they-are-willing to-plead which still you to-be-ignorant-of not
mirum est, propterea quod consulto ab accusatoribus eius
surprising is for-this-reason that deliberately by the-accusers of-that
rei quae conflavit hoc iudicium mentio facta non est.
thing which kindled this trial mention made not has-been

The father's estate, worth six million sesterces, was bought for two thousand by Lucius Cornelius Chrysogonus, the most powerful young man in Rome. He asks the judges to remove his fear by condemning the son. Cicero asks that Chrysogonus be content with the money and leave the son his life: if any motive but plunder is found, Roscius may be given up; otherwise the judges are being made tools of assassins. He pleads for their indulgence under a burden he will carry as far as he can.

6 Quae res ea est? Bona patris huiusce Sex. Rosci quae sunt
what thing that is the-goods of-the-father of-this Sextus Roscius which are
sexagiens, quae de viro fortissimo et clarissimo L. Sulla,
six-million which from a-man most-brave and most-illustrious Lucius Sulla
quem honoris causa nomino, duobus milibus nummum sese
whom of-honor for-the-sake I-name for-two thousand of-sesterces that-he
dicit emisse adulescens vel potentissimus hoc tempore
says to-have-bought a-young-man perhaps the-most-powerful at-this time
nostrae civitatis, L. Cornelius Chrysogonus. Is a vobis,
of-our state Lucius Cornelius Chrysogonus he from you
iudices, hoc postulat ut, quoniam in alienam pecuniam tam
judges this demands that since into another's money so
plenam atque praeclaram nullo iure invaserit, quoniamque ei
full and splendid by-no right he-has-rushed and-since to-that
pecuniae vita Sex. Rosci obstare atque officere videatur,
money the-life of-Sextus Roscius to-stand-in-the-way and to-obstruct seems
deleatis ex animo suo suspicionem omnem metumque
you-should-wipe from mind his suspicion all and-fear
tollatis; sese hoc incolumi non arbitratur huius innocentis
remove that-he with-this-man safe not thinks of-this innocent-man
patrimonium tam amplum et copiosum posse obtinere,
the-inheritance so ample and rich to-be-able to-hold
damnato et eiecto sperat se posse quod adeptus
with-(him)-condemned and cast-out he-hopes that-he to-be-able what obtained

est per scelus, id per luxuriam effundere atque consumere.
has through crime that through extravagance to-pour-out and to-consume
Hunc sibi ex animo scrupulum qui se dies noctesque
this for-himself from mind sharp-stone which him days and-nights
stimulat ac pungit ut evellatis postulat, ut ad hanc
goads and pricks that you-should-pluck-out he-demands that to this
suam praedam tam nefariam adiutores vos profiteamini.
his plunder so wicked helpers you you-should-declare-yourselves
Si vobis aequa et honesta postulatio videtur, iudices, ego 7
if to-you fair and honorable the-demand seems judges I
contra brevem postulationem adfero et, quo modo mihi
in-return a-short demand bring and in-what manner to-myself
persuadeo, aliquanto aequiorem. Primum a Chrysogono peto
I-persuade somewhat fairer first from Chrysogonus I-ask
ut pecunia fortunisque nostris contentus sit, sanguinem
that with-the-money and-fortunes our content be-be blood
et vitam ne petat; deinde a vobis, iudices, ut audacium
and life not he-seek then from you judges that of-the-audacious
sceleri resistatis, innocentium calamitatem levetis et in causa
to-the-crime you-resist of-the-innocent the-calamity you-lighten and in the-case
Sex. Rosci periculum quod in omnis intenditur propulsetis.
of-Sextus Roscius the-danger which at all is-aimed you-repel
Quod si aut causa criminis aut facti suspicio aut quaelibet 8
but if either a-ground of-the-charge or of-the-deed suspicion or any-whatever
denique vel minima res reperietur quam ob rem
finally even the-least thing will-be-found which on-account-of thing
videantur illi non nihil tamen in deferendo nomine secuti,
may-seem they not nothing still in bringing-in the-name to-have-followed
postremo si praeter eam praedam quam dixi quicquam
finally if besides that plunder which I-mentioned anything
aliud causae inveneritis, non recusamus quin illorum libidini
else of-cause you-will-have-found not we-refuse that to-their lust

Sex. Rosci vita dedatur. Sin aliud agitur nihil nisi ut
of-Sextus Roscius the-life be-surrendered but-if else is-being-done nothing except that
eis ne quid desit quibus satis nihil est, si hoc solum
to-those not anything be-lacking to-whom enough nothing is if this alone
hoc tempore pugnatur ut ad illam opimam praeclaramque
at-this time is-being-fought-for that to that rich and-splendid
praedam damnatio Sex. Rosci velut cumulus accedat,
plunder the-condemnation of-Sextus Roscius like a-crowning be-added
nonne cum multa indigna tum vel hoc indignissimum
surely both many-things outrageous and even this most-outrageous
est, vos idoneos habitos per quorum sententias iusque
is you suitable considered through whose verdicts and-oath
iurandum id adsequantur quod antea ipsi scelere et ferro
sworn that they-may-attain which before themselves by-crime and steel
adsequi consuerunt? qui ex civitate in senatum propter
to-attain were-accustomed who from the-state into the-senate on-account-of
dignitatem, ex senatu in hoc consilium delecti estis
rank from the-senate into this council chosen you-have-been
propter severitatem, ab his hoc postulare homines sicarios
on-account-of strictness from these this to-demand men assassins
atque gladiatores, non modo ut supplicia vitent quae a
and gladiators not only that punishments they-avoid which from
vobis pro maleficiis suis metuere atque horrere debent verum
you for crimes their to-fear and to-dread they-ought but
etiam ut spoliis ex hoc iudicio ornati auctique discedant?
also that with-spoils from this trial adorned and-enriched they-depart
9 His de rebus tantis tamque atrocibus neque satis me
these about things so-great and-so atrocious neither sufficiently that-I
commode dicere neque satis graviter conqueri neque
fittingly to-speak nor sufficiently weightily to-complain nor
satis libere vociferari posse intellego. Nam commoditati
sufficiently freely to-cry-out to-be-able I-understand for to-fitness

ingenium, gravitati aetas, libertati tempora sunt impedimento.
talent to-weight age to-freedom the-times are for-a-hindrance
Huc accedit summus timor quem mihi natura pudorque
to-this is-added the-highest fear which to-me nature and-modesty
meus attribuit et vestra dignitas et vis adversariorum
my has-assigned and your rank and the-force of-the-opponents
et Sex. Rosci pericula. Quapropter vos oro atque obsecro,
and of-Sextus Roscius the-perils wherefore you I-beg and beseech
iudices, ut attente bonaque cum venia verba mea audiatis.
judges that attentively and-good with indulgence words my you-hear
Fide sapientiaque vestra fretus plus oneris sustuli 10
on-the-good-faith and-wisdom your relying more of-burden I-have-taken-up
quam ferre me posse intellego. Hoc onus si vos aliqua ex
than to-bear that-I to-be-able I-understand this burden if you some in
parte adlevabitis, feram ut potero studio et industria,
part will-lighten I-shall-bear as I-shall-be-able with-zeal and diligence
iudices; sin a vobis, id quod non spero, deserar,
judges but-if by you that which not I-hope I-shall-be-deserted
tamen animo non deficiam et id quod suscepi quoad
still in-spirit not I-shall-fail and that which I-have-undertaken as-long-as
potero perferam. Quod si perferre non potero,
I-shall-be-able I-shall-carry-through but if to-carry-through not I-shall-be-able
opprimi me onere offici malo quam id quod mihi
to-be-crushed me by-the-burden of-duty I-prefer than that which on-me
cum fide semel impositum est aut propter perfidiam
with good-faith once imposed has-been either on-account-of treachery
abicere aut propter infirmitatem animi deponere.
to-throw-off or on-account-of weakness of-mind to-lay-down

Cicero asks the presiding praetor Marcus Fannius to show the severity he once showed as judge of this court, the first trial for murder in a long interval of slaughter. Unless the judges show their mind, murder will break out in the forum before the tribunal itself. The accusers are the men who seized the estate and profited by the father's death; the defendant is the son they longed to kill, who comes to court under guard, and Cicero will now set out how it was done.

11 Te quoque magno opere, M. Fanni, quaeso ut, qualem te
you also in-great measure Marcus Fannius I-ask that such-as yourself
iam antea populo Romano praebuisti, cum huic eidem
already before to-the-people Roman you-showed when over-this same
quaestioni iudex praeesses, talem te et nobis et rei
court as-judge you-presided such yourself both to-us and to-the-thing
publicae hoc tempore impertias. Quanta multitudo hominum
public at-this time you-grant how-great a-crowd of-men
convenerit ad hoc iudicium vides; quae sit omnium mortalium
has-gathered to this trial you-see what is of-all mortals
exspectatio, quae cupiditas ut acria ac severa iudicia fiant
the-expectation what desire that keen and stern trials be-held
intellegis. Longo intervallo iudicium inter sicarios hoc primum
you-understand after-a-long interval a-trial among assassins this first
committitur, cum interea caedes indignissimae maximaeque
is-begun when meanwhile murders most-outrageous and-greatest
factae sunt; omnes hanc quaestionem te praetore manifestis
done have-been all this court with-you as-praetor of-manifest
maleficiis cotidianoque sanguine dignissimam sperant futuram.
crimes and-of-daily blood most-worthy hope going-to-be

12 Qua vociferatione in ceteris iudiciis accusatores uti
which outcry in other trials accusers to-use
consuerunt, ea nos hoc tempore utimur qui causam dicimus.
are-accustomed that we at-this time use who the-case plead

Petimus abs te, M. Fanni, a vobisque, iudices, ut quam
we-ask from you Marcus Fannius from and-you judges that as
acerrime maleficia vindicetis, ut quam fortissime hominibus
most-keenly crimes you-punish that as most-bravely to-men
audacissimis resistatis, ut hoc cogitetis, nisi in hac causa qui
most-audacious you-resist that this you-consider unless in this case what
vester animus sit ostendetis, eo prorumpere hominum
your mind is you-will-show to-that-point to-burst-forth of-men
cupiditatem et scelus et audaciam ut non modo clam verum
the-greed and crime and audacity that not only secretly but
etiam hic in foro ante tribunal tuum, M. Fanni, ante
also here in the-forum before tribunal your Marcus Fannius before
pedes vestros, iudices, inter ipsa subsellia caedes futurae sint.
feet your judges among the-very benches murders going-to-be are
Etenim quid aliud hoc iudicio temptatur nisi ut id fieri 13
for-indeed what else in-this trial is-attempted except that this to-be-done
liceat? Accusant ei qui in fortunas huius invaserunt, causam
be-allowed accuse those who into the-fortunes of-this-man have-rushed the-case
dicit is cui praeter calamitatem nihil reliquerunt; accusant
pleads he to-whom besides calamity nothing they-have-left accuse
ei quibus occidi patrem Sex. Rosci bono fuit, causam
those to-whom to-be-killed the-father of-Sextus Roscius for-a-benefit was the-case
dicit is cui non modo luctum mors patris attulit verum
pleads he to-whom not only grief the-death of-his-father has-brought but
etiam egestatem; accusant ei qui hunc ipsum iugulare
also poverty accuse those who this-man himself to-cut-the-throat-of
summe cupierunt, causam dicit is qui etiam ad hoc ipsum
most-eagerly have-desired the-case pleads he who even to this very
iudicium cum praesidio venit ne hic ibidem ante oculos vestros
trial with a-guard comes lest here on-the-spot before eyes your

trucidetur; denique accusant ei quos populus poscit, causam
he-be-butchered finally accuse those whom the-people demands the-case
dicit is qui unus relictus ex illorum nefaria caede restat.
pleads he who alone left of their wicked slaughter remains

14 Atque ut facilius intellegere possitis, iudices, ea quae
and that more-easily to-understand you-may-be-able judges those-things which
facta sunt indigniora esse quam haec sunt quae dicimus,
done have-been more-outrageous to-be than these are which we-say
ab initio res quem ad modum gesta sit vobis
from the-beginning the-matter in-what to manner done was to-you
exponemus, quo facilius et huius hominis innocentissimi
we-shall-set-out by-which more-easily both of-this man most-innocent
miserias et illorum audacias cognoscere possitis et
the-miseries and their audacities to-learn you-may-be-able and
rei publicae calamitatem.
of-the-thing public the-calamity

IV · THE MURDER AT THE PALLACINE BATHS

The elder Sextus Roscius of Ameria was first in his town, a friend of the Metelli, the Servilii, and the Scipios, and a partisan of the nobility in the late war. He had old enmities with two Roscii of Ameria, Titus Roscius Capito and Titus Roscius Magnus. While the son lived on the farms, the father was killed returning from dinner at Rome. Mallius Glaucia, Magnus' client, carried the news overnight to Capito; four days later Chrysogonus heard of the estate at Sulla's camp, and the two offered to remove the son.

15 Sex. Roscius, pater huiusce, municeps Amerinus fuit, cum
Sextus Roscius the-father of-this-man a-townsman of-Ameria was both
genere et nobilitate et pecunia non modo sui municipi
in-birth and in-nobility and in-money not only of-his-own town

verum etiam eius vicinitatis facile primus, tum gratia
but also of-that neighborhood easily first and in-influence
atque hospitiis florens hominum nobilissimorum. Nam
and in-ties-of-hospitality flourishing of-men most-noble for
cum Metellis, Serviliis, Scipionibus erat ei non modo
with the-Metelli the-Servilii the-Scipios there-was to-him not only
hospitium verum etiam domesticus usus et consuetudo,
hospitality but also household intercourse and familiarity
quas, ut aequum est, familias honestatis amplitudinisque
which as right is families of-honor and-of-dignity
gratia nomino. Itaque ex suis omnibus commodis hoc
for-the-sake I-name and-so of his all advantages this
solum filio reliquit; nam patrimonium domestici praedones
alone to-his-son he-left for the-inheritance household robbers
vi ereptum possident, fama et vita innocentis
by-force snatched possess the-reputation and life of-the-innocent-man
ab hospitibus amicisque paternis defenditur.
by the-guest-friends and-friends paternal is-defended
Hic cum omni tempore nobilitatis fautor fuisset tum hoc 16
he both at-every time of-the-nobility a-supporter had-been and in-this
tumultu proximo, cum omnium nobilium dignitas et salus
upheaval latest when of-all the-nobles the-rank and safety
in discrimen veniret, praeter ceteros in ea vicinitate eam
into hazard came beyond the-others in that neighborhood that
partem causamque opera, studio, auctoritate defendit. Etenim
party and-cause with-effort with-zeal with-authority he-defended for-indeed
rectum putabat pro eorum honestate se pugnare propter
right he-thought for their honor that-he to-fight on-account-of
quos ipse honestissimus inter suos numerabatur. Postea
whom himself most-honored among his-own he-was-counted after
quam victoria constituta est ab armisque recessimus, cum
that victory established was from and-arms we-withdrew when

proscriberentur homines atque ex omni regione caperentur
were-proscribed men and from every region were-seized
ei qui adversarii fuisse putabantur, erat ille Romae
those who opponents to-have-been were-thought was he at-Rome
frequens atque in foro et in ore omnium cotidie
often and in the-forum and in the-mouth of-all daily
versabatur, magis ut exsultare victoria nobilitatis videretur
he-moved more so-that to-exult in-the-victory of-the-nobility he-might-seem
quam timere ne quid ex ea calamitatis sibi accideret.
than to-fear lest anything from it of-calamity to-himself might-befall
17 Erant ei veteres inimicitiae cum duobus Rosciis Amerinis,
there-were to-him old enmities with two Roscii of-Ameria
quorum alterum sedere in accusatorum subselliis video,
of-whom one to-sit on the-accusers' benches I-see
alterum tria huiusce praedia possidere audio; quas inimicitias
the-other three of-this-man's estates to-possess I-hear which enmities
si tam cavere potuisset quam metuere solebat
if as-much to-guard-against he-had-been-able as to-fear he-was-wont
viveret. Neque enim, iudices, iniuria metuebat. Nam
he-would-be-alive nor for judges without-cause was-he-afraid for
duo isti sunt T. Roscii, quorum alteri Capitoni cognomen
two these are Titus Roscii of-whom to-the-one Capito the-surname
est, iste qui adest Magnus vocatur, homines eius modi:
is that-one who is-present Magnus is-called men of-that kind
alter plurimarum palmarum vetus ac nobilis gladiator
the-one of-very-many palms an-old and famous gladiator
habetur, hic autem nuper se ad eum lanistam contulit,
is-held this-one however lately himself to that trainer has-betaken
quique ante hanc pugnam tiro esset quod sciam, facile
and-who before this fight a-recruit was as-far-as I-know easily
ipsum magistrum scelere audaciaque superavit.
the-very master in-crime and-audacity has-surpassed

Nam cum hic Sex. Roscius esset Ameriae, T. autem iste 18
for when this Sextus Roscius was at-Ameria Titus however that
Roscius Romae, cum hic filius adsiduus in praediis esset
Roscius at-Rome when this son constant on the-estates was
cumque se voluntate patris rei familiari vitaeque
and-when himself by-the-wish of-his-father to-the-property household and-to-life
rusticae dedisset, ipse autem frequens Romae esset, occiditur ad
rustic had-given he however often at-Rome was he-is-killed at
balneas Pallacinas rediens a cena Sex. Roscius. Spero ex hoc
the-baths Pallacinian returning from dinner Sextus Roscius I-hope from this
ipso non esse obscurum ad quem suspicio malefici pertineat;
itself not to-be obscure to whom the-suspicion of-the-crime belongs
verum id quod adhuc est suspiciosum nisi perspicuum
but that which till-now is suspicious unless clear
res ipsa fecerit, hunc adfinem culpae iudicatote.
the-matter itself will-have-made this-man an-accessory to-the-guilt judge
Occiso Sex. Roscio primus Ameriam nuntiat Mallius Glaucia 19
with-killed Sextus Roscius first to-Ameria announces Mallius Glaucia
quidam, homo tenuis, libertinus, cliens et familiaris istius
a-certain man of-small-means a-freedman a-client and intimate of-that
T. Rosci, et nuntiat domum non fili sed T. Capitonis
Titus Roscius and he-announces to-the-house not of-the-son but of-Titus Capito
inimici; et cum post horam primam noctis occisus
his-enemy and when after the-hour first of-the-night killed
esset, primo diluculo nuntius hic Ameriam venit; decem
he-had-been at-first dawn messenger this to-Ameria comes in-ten
horis nocturnis sex et quinquaginta milia passuum cisiis
hours of-the-night six and fifty thousand of-paces in-gigs
pervolavit, non modo ut exoptatum inimico nuntium primus
he-flew not only that the-longed-for to-the-enemy news first

adferret sed etiam cruorem inimici quam recentissimum
he-might-bring but also the-blood of-his-enemy as fresh-as-possible
telumque paulo ante e corpore extractum ostenderet.
and-the-weapon a-little before from the-body drawn he-might-show
Quadriduo quo haec gesta sunt res ad Chrysogonum
within-four-days in-which these-things done were the-matter to Chrysogonus
in castra L. Sullae Volaterras defertur; magnitudo
into the-camp of-Lucius Sulla to-Volaterrae is-reported the-size
pecuniae demonstratur; bonitas praediorum — nam fundos
of-the-money is-pointed-out the-goodness of-the-estates for farms
decem et tris reliquit qui Tiberim fere omnes tangunt —
ten and three he-left which the-Tiber almost all touch
huius inopia et solitudo commemoratur; demonstrant,
of-this-man the-helplessness and loneliness is-mentioned they-point-out
cum pater huiusce Sex. Roscius, homo tam splendidus et
since the-father of-this-man Sextus Roscius a-man so splendid and
gratiosus, nullo negotio sit occisus, perfacile hunc hominem
popular with-no trouble was killed very-easily this man
incautum et rusticum et Romae ignotum de medio
unwary and rustic and at-Rome unknown from the-midst
tolli posse; ad eam rem operam suam pollicentur.
to-be-removed to-be-able to that thing help their they-promise

V · THE PARTNERSHIP

A partnership is formed: the dead man's name is entered on the proscription lists after they had closed, Chrysogonus buys the estate, Capito takes three farms, and Magnus falls on the rest as Chrysogonus' agent, all unknown to Sulla, who, burdened with the whole state, cannot see everything his household does. Magnus drives the son from his father's house before the funeral rites are paid and plunders the estate, and Ameria weeps. Its council sends ten envoys to Sulla, but Chrysogonus keeps them from him with promises, Capito among them vouching for those promises; the envoys go home with nothing done, and the partners begin to plot the son's life.

Ne diutius teneam, iudices, societas coitur. Cum nulla iam 21
not longer I-may-detain judges a-partnership is-formed when no now
proscriptionis mentio fieret, cum etiam qui antea metuerant
of-proscription mention was-made when even those-who before had-feared
redirent ac iam defunctos sese periculis arbitrarentur,
were-returning and now done-with themselves dangers thought
nomen refertur in tabulas Sex. Rosci, hominis studiosissimi
the-name is-entered in the-lists of-Sextus Roscius a-man most-devoted
nobilitatis; manceps fit Chrysogonus; tria praedia vel
to-the-nobility the-purchaser becomes Chrysogonus three estates perhaps
nobilissima Capitoni propria traduntur, quae hodie possidet; in
the-most-famous to-Capito as-his-own are-handed-over which today he-possesses on
reliquas omnis fortunas iste T. Roscius nomine Chrysogoni,
the-remaining all fortunes that Titus Roscius in-the-name of-Chrysogonus
quem ad modum ipse dicit, impetum facit. Haec omnia,
in-what to manner himself says an-attack makes these all
iudices, imprudente L. Sulla facta esse certo scio.
judges with-unaware Lucius Sulla done to-have-been for-certain I-know

22 Neque enim mirum, cum eodem tempore et ea
nor for surprising since at-the-same time both those-things
quae praeterita sunt reparet et ea quae videntur
which past are he-is-repairing and those-things which seem
instare praeparet, cum et pacis constituendae rationem
to-threaten he-is-preparing since both of-peace to-be-established the-plan
et belli gerendi potestatem solus habeat, cum omnes
and of-war to-be-waged the-power alone he-holds since all
in unum spectent, unus omnia gubernet, cum tot
on one look one-man all-things governs since by-so-many
tantisque negotiis distentus sit ut respirare libere non
and-so-great affairs distracted he-is that to-breathe freely not
possit, si aliquid non animadvertat, cum praesertim tam
he-can if anything not he-notices since especially so
multi occupationem eius observent tempusque aucupentur ut,
many the-preoccupation his watch and-the-moment lie-in-wait-for that
simul atque ille despexerit, aliquid huiusce modi moliantur.
as-soon as he has-looked-away anything of-this kind they-may-contrive
Huc accedit quod, quamvis ille felix sit, sicut est, tamen
to-this is-added that however he fortunate be as he-is still
in tanta felicitate nemo potest esse in magna familia qui
in so-great good-fortune no-one can be in a-great household who
neminem neque servum neque libertum improbum habeat.
no-one neither slave nor freedman wicked has
23 Interea iste T. Roscius, vir optimus, procurator Chrysogoni,
meanwhile that Titus Roscius man the-best the-agent of-Chrysogonus
Ameriam venit, in praedia huius invadit, hunc miserum,
to-Ameria comes onto the-estates of-this-man he-rushes this wretched-man
luctu perditum, qui nondum etiam omnia paterno funeri
by-grief undone who not-yet even all to-his-father's funeral
iusta solvisset, nudum eicit domo atque focis
rites had-paid naked he-casts-out from-the-house and from-the-hearths

patriis disque penatibus praecipitem, iudices, exturbat,
of-his-fathers and-from-the-gods household headlong judges he-drives-out
ipse amplissimae pecuniae fit dominus. Qui in sua
himself of-very-ample money becomes the-master he-who in his-own
re fuisset egentissimus, erat, ut fit, insolens in aliena;
affairs had-been most-needy was as happens insolent in another's
multa palam domum suam auferebat, plura clam de
many-things openly to-house his-own he-carried-off more secretly from
medio removebat, non pauca suis adiutoribus large
the-midst he-removed not few to-his-own helpers lavishly
effuseque donabat, reliqua constituta auctione vendebat.
and-profusely he-gave the-rest with-arranged an-auction he-sold
Quod Amerinis usque eo visum est indignum ut urbe 24
which to-the-Amerians to-such a-degree seemed has outrageous that in-the-city
tota fletus gemitusque fieret. Etenim multa simul ante
whole weeping and-groaning arose for-indeed many-things at-once before
oculos versabantur, mors hominis florentissimi, Sex. Rosci,
eyes were-turning the-death of-a-man most-flourishing Sextus Roscius
crudelissima, fili autem eius egestas indignissima, cui
most-cruel of-his-son however his poverty most-outrageous to-whom
de tanto patrimonio praedo iste nefarius ne iter quidem ad
from so-great an-inheritance robber that wicked not a-path even to
sepulcrum patrium reliquisset, bonorum emptio flagitiosa,
the-tomb of-his-father had-left of-the-goods the-purchase disgraceful
possessio, furta, rapinae, donationes. Nemo erat qui
the-possession thefts robberies gifts no-one there-was who
non ardere omnia mallet quam videre in Sex. Rosci,
not to-burn all-things preferred than to-see in of-Sextus Roscius
viri optimi atque honestissimi, bonis iactantem se ac
a-man best and most-honorable goods flaunting himself and
dominantem T. Roscium.
lording-it Titus Roscius

25 Itaque decurionum decretum statim fit ut decem primi
and-so of-the-councilors a-decree at-once is-made that ten first-men
proficiscantur ad L. Sullam doceantque eum qui
should-set-out to Lucius Sulla and-should-inform him what-kind-of
vir Sex. Roscius fuerit, conquerantur de istorum scelere
man Sextus Roscius had-been should-complain about their crime
et iniuriis, orent ut et illius mortui famam et
and wrongs should-beg that both of-that dead-man the-reputation and
fili innocentis fortunas conservatas velit. Atque ipsum
of-his-son innocent the-fortunes preserved he-would-wish and the-very
decretum, quaeso, cognoscite. DECRETUM DECURIONUM.
decree I-pray learn the-decree of-the-councilors
Legati in castra veniunt. Intellegitur, iudices, id quod iam
the-envoys into the-camp come it-is-understood judges that which already
ante dixi, imprudente L. Sulla scelera haec et flagitia fieri.
before I-said with-unaware Lucius Sulla crimes these and outrages to-be-done
Nam statim Chrysogonus et ipse ad eos accedit et homines
for at-once Chrysogonus both himself to them approaches and men
nobilis adlegat qui peterent ne ad Sullam adirent, et
noble he-sends who should-ask that-not to Sulla they-should-go and
omnia Chrysogonum quae vellent esse facturum pollicerentur.
all-things Chrysogonus which they-wished to-be going-to-do should-promise
26 Usque adeo autem ille pertimuerat ut mori mallet quam
to-such a-degree however he had-taken-fright that to-die he-preferred than
de his rebus Sullam doceri. Homines antiqui, qui ex
about these things Sulla to-be-informed men of-the-old-stamp who from
sua natura ceteros fingerent, cum ille confirmaret sese
their-own nature the-others imagined when he assured that-he
nomen Sex. Rosci de tabulis exempturum, praedia vacua
the-name of-Sextus Roscius from the-lists going-to-remove the-estates vacant
filio traditurum, cumque id ita futurum T. Roscius
to-the-son going-to-hand-over and-when that so going-to-be Titus Roscius

Capito qui in decem legatis erat appromitteret, crediderunt;
Capito who among the-ten envoys was guaranteed believed-him
Ameriam re inorata reverterunt. Ac primo rem
to-Ameria with-the-thing unpleaded they-returned and at-first the-matter
differre cotidie ac procrastinare isti coeperunt, deinde
to-put-off daily and to-postpone these-men began then
aliquanto lentius nihil agere atque deludere, postremo,
somewhat more-slowly nothing to-do and to-make-fools-of-them finally
id quod facile intellectum est, insidias vitae huiusce
that which easily understood has-been plots for-the-life of-this
Sex. Rosci parare neque sese arbitrari posse diutius
Sextus Roscius to-lay nor themselves to-think to-be-able longer
alienam pecuniam domino incolumi obtinere.
another's money with-the-owner safe to-hold

VI · REFUGE WITH CAECILIA

When the son fled to Rome and to Caecilia, daughter of Metellus Balearicus, and was guarded too well to be killed, his enemies resolved to accuse him of parricide, trusting that no advocate would dare to touch the sale and that the first defendant after so long would be condemned. Cicero, though young, will speak freely; the case is like Fimbria's charge against Scaevola for not dying of his wound.

Quod hic simul atque sensit, de amicorum cognatorumque 27
which this-man as-soon as he-perceived on of-friends and-of-kinsmen
sententia Romam confugit et sese ad Caeciliam, Nepotis
the-advice to-Rome he-fled and himself to Caecilia of-Nepos
sororem, Baliarici filiam, quam honoris causa nomino,
the-sister of-Balearicus the-daughter whom of-honor for-the-sake I-name
contulit, qua pater usus erat plurimum; in qua muliere,
betook whom his-father used had very-much in which woman

iudices, etiam nunc, id quod omnes semper existimaverunt,
judges even now that which all always have-thought
quasi exempli causa vestigia antiqui offici remanent.
as-it-were of-example for-the-sake traces of-the-old sense-of-duty remain
Ea Sex. Roscium inopem, eiectum domo atque expulsum
she Sextus Roscius destitute cast-out from-the-house and driven
ex suis bonis, fugientem latronum tela et minas
from his-own goods fleeing of-the-robbers the-weapons and threats
recepit domum hospitique oppresso iam desperatoque ab
took-in to-her-house and-to-her-guest crushed now and-despaired-of by
omnibus opitulata est. Eius virtute, fide, diligentia
all helped has her by-the-virtue good-faith diligence
factum est ut hic potius vivus in reos quam
brought-about it-was that he rather alive among the-accused than
occisus in proscriptos referretur.
killed among the-proscribed should-be-entered

28 Nam postquam isti intellexerunt summa diligentia vitam
for after these-men understood with-the-utmost diligence the-life
Sex. Rosci custodiri neque sibi ullam caedis faciendae
of-Sextus Roscius to-be-guarded nor to-themselves any of-murder to-be-done
potestatem dari, consilium ceperunt plenum sceleris et
power to-be-given a-plan they-took full of-crime and
audaciae ut nomen huius de parricidio deferrent, ut
of-audacity that the-name of-this-man for parricide they-should-bring that
ad eam rem aliquem accusatorem veterem compararent qui
for that thing some accuser old they-should-procure who
de ea re posset dicere aliquid, in qua re nulla subesset
about that thing could to-say something in which thing no lay-beneath
suspicio, denique ut, quoniam crimine non poterant, tempore
suspicion finally that since by-the-charge not they-could by-the-time
ipso pugnarent. Ita loqui homines: ‘quod iudicia tam diu facta
itself they-might-fight so to-speak men because trials so long held

non essent, condemnari eum oportere qui primus in iudicium
not had-been to-be-condemned him it-was-proper who first into court
adductus esset; huic autem patronos propter
brought should-have-been to-this-man however advocates on-account-of
Chrysogoni gratiam defuturos; de bonorum venditione et
of-Chrysogonus the-influence going-to-be-lacking about of-the-goods the-sale and
de ista societate verbum esse facturum neminem; ipso
about that partnership a-word to-be going-to-make no-one by-the-very
nomine parricidi et atrocitate criminis fore ut hic nullo
name of-parricide and by-the-atrocity of-the-charge going-to-be that he with-no
negotio tolleretur, cum ab nullo defensus esset.'
trouble would-be-removed since by no-one defended he-had-been
Hoc consilio atque adeo hac amentia impulsi quem ipsi, 29
by-this plan and indeed by-this madness driven him-whom themselves
cum cuperent, non potuerunt occidere, eum iugulandum
although they-desired not were-able to-kill him to-be-butchered
vobis tradiderunt. Quid primum querar aut unde
to-you they-have-handed-over what first shall-I-complain-of or whence
potissimum, iudices, ordiar aut quod aut a quibus
above-all judges shall-I-begin or what or from whom
auxilium petam? Deorumne immortalium, populine
help shall-I-seek of-the-gods-whether immortal of-the-people-whether
Romani, vestramne qui summam potestatem habetis hoc
Roman yours-whether who the-highest power hold at-this
tempore fidem implorem?
time the-protection shall-I-implore
Pater occisus nefarie, domus obsessa ab inimicis, bona 30
the-father killed wickedly the-house besieged by enemies the-goods
adempta, possessa, direpta, fili vita infesta, saepe ferro atque
taken-away possessed plundered the-son's life threatened often by-steel and
insidiis appetita. Quid ab his tot maleficiis sceleris abesse
by-plots attacked what from these so-many evil-deeds of-crime to-be-absent

videtur? Tamen haec aliis nefariis cumulant atque adaugent,
seems still these with-other wicked-deeds they-heap and increase
crimen incredibile confingunt, testis in hunc et accusatores
a-charge incredible they-invent witnesses against this-man and accusers
huiusce pecunia comparant; hanc condicionem misero
with-this-man's money they-procure this condition to-the-wretch
ferunt ut optet utrum malit cervices T. Roscio
they-offer that he-may-choose which he-would-prefer his-neck to-Titus Roscius
dare an insutus in culleum per summum dedecus
to-give or sewn into the-sack through the-utmost disgrace
vitam amittere. Patronos huic defuturos putaverunt;
life to-lose advocates for-this-man going-to-be-lacking they-thought
desunt; qui libere dicat, qui cum fide defendat, id
they-are-lacking who freely may-speak who with good-faith may-defend that
quod in hac causa satis est non deest profecto, iudices.
which in this case enough is not is-lacking surely judges
31 Et forsitan in suscipienda causa temere impulsus adulescentia
and perhaps in undertaking the-case rashly driven by-youth
fecerim; quoniam quidem semel suscepi, licet
I-may-have-acted since indeed once I-have-undertaken-it although
hercules undique omnes minae terrores periculaque impendeant
by-Hercules on-all-sides all threats terrors and-dangers may-hang-over
omnia, succurram ac subibo. Certum est deliberatumque
all I-shall-face and undergo settled it-is and-resolved
quae ad causam pertinere arbitror, omnia non modo
what-things to the-case to-pertain I-think all not only
dicere verum etiam libenter audacter libereque dicere; nulla
to-say but also willingly boldly and-freely to-say no
res tanta exsistet, iudices, ut possit vim mihi maiorem
thing so-great will-arise judges that it-can force on-me greater
adhibere metus quam fides.
to-bring fear than good-faith

Etenim quis tam dissoluto animo est qui haec cum 32
for-indeed who so dissolute of-mind is who these-things when
videat tacere ac neglegere possit? Patrem meum, cum
he-sees to-keep-silent and to-neglect can father my though
proscriptus non esset, iugulastis, occisum in proscriptorum
proscribed not he-was you-butchered killed into of-the-proscribed
numerum rettulistis, me domo mea per vim expulistis,
the-number you-entered me from-house my by force you-drove-out
patrimonium meum possidetis. Quid voltis amplius?
inheritance my you-possess what do-you-want more
Etiamne ad subsellia cum ferro atque telis venistis ut
even-whether to the-benches with steel and weapons have-you-come that
hic aut iuguletis aut condemnetis?
here either you-may-butcher or you-may-condemn
Hominem longe audacissimum nuper habuimus in civitate 33
a-man far most-audacious lately we-had in the-state
C. Fimbriam et, quod inter omnis constat, nisi inter eos
Gaius Fimbria and what among all is-agreed except among those
qui ipsi quoque insaniunt insanissimum. Is cum curasset
who themselves also are-mad most-mad he when he-had-arranged
in funere C. Mari ut Q. Scaevola volneraretur, vir
at the-funeral of-Gaius Marius that Quintus Scaevola should-be-wounded a-man
sanctissimus atque ornatissimus nostrae civitatis, de cuius
most-upright and most-distinguished of-our state about whose
laude neque hic locus est ut multa dicantur neque plura
praise neither here the-place is that much be-said nor more
tamen dici possunt quam populus Romanus memoria
still to-be-said can than the-people Roman in-memory
retinet, diem Scaevolae dixit, postea quam comperit
retains a-day for-Scaevola he-named after that he-learned
eum posse vivere. Cum ab eo quaereretur quid tandem
him to-be-able to-live when by him it-was-asked what at-last

accusaturus esset eum quem pro dignitate ne laudare
going-to-accuse he-was him whom according-to his-worth not to-praise
quidem quisquam satis commode posset, aiunt hominem,
even anyone sufficiently fittingly could they-say the-man
ut erat furiosus, respondisse: 'quod non totum telum
as he-was raving to-have-answered that not the-whole weapon
corpore recepisset.' Quo populus Romanus nihil vidit
into-his-body he-had-received than-which the-people Roman nothing saw
indignius nisi eiusdem viri mortem, quae tantum potuit
more-outrageous except of-the-same man the-death which so-much could
ut omnis occisus perdiderit et adflixerit; quos quia servare
that all-men killed it-ruined and struck-down whom because to-save
per compositionem volebat, ipse ab eis interemptus est.
through settlement he-wished himself by them slain was
34 Estne hoc illi dicto atque facto Fimbriano simillimum?
is-whether this to-that saying and deed of-Fimbria most-similar
Accusatis Sex. Roscium. Quid ita? Quia de manibus vestris
you-accuse Sextus Roscius why so because from the-hands your
effugit, quia se occidi passus non est. Illud, quia in
he-has-escaped because himself to-be-killed allowed not he-has that because in
Scaevola factum est, magis indignum videtur, hoc, quia fit
Scaevola done was more outrageous seems this because it-is-done
a Chrysogono, non est ferendum. Nam per deos immortalis!
by Chrysogonus not is to-be-borne for by the-gods immortal
quid est in hac causa quod defensionis indigeat? qui locus
what is in this case that of-defense stands-in-need what point
ingenium patroni requirit aut oratoris eloquentiam magno
the-talent of-an-advocate requires or of-an-orator the-eloquence in-great
opere desiderat? Totam causam, iudices, explicemus atque
measure calls-for the-whole case judges let-us-unfold and
ante oculos expositam consideremus; ita facillime quae res
before eyes set-out let-us-consider so most-easily what thing

totum iudicium contineat et quibus de rebus nos dicere
the-whole trial contains and what about things we to-speak
oporteat et quid vos sequi conveniat intellegetis.
it-is-proper and what you to-follow it-befits you-will-understand

VII · THREE OBSTACLES

Three things stand against Roscius: the charge, the audacity of the Roscii, and the power of Chrysogonus. Cicero must answer the charge; the judges must resist the rest. Parricide is the crime that holds all crimes, and it needs proof of a savage life, yet Erucius alleges none: the son is past forty, scarcely ever at a banquet, and owes no debt. Nor can any motive be shown, for the father was sane and the son was no villain.

Tres sunt res, quantum ego existimare possum, quae obstent 35
three are things as-far-as I to-judge am-able which stand-in-the-way
hoc tempore Sex. Roscio, crimen adversariorum et audacia
at-this time to-Sextus Roscius the-charge of-the-opponents and audacity
et potentia. Criminis confictionem accusator Erucius suscepit,
and power of-the-charge the-fabrication the-accuser Erucius has-undertaken
audaciae partis Roscii sibi poposcerunt, Chrysogonus
of-audacity the-part the-Roscii for-themselves have-claimed Chrysogonus
autem, is qui plurimum potest, potentia pugnat. De hisce
however he who the-most can with-power fights about these
omnibus rebus me dicere oportere intellego. Quid igitur est?
all things that-I to-speak it-is-proper I-understand what therefore is-it
Non eodem modo de omnibus, ideo quod prima 36
not in-the-same manner about all for-this-reason that the-first
illa res ad meum officium pertinet, duas autem reliquas
that thing to my duty pertains the-two however remaining
vobis populus Romanus imposuit; ego crimen oportet
on-you the-people Roman has-imposed I the-charge it-is-proper

diluam, vos et audaciae resistere et hominum eius
should-wash-away you both audacity to-resist and of-men of-that
modi perniciosam atque intolerandam potentiam primo
kind the-ruinous and intolerable power at-the-first
quoque tempore exstinguere atque opprimere debetis.
every opportunity to-extinguish and to-crush ought
37 Occidisse patrem Sex. Roscius arguitur. Scelestum, di
to-have-killed his-father Sextus Roscius is-charged accursed gods
immortales! ac nefarium facinus atque eius modi quo uno
immortal and wicked deed and of-that kind by-which one
maleficio scelera omnia complexa esse videantur! Etenim
crime crimes all embraced to-have-been may-seem for-indeed
si, id quod praeclare a sapientibus dicitur, voltu saepe
if that which excellently by the-wise is-said by-a-look often
laeditur pietas, quod supplicium satis acre reperietur in
is-wounded filial-piety what punishment sufficiently sharp will-be-found against
eum qui mortem obtulerit parenti? Pro quo mori ipsum,
him who death has-brought on-a-parent for whom to-die himself
si res postularet, iura divina atque humana cogebant.
if the-matter demanded laws divine and human compelled
38 In hoc tanto, tam atroci, tam singulari maleficio, quod ita
in this so-great so atrocious so unparalleled crime which so
raro exstitit ut, si quando auditum sit, portenti ac
rarely has-occurred that if ever heard it-has-been of-a-portent and
prodigi simile numeretur, quibus tandem tu, C. Eruci,
of-a-prodigy like it-is-counted what pray you Gaius Erucius
argumentis accusatorem censes uti oportere? nonne et
arguments an-accuser do-you-think to-use it-is-proper surely both
audaciam eius qui in crimen vocetur singularem ostendere
the-audacity of-him who into accusation is-called unparalleled to-show
et mores feros immanemque naturam et vitam vitiis
and manners savage and-monstrous nature and a-life to-vices

flagitiisque omnibus deditam, denique omnia ad perniciem
and-to-outrages all given-over finally all-things to ruin
profligata atque perdita? Quorum tu nihil in Sex. Roscium
dashed-down and lost of-which you nothing against Sextus Roscius
ne obiciendi quidem causa contulisti.
not of-casting-it-up even for-the-sake have-brought
Patrem occidit Sex. Roscius. Qui homo? adulescentulus 39
his-father killed Sextus Roscius what-sort-of man a-young-lad
corruptus et ab hominibus nequam inductus? Annos natus
corrupted and by men worthless led-on of-years born
maior quadraginta. Vetus videlicet sicarius, homo audax et
more than-forty an-old evidently assassin a-man audacious and
saepe in caede versatus. At hoc ab accusatore ne dici
often in slaughter engaged but this from the-accuser not to-be-said
quidem audistis. Luxuries igitur hominem nimirum et
even you-have-heard luxury therefore the-man no-doubt and
aeris alieni magnitudo et indomitae animi cupiditates ad
of-money borrowed the-size and untamed of-mind desires to
hoc scelus impulerunt. De luxuria purgavit Erucius, cum
this crime drove of luxury he-cleared-him Erucius when
dixit hunc ne in convivio quidem ullo fere interfuisse.
he-said this-man not in a-banquet even any almost to-have-been-present
Nihil autem umquam debuit. Cupiditates porro quae possunt
nothing however ever did-he-owe desires further what can
esse in eo qui, ut ipse accusator obiecit, ruri semper
be in him who as himself the-accuser cast-up in-the-country always
habitarit et in agro colendo vixerit? quae vita maxime
has-lived and in the-field to-be-tilled has-lived which life most
disiuncta a cupiditate et cum officio coniuncta est.
separated from desire and with duty joined is

40 Quae res igitur tantum istum furorem Sex. Roscio obiecit?
what thing therefore so-great that madness on-Sextus Roscius cast
'Patri' inquit 'non placebat.' Patri non placebat? quam
to-his-father he-says not he-pleased to-his-father not he-pleased what
ob causam? necesse est enim eam quoque iustam et
on-account-of reason necessary it-is for it also just and
magnam et perspicuam fuisse. Nam ut illud incredibile
great and clear to-have-been for as that incredible
est, mortem oblatam esse patri a filio sine plurimis
is death brought to-have-been on-a-father by a-son without very-many
et maximis causis, sic hoc veri simile non est, odio
and very-great causes so this of-the-truth like not is for-a-hatred
fuisse parenti filium sine causis multis et magnis et
to-have-been to-a-parent a-son without causes many and great and
necessariis.
compelling

41 Rursus igitur eodem revertamur et quaeramus quae tanta
again therefore to-the-same-place let-us-return and let-us-inquire what so-great
vitia fuerint in unico filio qua re is patri displiceret.
vices there-were in the-only son by-which thing he to-his-father was-displeasing
At perspicuum est nullum fuisse. Pater igitur amens, qui
but clear it-is none to-have-been the-father therefore mad who
odisset eum sine causa quem procrearat? At is quidem fuit
hated him without cause whom he-had-begotten but he indeed was
omnium constantissimus. Ergo illud iam perspicuum profecto
of-all the-most-steady therefore that now clear surely
est, si neque amens pater neque perditus filius fuerit,
is if neither mad the-father nor ruined the-son was
neque odi causam patri neque sceleris filio fuisse.
neither of-hatred a-cause to-the-father nor of-crime to-the-son to-have-been

VIII · BANISHED TO THE FARMS

Erucius says the father hated the son because he kept the other son at home and sent this one to the farms. But fathers in the country towns want their sons to care for the land, and Roscius managed his father's estates and had the use of certain farms in his father's lifetime. Erucius calls punishment what custom does. Comedy shows it too: the old man in Caecilius' play keeps one son in town and the other in the country, and loves the farmer no less.

'Nescio' inquit 'quae causa odi fuerit; fuisse odium 42
I-do-not-know he-says what cause of-hatred there-was to-have-been hatred
intellego quia antea, cum duos filios haberet, illum alterum
I-understand because before when two sons he-had that other-one
qui mortuus est secum omni tempore volebat esse,
who died has with-himself at-every time he-wished to-be
hunc in praedia rustica relegarat.' Quod Erucio accidebat
this-one onto the-estates rustic he-had-banished what to-Erucius was-happening
in mala nugatoriaque accusatione, idem mihi usu venit
in a-bad and-trifling accusation the-same to-me in-use comes
in causa optima. Ille quo modo crimen commenticium
in a-case excellent he in-what manner a-charge invented
confirmaret non inveniebat, ego res tam levis qua ratione
he-might-establish not was-finding I things so trivial by-what means
infirmem ac diluam reperire non possum.
I-may-weaken and wash-away to-find not am-able
Quid ais, Eruci? tot praedia, tam pulchra, tam 43
what do-you-say Erucius so-many estates so beautiful so
fructuosa Sex. Roscius filio suo relegationis ac supplici
fruitful Sextus Roscius to-son his of-banishment and of-punishment
gratia colenda ac tuenda tradiderat? Quid? Hoc patres
for-the-sake to-be-tilled and to-be-looked-after had-handed-over what this fathers
familiae qui liberos habent, praesertim homines illius
of-the-household who children have especially men of-that

ordinis ex municipiis rusticanis, nonne optatissimum sibi
class from towns rustic surely most-desirable for-themselves
putant esse filios suos rei familiari maxime servire et
think to-be sons their to-the-property household most-of-all to-attend and
in praediis colendis operae plurimum studique consumere?
in estates to-be-tilled of-effort the-most and-of-zeal to-spend
44 An amandarat hunc sic ut esset in agro ac
or had-be-sent-away this-one so that be-might-be in the-country and
tantum modo aleretur ad villam, ut commodis omnibus
so-much only be-fed at the-farmhouse that of-the-comforts all
careret? Quid? Si constat hunc non modo colendis
be-might-go-without what if it-is-agreed this-one not only to-be-tilled
praediis praefuisse sed certis fundis patre vivo
to-the-estates to-have-been-in-charge but certain farms with-his-father living
frui solitum esse, tamenne haec a te vita eius
to-enjoy accustomed to-have-been nevertheless-whether this by you life his
rusticana relegatio atque amandatio appellabitur? Vides,
rustic a-banishment and a-sending-away will-be-called you-see
Eruci, quantum distet argumentatio tua ab re ipsa
Erucius how-far stands-apart argument your from the-thing itself
atque a veritate. Quod consuetudine patres faciunt, id
and from the-truth what by-custom fathers do that
quasi novum reprehendis; quod benivolentia fit, id odio
as-if new you-censure what from-goodwill is-done that from-hatred
factum criminaris; quod honoris causa pater filio suo
done you-charge what of-honor for-the-sake a-father to-son his
concessit, id eum supplici causa fecisse dicis.
granted that him of-punishment for-the-sake to-have-done you-say
45 Neque haec tu non intellegis, sed usque eo quid
nor these-things you not understand but to-such a-degree what
arguas non habes, ut non modo tibi contra nos
you-may-allege not you-have that not only by-you against us

dicendum putes verum etiam contra rerum naturam
to-be-spoken you-think but also against of-things the-nature
contraque consuetudinem hominum contraque opiniones
and-against the-custom of-men and-against the-opinions
omnium. At enim, cum duos filios haberet, alterum a
of-all but indeed when two sons he-had the-one from
se non dimittebat, alterum ruri esse patiebatur.
himself not he-would-let-go the-other in-the-country to-be he-allowed
Quaeso, Eruci, ut hoc in bonam partem accipias; non enim
I-beg Erucius that this in good part you-take not for
exprobrandi causa sed commonendi gratia dicam.
of-reproaching for-the-sake but of-reminding for-the-sake I-shall-say-it
Si tibi fortuna non dedit ut patre certo nascerere ex quo 46
if to-you fortune not granted that of-a-father certain you-should-be-born from whom
intellegere posses qui animus patrius in liberos esset, at
to-understand you-might-be-able what mind fatherly toward children is yet
natura certe dedit ut humanitatis non parum haberes; eo
nature certainly granted that of-humanity not little you-should-have to-this
accessit studium doctrinae ut ne a litteris quidem alienus
was-added zeal of-learning that not from letters even a-stranger
esses. Ecquid tandem tibi videtur, ut ad fabulas veniamus,
you-should-be at-all pray to-you seems-it that to plays we-may-come
senex ille Caecilianus minoris facere Eutychum, filium rusticum,
old-man that of-Caecilius less to-value Eutychus his-son rustic
quam illum alterum, Chaerestratum? — Nam, ut opinor, hoc
than that other Chaerestratus for as I-think by-this
nomine est — alterum in urbe secum honoris causa
name he-is the-one in the-city with-himself of-honor for-the-sake
habere, alterum rus supplici causa relegasse?
to-keep the-other to-the-country of-punishment for-the-sake to-have-banished

47 ‘Quid ad istas ineptias abis?’ inquies. Quasi vero mihi
why to those absurdities do-you-wander you-will-say as-if indeed for-me
difficile sit quamvis multos nominatim proferre, ne
difficult it-were however many by-name to-bring-forward not-to
longius abeam, vel tribulis vel vicinos meos qui suos
farther I-wander either fellow-tribesmen or neighbors my who their-own
liberos quos plurimi faciunt agricolas adsiduos esse cupiunt.
children whom the-most they-value farmers constant to-be desire
Verum homines notos sumere odiosum est, cum et illud
but men known to-take odious is since both that
incertum sit velintne ei sese nominari, et nemo vobis
uncertain is whether-they-wish they themselves to-be-named and no-one to-you
magis notus futurus sit quam est hic Eutychus, et certe
more known going-to-be is than is this Eutychus and certainly
ad rem nihil intersit utrum hunc ego comicum
to the-matter nothing it-makes-a-difference whether this-one I comic
adulescentem an aliquem ex agro Veienti nominem.
young-man or someone from the-district Veientine I-name
Etenim haec conficta arbitror esse a poetis ut effictos
for-indeed these-things invented I-think to-be by poets that portrayed
nostros mores in alienis personis expressamque imaginem
our manners in other characters and-expressed the-image
vitae cotidianae videremus.
of-life daily we-might-see

Erucius turns the highest praise into a fault. The judges themselves value the farmer's life; Atilius was called from the plow to the consulship, and the ancestors built the empire by tilling their own fields. The charge that the father meant to disinherit him is asserted without a reason, a witness, or a single person told: Erucius simply abuses the court for his fee.

Age nunc, refer animum sis ad veritatem et considera non 48
come now turn your-mind please to the-truth and consider not
modo in Umbria atque in ea vicinitate sed in his veteribus
only in Umbria and in that neighborhood but in these old
municipiis quae studia a patribus familias maxime laudentur;
towns what pursuits by fathers of-households most-of-all are-praised
iam profecto te intelleges inopia criminum summam laudem
now surely you you-will-understand from-lack of-charges the-highest praise
Sex. Roscio vitio et culpae dedisse. Ac non modo hoc
to-Sextus Roscius for-a-vice and for-a-fault to-have-given and not only this
patrum voluntate liberi faciunt sed permultos et ego novi
by-the-fathers' wish children do but very-many both I know
et, nisi me fallit animus, unus quisque vestrum qui et ipsi
and unless me deceives my-mind one each of-you who also themselves
incensi sunt studio quod ad agrum colendum attinet, vitamque
fired are with-zeal as to the-field to-be-tilled pertains and-life
hanc rusticam, quam tu probro et crimini putas esse
this rustic which you for-a-disgrace and for-a-charge think to-be
oportere, et honestissimam et suavissimam esse arbitrantur.
it-ought both most-honorable and most-pleasant to-be think
Quid censes hunc ipsum Sex. Roscium quo studio et 49
what do-you-think this very Sextus Roscius with-what zeal and
qua intellegentia esse in rusticis rebus? Ut ex his propinquis
with-what intelligence to-be in country things as from these relatives

eius, hominibus honestissimis, audio, non tu in isto artificio
his men most-honorable I-hear not you in that craft
accusatorio callidior es quam hic in suo. Verum, ut opinor,
of-accusing more-skillful are than he in his-own but as I-think
quoniam ita Chrysogono videtur qui huic nullum praedium
since so to-Chrysogonus it-seems who to-this-man no estate
reliquit, et artificium obliviscatur et studium deponat licebit.
has-left both his-craft let-him-forget and his-zeal lay-aside he-may
Quod tametsi miserum et indignum est, feret tamen
which although wretched and outrageous it-is he-will-bear still
aequo animo, iudices, si per vos vitam et famam potest
with-even mind judges if through you life and reputation he-can
obtinere; hoc vero est quod ferri non potest, si et in
to-keep this indeed is what to-be-borne not can if both into
hanc calamitatem venit propter praediorum bonitatem
this calamity he-has-come on-account-of of-the-estates the-goodness
et multitudinem et quod ea studiose coluit, id erit ei
and number and because them zealously he-tilled that will-be to-him
maxime fraudi, ut parum miseriae sit quod aliis coluit
most-of-all for-a-harm that too-little of-misery it-be that for-others he-tilled
non sibi, nisi etiam quod omnino coluit crimini fuerit.
not for-himself unless also that at-all he-tilled for-a-charge will-have-been
50 Ne tu, Eruci, accusator esses ridiculus, si illis temporibus
truly you Erucius an-accuser would-be ridiculous if in-those times
natus esses cum ab aratro arcessebantur qui consules
born you-had-been when from the-plow were-summoned those-who consuls
fierent. Etenim qui praeesse agro colendo flagitium
were-to-be-made for-indeed you-who to-preside-over a-field to-be-tilled a-disgrace
putes, profecto illum Atilium quem sua manu spargentem
think surely that Atilius whom with-his-own hand sowing
semen qui missi erant convenerunt hominem turpissimum
seed those-who sent had-been met a-man most-base

atque inhonestissimum iudicares. At hercule maiores nostri
and most-dishonorable you-would-judge but by-Hercules ancestors our
longe aliter et de illo et de ceteris talibus viris
far otherwise both about him and about the-other such men
existimabant itaque ex minima tenuissimaque re publica
thought and-so from the-smallest and-feeblest thing public
maximam et florentissimam nobis reliquerunt. Suos enim
the-greatest and most-flourishing to-us they-left their-own for
agros studiose colebant, non alienos cupide appetebant; quibus
fields zealously they-tilled not others' greedily coveted by-which
rebus et agris et urbibus et nationibus rem publicam
things both with-lands and with-cities and with-nations the-thing public
atque hoc imperium et populi Romani nomen auxerunt.
and this empire and of-the-people Roman the-name they-increased
Neque ego haec eo profero quo conferenda 51
nor I these-things for-this-reason bring-forward that to-be-compared
sint cum hisce de quibus nunc quaerimus, sed ut
they-may-be with these about whom now we-inquire but that
illud intellegatur, cum apud maiores nostros summi viri
this be-understood since among ancestors our the-highest men
clarissimique homines qui omni tempore ad gubernacula
and-most-illustrious persons who at-every time at the-helm
rei publicae sedere debebant tamen in agris quoque
of-the-thing public to-sit ought nevertheless in fields also
colendis aliquantum operae temporisque consumpserint,
to-be-tilled a-good-deal of-effort and-of-time spent
ignosci oportere ei homini qui se fateatur esse
to-be-pardoned it-is-proper to-that man who himself admits to-be
rusticum, cum ruri adsiduus semper vixerit, cum
rustic since in-the-country constant always he-has-lived since

praesertim nihil esset quod aut patri gratius aut
especially nothing there-was which either to-his-father more-pleasing or
sibi iucundius aut re vera honestius facere posset.
to-himself more-agreeable or in-thing true more-honorable to-do he-could
52 Odium igitur acerrimum patris in filium ex hoc, opinor,
hatred therefore most-bitter of-the-father toward the-son from this I-think
ostenditur, Eruci, quod hunc ruri esse patiebatur.
is-shown Erucius that this-man in-the-country to-be he-allowed
Numquid est aliud? 'Immo vero' inquit 'est; nam istum
surely-not is-there else nay indeed he-says there-is for that-one
exheredare in animo habebat.' Audio; nunc dicis aliquid quod
to-disinherit in mind he-had I-hear now you-say something which
ad rem pertineat; nam illa, opinor, tu quoque concedis
to the-matter may-pertain for those-things I-think you too grant
levia esse atque inepta: 'Convivia cum patre non inibat.'
trivial to-be and silly banquets with his-father not he-attended
Quippe, qui ne in oppidum quidem nisi perraro veniret.
naturally-since who not in the-town even except very-rarely came
'Domum suam istum non fere quisquam vocabat.' Nec
to-house his-own that-one not almost anyone invited nor
mirum, qui neque in urbe viveret neque revocaturus esset.
surprising who neither in the-city lived nor going-to-invite-back was
53 Verum haec tu quoque intellegis esse nugatoria; illud
but these-things you too understand to-be trifling that
quod coepimus videamus, quo certius argumentum
which we-began let-us-see than-which more-certain an-argument
odi reperiri nullo modo potest. 'Exheredare pater filium
of-hatred to-be-found in-no way can to-disinherit the-father the-son
cogitabat.' Mitto quaerere qua de causa; quaero qui scias;
was-thinking I-pass-over to-ask what for reason I-ask how you-know
tametsi te dicere atque enumerare causas omnis oportebat,
although you to-state and to-enumerate the-reasons all it-was-proper

et id erat certi accusatoris officium qui tanti sceleris
and that was of-a-sure accuser the-duty who of-so-great a-crime
argueret explicare omnia vitia ac peccata fili quibus
was-charging to-set-forth all the-vices and faults of-the-son by-which
incensus parens potuerit animum inducere ut naturam ipsam
fired the-parent could his-mind to-bring that nature itself
vinceret, ut amorem illum penitus insitum eiceret ex
he-should-conquer that the-love that deeply implanted he-should-cast-out from
animo, ut denique patrem esse sese oblivisceretur; quae
his-mind that finally a-father to-be himself he-should-forget which-things
sine magnis huiusce peccatis accidere potuisse non arbitror.
without great of-this-man faults to-happen to-have-been-able not I-think
Verum concedo tibi ut ea praetereas quae, 54
but I-grant to-you that those-things you-may-pass-over which
cum taces, nulla esse concedis; illud quidem, voluisse
since you-are-silent none to-be you-grant that indeed to-have-wished
exheredare, certe tu planum facere debes. Quid ergo adfers
to-disinherit certainly you clear to-make ought what therefore do-you-bring
qua re id factum putemus? Vere nihil potes dicere; finge
by-which thing that done we-may-think truly nothing you-can to-say invent
aliquid saltem commode ut ne plane videaris id facere quod
something at-least plausibly so-that not plainly you-may-seem that to-do which
aperte facis, huius miseri fortunis et horum virorum talium
openly you-do of-this wretch the-fortunes and of-these men such
dignitati inludere. Exheredare filium voluit. Quam ob
the-dignity to-mock to-disinherit his-son he-wished what on-account-of
causam? 'Nescio.' Exheredavitne? 'Non.' Quis prohibuit?
reason I-do-not-know did-he-disinherit-whether no who prevented
'Cogitabat.' Cogitabat? Cui dixit? 'Nemini.' Quid est aliud
he-was-thinking he-was-thinking to-whom did-he-say to-no-one what is-it else
iudicio ac legibus ac maiestate vestra abuti ad quaestum atque
the-court and the-laws and majesty your to-abuse for gain and

ad libidinem nisi hoc modo accusare atque id obicere quod
for lust unless in-this manner to-accuse and that to-cast-up which
planum facere non modo non possis verum ne coneris quidem?
clear to-make not only not you-can but not you-try even

X · GEESE AND DOGS OF THE CAPITOL

Erucius has no enmity with Roscius, only his fee. Accusers are useful as the Capitol's geese and dogs are fed to give warning of thieves; but a dog that barks at worshipers in daylight has its legs broken. An accuser who charges without suspicion deserves to be branded under the Remmian law. Erucius came expecting no defense, lounged through his own speech, and started only when Cicero named Chrysogonus.

55 Nemo nostrum est, Eruci, quin sciat tibi inimicitias
no-one of-us is Erucius but knows to-you enmities
cum Sex. Roscio nullas esse; vident omnes qua de causa
with Sextus Roscius none to-be they-see all what for reason
huic inimicus venias; sciunt huiusce pecunia te
against-this-man as-an-enemy you-come they-know by-this-man's money you
adductum esse. Quid ergo est? Ita tamen quaestus
brought to-have-been what therefore is-it so still of-gain
te cupidum esse oportebat ut horum existimationem et
you desirous to-be it-was-proper that of-these-men the-judgment and
legem Remmiam putares aliquid valere oportere.
the-law Remmian you-should-think something to-be-worth to-be-proper
56 Accusatores multos esse in civitate utile est ut metu contineatur
accusers many to-be in the-state useful is that by-fear be-checked
audacia; verum tamen hoc ita est utile ut ne plane inludamur ab
audacity but still this so is useful that not plainly we-be-mocked by
accusatoribus. Innocens est quispiam, verum tamen, quamquam
the-accusers innocent is someone but still although

abest a culpa, suspicione tamen non caret; tametsi miserum
he-is-free from guilt from-suspicion still not he-is-free although wretched
est, tamen ei qui hunc accuset possim aliquo modo ignoscere.
it-is still him who this-man accuses I-could in-some way to-pardon
Cum enim aliquid habeat quod possit criminose ac suspiciose
when for something he-has which he-can as-a-charge and suspiciously
dicere, aperte ludificari et calumniari sciens non videatur.
say openly to-make-sport and to-bring-false-charges knowingly not he-may-seem
Qua re facile omnes patimur esse quam plurimos
by-which thing easily all we-allow to-be as many-as-possible
accusatores, quod innocens, si accusatus sit, absolvi potest,
accusers because the-innocent if accused he-be to-be-acquitted can
nocens, nisi accusatus fuerit, condemnari non potest; utilius
the-guilty unless accused he-be to-be-condemned not can more-useful
est autem absolvi innocentem quam nocentem causam
is however to-be-acquitted the-innocent than the-guilty a-case
non dicere. Anseribus cibaria publice locantur et canes
not to-plead for-the-geese food at-public-cost are-contracted and dogs
aluntur in Capitolio ut significent si fures venerint. At fures
are-fed on the-Capitol that they-may-signal if thieves have-come but thieves
internoscere non possunt, significant tamen si qui noctu in
to-distinguish not they-can they-signal still if any by-night onto
Capitolium venerint et, quia id est suspiciosum, tametsi
the-Capitol have-come and because that is suspicious although
bestiae sunt, tamen in eam partem potius peccant quae est
beasts they-are still in that direction rather they-err which is
cautior. Quod si luce quoque canes latrent cum deos
safer but if by-daylight also the-dogs bark when the-gods
salutatum aliqui venerint, opinor, eis crura suffringantur,
to-salute some have-come I-think for-them the-legs would-be-broken
quod acres sint etiam tum cum suspicio nulla sit.
because keen they-are even then when suspicion none is

57 Simillima est accusatorum ratio. Alii vestrum anseres sunt qui
most-similar is of-the-accusers the-case some of-you geese are who
tantum modo clamant, nocere non possunt, alii canes qui et
so-much only cackle to-harm not they-can others dogs who both
latrare et mordere possunt. Cibaria vobis praeberi videmus; vos
to-bark and to-bite can food to-you to-be-supplied we-see you
autem maxime debetis in eos impetum facere qui merentur.
however most-of-all ought against those an-attack to-make who deserve-it
Hoc populo gratissimum est. Deinde, si voletis, etiam tum
this to-the-people most-pleasing is then if you-wish even then
cum veri simile erit aliquem commisisse, in suspicione
when of-the-truth like it-will-be someone to-have-committed-it in suspicion
latratote; id quoque concedi potest. Sin autem sic agetis
bark that also to-be-granted can but-if however so you-will-act
ut arguatis aliquem patrem occidisse neque dicere possitis aut
that you-charge someone his-father to-have-killed nor to-say you-can either
qua re aut quo modo, ac tantum modo sine suspicione
by-which thing or in-what manner and so-much only without suspicion
latrabitis, crura quidem vobis nemo suffringet, sed, si ego hos
you-will-bark the-legs indeed to-you no-one will-break but if I these-men
bene novi, litteram illam cui vos usque eo inimici estis ut
well know letter that to-which you to-such a-degree hostile are that
etiam Kal. omnis oderitis ita vehementer ad caput adfigent
even the-Kalends all you-hate so vehemently to the-head they-will-fix
ut postea neminem alium nisi fortunas vestras accusare possitis.
that afterward no-one else except fortunes your to-accuse you-can
58 Quid mihi ad defendendum dedisti, bone accusator? quid
what to-me for defending have-you-given good accuser what
hisce autem ad suspicandum? ‘Ne exheredaretur veritus
to-these however for suspecting lest he-be-disinherited feared
est.’ Audio, sed qua de causa vereri debuerit nemo dicit.
he-has I-hear but what for reason to-fear he-ought no-one says

‘Habebat pater in animo.’ Planum fac. Nihil est; non
had his-father in mind clear make nothing there-is not
quicum deliberaverit, quem certiorem fecerit, unde istud vobis
with-whom he-deliberated whom informed he-made whence that to-you
suspicari in mentem venerit. Cum hoc modo accusas, Eruci,
to-suspect into mind came when in-this manner you-accuse Erucius
nonne hoc palam dicis: ‘Ego quid acceperim scio, quid
surely this openly say I what I-have-received I-know what
dicam nescio; unum illud spectavi quod Chrysogonus
I-should-say I-do-not-know one-thing that I-looked-to that Chrysogonus
aiebat neminem isti patronum futurum; de bonorum
said no-one for-that-one advocate going-to-be about of-the-goods
emptione deque ea societate neminem esse qui verbum
the-purchase and-about that partnership no-one to-be who a-word
facere auderet hoc tempore’? Haec te opinio falsa in istam
to-make would-dare at-this time this you opinion false into that
fraudem impulit; non me hercules verbum fecisses,
deceit drove not so-help-me Hercules a-word you-would-have-made
si tibi quemquam responsurum putasses.
if to-you anyone going-to-answer you-had-thought
Operae pretium erat, si animadvertistis, iudices, neglegentiam 59
of-effort the-reward it-was if you-noticed judges the-carelessness
eius in accusando considerare. Credo, cum vidisset qui
of-him in accusing to-consider I-believe when he-had-seen what
homines in hisce subselliis sederent, quaesisse num ille aut
men on these benches were-sitting to-have-asked whether this or
ille defensurus esset; de me ne suspicatum quidem esse,
that going-to-defend was about me not to-have-suspected even to-have-been
quod antea causam publicam nullam dixerim. Postea quam
because before a-case public none I-had-pleaded after that
invenit neminem eorum qui possunt et solent ita
he-found no-one of-those who are-able and are-accustomed so

neglegens esse coepit ut, cum in mentem veniret ei,
careless to-be he-began that when into mind it-came to-him
resideret, deinde spatiaretur, non numquam etiam puerum
he-sat-down then walked-about not never even a-slave-boy
vocaret, credo, cui cenam imperaret, prorsus ut vestro
called I-believe to-whom dinner he-might-order altogether as-if your
consessu et hoc conventu pro summa solitudine abuteretur.
assembly and this gathering for the-utmost solitude he-were-misusing
Peroravit aliquando, adsedit; surrexi ego.
he-finished-his-speech at-last sat-down rose I
60 Respirare visus est quod non alius potius diceret. Coepi
to-breathe-again seemed he-has because not another rather was-speaking I-began
dicere. Usque eo animadverti, iudices, eum iocari atque
to-speak to-such a-point I-noticed judges him to-be-joking and
alias res agere ante quam Chrysogonum nominavi; quem
other things to-be-doing before that Chrysogonus I-named whom
simul atque attigi, statim homo se erexit, mirari visus est.
as-soon as I-touched-on at-once the-man himself raised-up to-wonder seemed he-has
Intellexi quid eum pepugisset. Iterum ac tertio nominavi.
I-understood what him had-pricked a-second-time and a-third I-named-him
Postea homines cursare ultro et citro non destiterunt, credo,
afterward men to-run to and fro not ceased I-believe
qui Chrysogono nuntiarent esse aliquem in civitate qui
who to-Chrysogonus might-report there-to-be someone in the-state who
contra voluntatem eius dicere auderet; aliter causam agi
against wish his to-speak dared otherwise the-case to-be-pleaded
atque ille existimaret, aperiri bonorum emptionem, vexari
than he had-thought to-be-laid-open of-the-goods the-purchase to-be-assailed
pessime societatem, gratiam potentiamque eius neglegi,
most-badly the-partnership the-influence and-power his to-be-neglected
iudices diligenter attendere, populo rem indignam videri.
the-judges carefully to-attend to-the-people the-thing outrageous to-seem

Quae quoniam te fefellerunt, Eruci, quoniamque vides 61
which-things since you deceived Erucius and-since you-see
versa esse omnia, causam pro Sex. Roscio, si non commode,
overturned to-be all-things the-case for Sextus Roscius if not fittingly
at libere dici, quem dedi putabas defendi
yet freely to-be-pleaded him-whom to-be-handed-over you-thought to-be-defended
intellegis, quos traditurus sperabas vides iudicare,
you-understand those-whom going-to-hand-over-him you-hoped you-see to-judge
restitue nobis aliquando veterem tuam illam calliditatem atque
restore to-us at-last old your that cunning and
prudentiam, confitere huc ea spe venisse quod putares
good-sense admit hither in-that hope to-have-come that you-thought
hic latrocinium, non iudicium futurum. De parricidio causa
here a-brigandage not a-trial going-to-be about parricide the-case
dicitur; ratio ab accusatore reddita non est quam
is-pleaded an-account by the-accuser rendered not has-been what
ob causam patrem filius occiderit.
on-account-of reason his-father a-son killed

XI · PARRICIDE NEEDS PROOF

In the smallest crimes the motive is asked; Erucius thinks it needless in parricide. The sons of Titus Caelius of Tarracina, found asleep by their murdered father with the door open, were acquitted, since no one who had done such a deed could sleep. The poets' Furies are the guilty conscience. Parricide is believed only where a ruined life, a motive, accomplices, and almost bloodstained hands are shown.

Quod in minimis noxiis et in his levioribus peccatis quae 62
what in the-smallest offenses and in these lighter faults which
magis crebra et iam prope cotidiana sunt vel maxime et
more frequent and now almost daily are even most-of-all and

primum quaeritur, quae causa malefici fuerit, id Erucius in
first is-asked what cause of-the-crime there-was that Erucius in
parricidio quaeri non putat oportere. In quo scelere, iudices,
parricide to-be-asked not thinks to-be-proper in which crime judges
etiam cum multae causae convenisse unum in locum atque
even when many causes to-have-met one into place and
inter se congruere videntur, tamen non temere creditur,
among themselves to-agree seem still not rashly it-is-believed
neque levi coniectura res penditur, neque testis incertus
nor by-light conjecture the-matter is-weighed nor a-witness uncertain
auditur, neque accusatoris ingenio res iudicatur. Cum
is-heard nor by-the-accuser's talent the-matter is-judged both
multa antea commissa maleficia, cum vita hominis perditissima,
many before committed crimes and a-life of-the-man most-abandoned
tum singularis audacia ostendatur necesse est, neque audacia
and unparalleled audacity is-shown necessary it-is and-not audacity
solum sed summus furor atque amentia. Haec cum sint
alone but the-highest frenzy and madness these-things though be
omnia, tamen exstent oportet expressa sceleris vestigia,
all still stand-out it-is-necessary clear of-the-crime the-traces
ubi, qua ratione, per quos, quo tempore maleficium sit
where by-what means through whom at-what time the-crime was
admissum. Quae nisi multa et manifesta sunt, profecto res
committed which unless many and manifest they-are surely a-thing
tam scelesta, tam atrox, tam nefaria credi non potest.
so accursed so atrocious so wicked to-be-believed not can

63 Magna est enim vis humanitatis; multum valet communio
great is for the-force of-humanity much avails the-fellowship
sanguinis; reclamitat istius modi suspicionibus ipsa natura;
of-blood cries-out-against of-that sort suspicions itself nature
portentum atque monstrum certissimum est esse aliquem
a-portent and monster most-certain it-is to-be someone

humana specie et figura qui tantum immanitate bestias
in-a-human shape and form who so-far in-savagery beasts
vicerit ut, propter quos hanc suavissimam lucem
has-surpassed that on-account-of whom this most-sweet light
aspexerit, eos indignissime luce privarit, cum etiam feras
he-has-beheld them most-outrageously of-light has-deprived when even wild-beasts
inter sese partus atque educatio et natura ipsa conciliet.
among themselves birth and rearing and nature itself unites
Non ita multis ante annis aiunt T. Caelium quendam 64
not so many before years they-say Titus Caelius a-certain
Terracinensem, hominem non obscurum, cum cenatus
of-Tarracina a-man not obscure when having-dined
cubitum in idem conclave cum duobus adulescentibus
to-bed into the-same room with two young
filiis isset, inventum esse mane iugulatum. Cum
sons had-gone found to-have-been in-the-morning with-his-throat-cut when
neque servus quisquam reperiretur neque liber ad quem
neither slave any was-found nor free-man to whom
ea suspicio pertineret, id aetatis autem duo filii propter
that suspicion pertained that of-age however the-two sons nearby
cubantes ne sensisse quidem se dicerent, nomina
sleeping not to-have-perceived even themselves said the-names
filiorum de parricidio delata sunt. Quid poterat tam esse
of-the-sons for parricide reported were what could so be
suspiciosum? neutrumne sensisse? Ausum autem esse
suspicious neither-of-them-whether to-have-perceived dared however to-have
quemquam se in id conclave committere eo potissimum
anyone himself into that room to-trust at-that especially
tempore cum ibidem essent duo adulescentes filii qui et
time when there were two young sons who both

sentire et defendere facile possent? Erat porro nemo in
to-perceive and to-defend easily could there-was moreover no-one on
quem ea suspicio conveniret.
whom that suspicion would-fit
65 Tamen, cum planum iudicibus esset factum aperto ostio
still when clear to-the-judges it-had-been made with-open the-door
dormientis eos repertos esse, iudicio absoluti adulescentes
sleeping them found to-have-been by-the-court acquitted the-young-men
et suspicione omni liberati sunt. Nemo enim putabat
and from-suspicion all freed were no-one for thought
quemquam esse qui, cum omnia divina atque humana iura
anyone to-be who when all divine and human laws
scelere nefario polluisset, somnum statim capere potuisset,
by-a-crime wicked he-had-polluted sleep at-once to-take could
propterea quod qui tantum facinus commiserunt non modo
for-this-reason that those-who so-great a-deed have-committed not only
sine cura quiescere sed ne spirare quidem sine metu possunt.
without care to-rest but not to-breathe even without fear can
66 Videtisne quos nobis poetae tradiderunt patris
do-you-see-whether those-whom to-us the-poets have-handed-down of-a-father
ulciscendi causa supplicium de matre sumpsisse, cum
to-be-avenged for-the-sake punishment upon a-mother to-have-taken since
praesertim deorum immortalium iussis atque oraculis id
especially of-the-gods immortal by-the-commands and oracles that
fecisse dicantur, tamen ut eos agitent Furiae neque consistere
to-have-done they-are-said still how them hound the-Furies nor to-stand-still
umquam patiantur, quod ne pii quidem sine scelere esse
ever allow because not dutiful even without crime to-be
potuerunt? Sic se res habet, iudices: magnam vim,
they-could so itself the-matter holds judges great force
magnam necessitatem, magnam possidet religionem paternus
great constraint great it-possesses sanctity a-father's

maternusque sanguis; ex quo si qua macula concepta est, non
and-mother's blood from which if any stain contracted has-been not
modo elui non potest verum usque eo permanat
only to-be-washed-out not it-can but to-such a-degree it-soaks-through
ad animum ut summus furor atque amentia consequatur.
to the-mind that the-highest frenzy and madness follows
Nolite enim putare, quem ad modum in fabulis saepenumero 67
do-not for think in-what to manner in plays often
videtis, eos qui aliquid impie sceleratequeque commiserint
you-see those who something impiously and-wickedly have-committed
agitari et perterreri Furiarum taedis ardentibus. Sua
to-be-hounded and to-be-terrified by-the-Furies' torches blazing his-own
quemque fraus et suus terror maxime vexat, suum quemque
each fraud and his-own terror most-of-all torments his-own each
scelus agitat amentiaque adficit, suae malae cogitationes
crime hounds and-with-madness affects their-own evil thoughts
conscientiaeque animi terrent; hae sunt impiis adsiduae
and-the-consciences of-the-mind terrify these are for-the-impious constant
domesticaeque Furiae quae dies noctesque parentium poenas
and-domestic Furies which days and-nights of-the-parents the-penalties
a consceleratissimis filiis repetant.
from the-most-criminal sons exact
Haec magnitudo malefici facit ut, nisi paene manifestum 68
this magnitude of-the-crime makes that unless almost manifest
parricidium proferatur, credibile non sit, nisi turpis
parricide be-brought-forward credible not it-is unless shameful
adulescentia, nisi omnibus flagitiis vita inquinata, nisi
youth unless with-all outrages a-life polluted unless
sumptus effusi cum probro atque dedecore, nisi prorupta
expenses lavish with reproach and disgrace unless reckless
audacia, nisi tanta temeritas ut non procul abhorreat ab
audacity unless so-great rashness that not far it-shrinks from

insania. Accedat huc oportet odium parentis, animadversionis
madness be-added to-this it-is-proper hatred of-the-parent of-punishment
paternae metus, amici improbi, servi conscii, tempus idoneum,
paternal fear friends wicked slaves accomplices a-time suitable
locus opportune captus ad eam rem; paene dicam, respersas
a-place conveniently taken for that thing almost I-should-say spattered
manus sanguine paterno iudices videant oportet, si tantum
hands with-blood paternal the-judges should-see it-is-proper if so-great
facinus, tam immane, tam acerbum crediturі sunt.
a-deed so monstrous so bitter going-to-believe they-are

69 Qua re hoc quo minus est credibile, nisi ostenditur,
by-which thing this by-which the-less is credible unless it-is-shown
eo magis est, si convincitur, vindicandum. Itaque cum
by-so-much the-more is if it-is-proved to-be-punished and-so while
multis ex rebus intellegi potest maiores nostros non
many from things to-be-understood it-can ancestors our not
modo armis plus quam ceteras nationes verum etiam consilio
only in-arms more than the-other nations but also in-counsel
sapientiaque potuisse, tum ex hac re vel maxime
and-wisdom to-have-been-able then from this thing even most-of-all
quod in impios singulare supplicium invenerunt. Qua in
that for the-impious an-unparalleled punishment they-devised which in
re quantum prudentia praestiterint eis qui apud ceteros
thing how-far in-good-sense they-excelled those who among the-others
sapientissimi fuisse dicuntur considerate.
most-wise to-have-been are-said consider

Solon set no penalty for parricide, lest he seem to suggest it. The Romans, wiser, sewed the parricide alive into a sack and threw him into the river, so that he who had killed the author of his life should lose sky, sun, water, and earth, his body fouling neither beasts nor sea. Erucius brings no motive for such a crime, so Cicero waives it and asks him only how the deed was done.

Prudentissima civitas Atheniensium, dum ea rerum potita est, 70
most-wise the-state of-the-Athenians while it of-affairs mastered has
fuisse traditur; eius porro civitatis sapientissimum Solonem
to-have-been is-recorded of-that moreover state the-wisest Solon
dicunt fuisse, eum qui leges quibus hodie quoque utuntur
they-say to-have-been him who the-laws which today still they-use
scripserit. Is cum interrogaretur cur nullum supplicium
wrote he when he-was-asked why no punishment
constituisset in eum qui parentem necasset, respondit
he-had-established against him who a-parent should-have-killed answered
se id neminem facturum putasse. Sapienter fecisse
that-he that no-one going-to-do to-have-thought wisely to-have-acted
dicitur, cum de eo nihil sanxerit quod antea commissum
he-is-said since about that nothing he-sanctioned which before committed
non erat, ne non tam prohibere quam admonere videretur.
not had-been lest not so-much to-forbid as to-suggest-it he-should-seem
Quanto nostri maiores sapientius! Qui cum intellegerent
how-much our ancestors more-wisely who since they-understood
nihil esse tam sanctum quod non aliquando violaret
nothing to-be so sacred which not at-some-time would-violate
audacia, supplicium in parricidas singulare excogitaverunt ut,
audacity a-punishment for parricides unparalleled they-devised that
quos natura ipsa retinere in officio non potuisset, ei
those-whom nature itself to-hold in duty not had-been-able they

magnitudine poenae a maleficio summoverentur. Insui
by-the-magnitude of-the-penalty from crime might-be-kept to-be-sewn
voluerunt in culleum vivos atque ita in flumen deici.
they-wished into a-sack alive and so into a-river to-be-thrown
71 O singularem sapientiam, iudices! Nonne videntur hunc
O unparalleled wisdom judges surely seem this
hominem ex rerum natura sustulisse et eripuisse
man from of-things the-nature to-have-removed and to-have-snatched
cui repente caelum, solem, aquam terramque ademerint
from-whom suddenly the-sky the-sun water and-earth they-took-away
ut, qui eum necasset unde ipse natus esset, careret
that he-who him had-killed whence himself born he-was should-be-without
eis rebus omnibus ex quibus omnia nata esse dicuntur?
those things all from which all-things born to-have-been are-said
Noluerunt feris corpus obicere ne bestiis quoque quae
they-did-not-wish to-wild-beasts the-body to-throw lest beasts also which
tantum scelus attigissent immanioribus uteremur; non sic
so-great a-crime had-touched more-savage we-should-find not thus
nudos in flumen deicere ne, cum delati essent in
naked into the-river to-throw lest when carried-down they-had-been into
mare, ipsum polluerent quo cetera quae violata
the-sea itself they-should-pollute by-which the-other-things which defiled
sunt expiari putantur; denique nihil tam vile neque tam
are to-be-purified are-thought finally nothing so cheap nor so
volgare est cuius partem ullam reliquerint.
common is of-which part any they-left-them
72 Etenim quid tam est commune quam spiritus vivis,
for-indeed what so is common as breath to-the-living
terra mortuis, mare fluctuantibus, litus eiectis? Ita
earth to-the-dead the-sea to-those-tossing the-shore to-those-cast-out so
vivunt, dum possunt, ut ducere animam de caelo non
they-live while they-can that to-draw breath from the-sky not

queant, ita moriuntur ut eorum ossa terra non
they-may-be-able so they-die that their bones the-earth not
tangat, ita iactantur fluctibus ut numquam adluantur,
may-touch so they-are-tossed by-the-waves that never they-are-washed
ita postremo eiciuntur ut ne ad saxa quidem mortui
so finally they-are-cast-out that not on the-rocks even dead
conquiescant. Tanti malefici crimen, cui maleficio tam
they-may-rest of-so-great a-crime the-charge for-which crime so
insigne supplicium est constitutum, probare te, Eruci,
signal a-punishment has-been established to-prove you Erucius
censes posse talibus viris, si ne causam quidem malefici
do-you-think to-be-able to-such men if not a-motive even of-the-crime
protuleris? Si hunc apud bonorum emptores ipsos
you-have-brought-forward if this-man before of-the-goods the-purchasers themselves
accusares eique iudicio Chrysogonus praeesset, tamen
you-were-accusing and-over-that court Chrysogonus presided still
diligentius paratiusque venisses.
more-carefully and-better-prepared you-would-have-come
Utrum quid agatur non vides, an apud quos agatur? 73
whether what is-being-done not you-see or before whom it-is-being-done
Agitur de parricidio quod sine multis causis suscipi
it-is-being-pleaded about parricide which without many causes to-be-undertaken
non potest; apud homines autem prudentissimos agitur qui
not can before men however most-wise it-is-pleaded who
intellegunt neminem ne minimum quidem maleficium sine
understand no-one not the-least even crime without
causa admittere. Esto, causam proferre non potes. Tametsi
a-cause to-commit be-it-so a-cause to-bring-forward not you-can although
statim vicisse debeo, tamen de meo iure decedam et
at-once to-have-won I-ought still from my right I-shall-withdraw and
tibi quod in alia causa non concederem in hac concedam
to-you what in another case not I-would-grant in this I-shall-grant

fretus huius innocentia. Non quaero abs te qua re
relying-on of-this-man the-innocence not I-ask from you by-which thing
patrem Sex. Roscius occiderit, quaero quo modo occiderit.
his-father Sextus Roscius killed I-ask in-what manner he-killed
Ita quaero abs te, C. Eruci: quo modo, et sic tecum
so I-ask from you Gaius Erucius in-what manner and thus with-you
agam ut meo loco vel respondendi vel interpellandi tibi
I-shall-deal that in-my place either of-answering or of-interrupting to-you
potestatem faciam vel etiam, si quid voles, interrogandi.
the-power I-shall-make or even if anything you-wish of-asking

XIII · BY WHOSE HAND?

Cicero asks how the son killed: he was not at Rome, and he knew no one there; whom could he have hired, through whom, with what money? His rustic life breeds no such crimes, which grow from city luxury and avarice. The one possibility left is the slaves; but the accusers hold them all, and Titus Roscius refused two for questioning, though the son demanded it before Scipio and Metellus.

74 Quo modo occidit? ipse percussit an aliis occidendum
in-what manner did-he-kill himself did-he-strike or to-others to-be-killed
dedit? Si ipsum arguis, Romae non fuit; si per alios
did-he-give if himself you-accuse at-Rome not he-was if through others
fecisse dicis, quaero quos? Servosne an liberos? Si liberos,
to-have-done-it you-say I-ask whom slaves-whether or free-men if free-men
quos homines? Indidemne Ameria an hosce ex
what men from-the-same-place-whether from-Ameria or these from
urbe sicarios? Si Ameria, qui sunt ei? Cur non nominantur?
the-city assassins if from-Ameria who are they why not are-they-named
Si Roma, unde eos noverat Roscius qui Romam multis
if from-Rome whence them had-known Roscius who to-Rome for-many

annis non venit neque umquam plus triduo fuit? Ubi
years not came nor ever more than-three-days was-there where
eos convenit? qui conlocutus est? quo modo persuasit?
them did-he-meet with-whom spoken has-he in-what manner did-he-persuade
'Pretium dedit'; cui dedit? Per quem dedit? Unde aut
a-price he-gave to-whom did-he-give through whom did-he-give whence or
quantum dedit? Nonne his vestigiis ad caput malefici
how-much did-he-give surely by-these tracks to the-head of-the-crime
perveniri solet? Et simul tibi in mentem veniat facito
to-be-reached is-it-wont and at-once to-you into mind let-it-come see-that-you
quem ad modum vitam huiusce depinxeris; hunc hominem
in-what to manner the-life of-this-man you-have-painted this man
ferum atque agrestem fuisse, numquam cum homine
wild and boorish to-have-been never with man
quoquam conlocutum esse, numquam in oppido constitisse.
any spoken to-have-been never in the-town to-have-stayed
Qua in re praetereo illud quod mihi maximo argumento ad 75
which in matter I-pass-over that which for-me as-the-greatest argument for
huius innocentiam poterat esse, in rusticis moribus, in victu
of-this-man the-innocence could be in rustic manners in fare
arido, in hac horrida incultaque vita istius modi maleficia
dry in this rough and-uncultivated life of-that kind crimes
gigni non solere. Ut non omnem frugem neque arborem in
to-be-born not to-be-wont as not every crop nor tree in
omni agro reperire possis, sic non omne facinus in omni vita
every field to-find you-can so not every deed in every life
nascitur. In urbe luxuries creatur, ex luxuria exsistat avaritia
is-born in the-city luxury is-created from luxury arise avarice
necesse est, ex avaritia erumpat audacia, inde omnia scelera
necessary it-is from avarice bursts-forth audacity thence all crimes

ac maleficia gignuntur; vita autem haec rustica quam tu
and evil-deeds are-born life however this rustic which you
agrestem vocas parsimoniae, diligentiae, iustitiae magistra est.
boorish call of-thrift of-diligence of-justice the-teacher is
76 Verum haec missa facio; illud quaero, is homo qui ut
but these-things dismissed I-make that I-ask he the-man who as
tute dicis, numquam inter homines fuerit, per quos
you-yourself say never among men has-been through what
homines hoc tantum facinus, tam occultum, absens praesertim,
men this so-great a-deed so secret absent especially
conficere potuerit. Multa sunt falsa, iudices, quae tamen
to-accomplish could many-things are false judges which still
argui suspiciose possunt; in his rebus si suspicio reperta
to-be-charged suspiciously can in these things if suspicion found
erit, culpam inesse concedam. Romae Sex. Roscius
will-have-been guilt to-be-present I-shall-grant at-Rome Sextus Roscius
occiditur, cum in agro Amerino esset filius. Litteras, credo,
is-killed when in the-field of-Ameria was the-son a-letter I-suppose
misit alicui sicario qui Romae noverat neminem. Arcessivit
he-sent to-some assassin he-who at-Rome knew no-one he-summoned
aliquem. Quem aut quando? Nuntium misit. Quem aut ad quem?
someone whom or when a-messenger he-sent whom or to whom
Pretio, gratia, spe, promissis induxit aliquem. Nihil horum ne
by-a-price by-influence by-hope by-promises he-induced someone none of-these not
confingi quidem potest; et tamen causa de parricidio dicitur.
to-be-invented even can and still the-case about parricide is-pleaded
77 Reliquum est ut per servos id admiserit. O, di immortales,
remaining it-is that through slaves that he-committed O gods immortal
rem miseram et calamitosam! Quid? In tali crimine quod
a-thing wretched and calamitous what in such a-charge what
innocenti saluti solet esse ut servos in quaestionem
to-the-innocent for-safety is-wont to-be that his-slaves to examination

polliceatur, id Sex. Roscio facere non licet? Vos qui hunc
he-should-offer that to-Sextus Roscius to-do not is-allowed you who this-man
accusatis omnis eius servos habetis; unus puer victus cotidiani
accuse all his slaves have one boy of-sustenance daily
administer ex tanta familia Sex. Roscio relictus non est.
the-attendant from so-great a-household to-Sextus Roscius left not has-been
Te nunc appello, P. Scipio, te, M. Metelle; vobis advocatis,
you now I-appeal-to Publius Scipio you Marcus Metellus with-you as-advocates
vobis agentibus aliquotiens duos servos paternos in quaestionem
with-you acting several-times two slaves of-his-father to examination
ab adversariis Sex. Roscius postulavit; meministisne
from his-opponents Sextus Roscius demanded do-you-remember-whether
T. Roscium recusare? Quid? Ei servi ubi sunt? Chrysogonum,
Titus Roscius to-refuse what those slaves where are-they Chrysogonus
iudices, sectantur; apud eum sunt in honore et in pretio. Etiam
judges they-attend with him they-are in honor and in value even
nunc ut ex eis quaeratur ego postulo, hic orat atque obsecrat.
now that from them it-be-inquired I demand he begs and beseeches
Quid facitis? Cur recusatis? Dubitate etiam nunc, iudices, 78
what are-you-doing why do-you-refuse doubt even now judges
si potestis, a quo sit Sex. Roscius occisus, ab eone
if you-can by whom was Sextus Roscius killed by him-whether
qui propter illius mortem in egestate et in insidiis
who on-account-of that-man's death in poverty and in plots
versatur, cui ne quaerendi quidem de morte patris
lives to-whom not of-inquiring even about the-death of-his-father
potestas permittitur, an ab eis qui quaestionem fugitant,
the-power is-allowed or by those who examination shun
bona possident, in caede atque ex caede vivunt. Omnia,
the-goods possess in slaughter and from slaughter live all-things
iudices, in hac causa sunt misera atque indigna; tamen
judges in this case are wretched and outrageous still

hoc nihil neque acerbius neque iniquius proferri
than-this nothing neither more-bitter nor more-unjust to-be-brought-forward
potest: mortis paternae de servis paternis quaestionem
can of-the-death paternal about the-slaves paternal an-examination
habere filio non licet! Ne tam diu quidem dominus
to-hold to-the-son not is-allowed not so long even the-master
erit in suos dum ex eis de patris morte quaeratur?
will-be over his-own while from them about his-father's death it-be-inquired
Veniam, neque ita multo postea, ad hunc locum; nam hoc
I-shall-come nor so much later to this point for this
totum ad Roscios pertinet, de quorum audacia tum me
whole to the-Roscii pertains about whose audacity then that-I
dicturum pollicitus sum, cum Eruci crimina diluissem.
going-to-speak promised I-have when Erucius' charges I-had-washed-away

XIV · THE TIMES OF MURDER

Erucius' last refuge, that men were killed with impunity in those times, falls back on the accusers, for the killers then were the buyers of confiscated goods. Cicero will not stop to answer the charges of embezzlement Erucius borrowed from another speech; enough to deny them. If Erucius is keeping anything back for the witnesses, he will find the defense readier than he thought.

79 Nunc, Eruci, ad te venio. Conveniat mihi tecum necesse est, si
now Erucius to you I-come it-be-agreed by-me with-you necessary it-is if
ad hunc maleficium istud pertinet, aut ipsum sua manu
to this-man crime that pertains either himself with-his-own hand
fecisse, id quod negas, aut per aliquos liberos aut servos.
to-have-done that which you-deny or through some free-men or slaves
Liberosne? quos neque ut convenire potuerit neque qua
free-men-whether whom neither how to-meet he-could-have nor by-what

ratione inducere neque ubi neque per quos neque qua spe
means to-induce nor where nor through whom nor with-what hope
aut quo pretio potes ostendere. Ego contra ostendo non
or at-what price you-can to-show I on-the-contrary show not
modo nihil eorum fecisse Sex. Roscium sed ne potuisse
only none of-these to-have-done Sextus Roscius but not to-have-been-able
quidem facere, quod neque Romae multis annis fuerit neque
even to-do because neither at-Rome for-many years he-had-been nor
de praediis umquam temere discesserit. Restare tibi videbatur
from the-estates ever rashly had-departed to-remain to-you seemed
servorum nomen, quo quasi in portum reiectus a ceteris
of-the-slaves the-name to-which as-if into harbor driven-back from the-other
suspicionibus confugere posses; ubi scopulum offendis eius
suspicions to-flee you-could where a-rock you-strike of-such
modi ut non modo ab hoc crimen resilire videas verum
kind that not only from this-man the-charge to-rebound you-see but
omnem suspicionem in vosmet ipsos recidere intellegas.
all suspicion onto you yourselves to-fall-back you-understand
Quid ergo est quo tamen accusator inopia argumentorum 80
what therefore is-it to-which still the-accuser from-lack of-arguments
confugerit? 'Eius modi tempus erat' inquit 'ut homines
has-fled of-such kind the-time was he-says that men
volgo impune occiderentur; qua re hoc tu propter
commonly with-impunity were-killed by-which thing this you on-account-of
multitudinem sicariorum nullo negotio facere potuisti.' Interdum
the-crowd of-assassins with-no trouble to-do were-able sometimes
mihi videris, Eruci, una mercede duas res adsequi velle,
to-me you-seem Erucius with-one fee two things to-attain to-wish
nos iudicio perfundere, accusare autem eos ipsos a quibus
us with-the-trial to-drench to-accuse however those very-men by whom
mercedem accepisti. Quid ais? Volgo occidebantur? Per
the-fee you-received what do-you-say commonly they-were-killed through

quos et a quibus? Nonne cogitas te a sectoribus
whom and by whom surely you-reflect that-you by the-buyers-of-confiscations
huc adductum esse? Quid postea? Nescimus per ista
hither brought to-have-been what then do-we-not-know through those
tempora eosdem fere sectores fuisse collorum et bonorum?
times the-same almost buyers to-have-been of-necks and of-goods
81 Ei denique qui tum armati dies noctesque concursabant, qui
they finally who then armed days and-nights were-running-about who
Romae erant adsidui, qui omni tempore in praeda et in
at-Rome were constant who at-every time in plunder and in
sanguine versabantur, Sex. Roscio temporis illius acerbitatem
blood were-engaged to-Sextus Roscius of-time that the-bitterness
iniquitatemque obicient et illam sicariorum multitudinem
and-unfairness will-cast-up and that of-assassins crowd
in qua ipsi duces ac principes erant huic crimini
in which themselves leaders and chiefs were to-this-man for-a-charge
putabunt fore? qui non modo Romae non fuit sed
they-will-think going-to-be one-who not only at-Rome not was but
omnino quid Romae ageretur nescivit, propterea quod
altogether what at-Rome was-being-done did-not-know for-this-reason that
ruri adsiduus, quem ad modum tute confiteris, fuit.
in-the-country constant in-what to manner you-yourself admit he-was
82 Vereor ne aut molestus sim vobis, iudices, aut ne ingeniis
I-fear lest either tiresome I-be to-you judges or lest talents
vestris videar diffidere, si de tam perspicuis rebus diutius
your I-may-seem to-distrust if about so clear things longer
disseram. Eruci criminatio tota, ut arbitror, dissoluta est; nisi
I-discourse Erucius' accusation whole as I-think dissolved is unless
forte exspectatis ut illa diluam quae de peculatu ac
perhaps you-expect that those-things I-wash-away which about embezzlement and
de eius modi rebus commenticiis inaudita nobis ante hoc
about of-that kind things invented unheard-of by-us before this

tempus ac nova obiecit; quae mihi iste visus est ex alia
time and new he-cast-up which to-me he seemed has from another
oratione declamare quam in alium reum commentaretur;
speech to-declaim which against another defendant he-was-preparing
ita neque ad crimen parricidi neque ad eum qui causam dicit
so neither to the-charge of-parricide nor to him who the-case pleads
pertinebant; de quibus quoniam verbo arguit, verbo satis
they-pertained about which since in-a-word he-charged in-a-word sufficient
est negare. Si quid est quod ad testis reservet, ibi
it-is to-deny if anything there-is which for the-witnesses he-reserves there
quoque nos, ut in ipsa causa, paratiores reperiet quam putabat.
also us as in itself the-case more-prepared he-will-find than he-thought

XV · WHOSE BENEFIT?

Cicero accuses only as his duty to the defense requires. Cassius the judge always asked whom a crime had benefited. Titus Roscius was poor and became rich by the death; he is greedy, audacious, the dead man's bitter enemy, and bold enough to sit beside the accuser. The son, who knew no gain but his own labor, is a beggar. The question is which of the two killed him: the man who gained everything or the son who lost it.

Venio nunc eo quo me non cupiditas ducit sed fides. 83
I-come now there where me not desire leads but good-faith
Nam si mihi liberet accusare, accusarem alios potius ex
for if to-me it-pleased to-accuse I-would-accuse others rather from
quibus possem crescere; quod certum est non facere, dum
whom I-could to-grow which settled is not to-do while
utrumvis licebit. Is enim mihi videtur amplissimus qui
either-one will-be-allowed he for to-me seems most-distinguished who
sua virtute in altiorem locum pervenit, non qui ascendit
by-his-own merit into a-higher place has-come not who climbs

per alterius incommodum et calamitatem. Desinamus
through another's misfortune and calamity let-us-cease
aliquando ea scrutari quae sunt inania; quaeramus ibi
at-last those-things to-search-out which are empty let-us-seek there
maleficium ubi et est et inveniri potest; iam intelleges,
the-crime where both it-is and to-be-found it-can now you-will-understand
Eruci, certum crimen quam multis suspicionibus coarguatur,
Erucius a-certain charge by-how many suspicions it-is-proved
tametsi neque omnia dicam et leviter unum quidque
although neither all I-shall-say and lightly one each
tangam. Neque enim id facerem, nisi necesse esset, et id
I-shall-touch nor for that I-would-do unless necessary it-were and this
erit signi me invitum facere, quod non persequar longius
will-be of-a-sign that-I unwilling do-it that not I-shall-pursue further
quam salus huius et mea fides postulabit.
than the-safety of-this-man and my good-faith will-demand
84 Causam tu nullam reperiebas in Sex. Roscio; at ego in
a-motive you none were-finding in Sextus Roscius but I in
T. Roscio reperio. Tecum enim mihi res est, T. Rosci,
Titus Roscius find with-you for to-me the-business is Titus Roscius
quoniam istic sedes ac te palam adversarium esse profiteris.
since there you-sit and yourself openly an-opponent to-be you-profess
De Capitone post viderimus, si, quem ad modum paratum
about Capito later we-shall-see if in-what to manner prepared
esse audio, testis prodierit; tum alias quoque suas palmas
to-be I-hear as-witness he-will-come-forward then other also his palms
cognoscet de quibus me ne audisse quidem suspicatur.
he-will-learn about which me not to-have-heard even he-suspects
L. Cassius ille quem populus Romanus verissimum et
Lucius Cassius that whom the-people Roman most-truthful and
sapientissimum iudicem putabat identidem in causis quaerere
most-wise a-judge thought repeatedly in cases to-ask

solebat ‘cui bono’ fuisset. Sic vita hominum est ut ad
was-wont to-whom for-a-benefit it-had-been so the-life of-men is that to
maleficium nemo conetur sine spe atque emolumento accedere.
crime no-one tries without hope and profit to-approach
Hunc quaesitorem ac iudicem fugiebant atque horrebant 85
this inquisitor and judge shunned and dreaded
ei quibus periculum creabatur ideo quod, tametsi
those for-whom danger was-being-created for-this-reason that although
veritatis erat amicus, tamen natura non tam propensus ad
of-truth he-was a-friend still by-nature not so inclined to
misericordiam quam applicatus ad severitatem videbatur. Ego,
mercy as bent to severity he-seemed I
quamquam praeest huic quaestioni vir et contra audaciam
although presides over-this court a-man both against audacity
fortissimus et ab innocentia clementissimus, tamen facile
most-brave and toward innocence most-merciful still easily
me paterer vel illo ipso acerrimo iudice quaerente vel
myself I-would-allow either with-that very most-keen judge inquiring or
apud Cassianos iudices, quorum etiam nunc ei quibus causa
before Cassian judges whose even now those by-whom a-case
dicenda est nomen ipsum reformidant, pro Sex. Roscio dicere.
to-be-pleaded is the-name itself dread for Sextus Roscius to-speak
In hac enim causa cum viderent illos amplissimam pecuniam 86
in this for case when they-saw those-men a-very-ample fortune
possidere, hunc in summa mendicitate esse, illud quidem non
to-possess this-man in the-utmost beggary to-be that indeed not
quaererent, cui bono fuisset, sed eo perspicuo crimen
they-would-ask to-whom for-a-benefit it-had-been but with-that clear the-charge
et suspicionem potius ad praedam adiungerent quam ad
and the-suspicion rather to the-plunder they-would-attach than to
egestatem. Quid si accedit eodem ut tenuis antea fueris?
the-poverty what if there-is-added to-the-same that poor before you-were

quid si ut avarus? quid si ut audax? quid si ut illius
what if that greedy what if that audacious what if that of-that-man
qui occisus est inimicissimus? num quaerenda causa quae
who killed was the-bitterest-enemy surely-not is-to-be-sought the-motive which
te ad tantum facinus adduxerit? Quid ergo horum negari
you to so-great a-deed led what therefore of-these to-be-denied
potest? Tenuitas hominis eius modi est ut dissimulari non
can the-poverty of-the-man of-such kind is that to-be-concealed not
queat atque eo magis eluceat quo magis occultatur.
it-can and by-so-much the-more shines-out by-how-much the-more it-is-hidden
87 Avaritiam praefers qui societatem coieris de municipis
avarice you-display who a-partnership have-formed about of-a-townsman
cognatique fortunis cum alienissimo. Quam sis audax,
and-kinsman the-fortunes with a-total-stranger how you-are audacious
ut alia obliviscar, hinc omnes intellegere potuerunt
that other-things I-may-forget from-this all to-understand were-able
quod ex tota societate, hoc est ex tot sicariis, solus
that out-of the-whole partnership that is out-of so-many assassins alone
tu inventus es qui cum accusatoribus sederes atque
you found have-been who with the-accusers should-sit and
os tuum non modo ostenderes sed etiam offerres.
face your not only should-show but also should-thrust-forward
Inimicitias tibi fuisse cum Sex. Roscio et magnas
enmities to-you to-have-been with Sextus Roscius and great
rei familiaris controversias concedas necesse est.
of-property household disputes you-grant necessary it-is
88 Restat, iudices, ut hoc dubitemus, uter potius
it-remains judges that this we-should-doubt which-of-the-two rather
Sex. Roscium occiderit, is ad quem morte eius divitiae
Sextus Roscius killed he to whom by-the-death his riches
venerint, an is ad quem mendicitas, is qui antea tenuis
came or he to whom beggary he who before poor

fuerit, an is qui postea factus sit egentissimus, is qui
had-been or he who afterward made was most-needy he who
ardens avaritia feratur infestus in suos, an is qui semper
burning with-avarice is-carried hostile toward his-own or he who always
ita vixerit ut quaestum nosset nullum, fructum autem eum
so lived that gain he-knew no profit however that
solum quem labore peperisset, is qui omnium sectorum
alone which by-labor he-had-produced he who of-all the-buyers
audacissimus sit, an is qui propter fori iudiciorumque
most-audacious is or he who on-account-of of-the-forum and-of-the-courts
insolentiam non modo subsellia verum etiam urbem ipsam
unfamiliarity not only the-benches but also the-city itself
reformidet, postremo, iudices, id quod ad rem mea
dreads finally judges that which to the-matter in-my
sententia maxime pertinet, utrum inimicus potius an filius.
opinion most pertains whether an-enemy rather or a-son

XVI · A SECOND CANNAE

With such evidence Erucius could speak for days, and so could Cicero; but a Cannae of accusers at the Servilian basin has made Erucius a good enough one, and Cicero wishes them all alive, since a city needs its watchdogs. The killing itself was done at Rome, where Titus Roscius lived and the son never came; and the crowd of assassins Erucius pleads were the buyers or their hired men. Cicero passes over more, for fear of touching too many.

Haec tu, Eruci, tot et tanta si nanctus esses in 89
these-things you Erucius so-many and so-great if obtained you-had against
reo, quam diu diceres! Quo te modo iactares!
a-defendant how long you-would-speak in-what yourself manner you-would-vaunt
Tempus hercule te citius quam oratio deficeret. Etenim in
time by-Hercules you sooner than speech would-fail for-indeed in

singulis rebus eius modi materies est ut dies singulos
single points of-such kind material there-is that days single
possis consumere. Neque ego non possum; non enim tantum
you-could to-spend nor I not am-able not for so-much
mihi derogo, tametsi nihil adrogo, ut te copiosius quam
from-myself I-detract although nothing I-arrogate that you more-fully than
me putem posse dicere. Verum ego forsitan propter
me I-think to-be-able to-speak but I perhaps on-account-of
multitudinem patronorum in grege adnumerer, te pugna
the-crowd of-advocates in the-herd may-be-counted you the-battle
Cannensis accusatorem sat bonum fecit. Multos caesos
of-Cannae an-accuser enough good has-made many slain
non ad Trasumennum lacum, sed ad Servilium vidimus.
not at the-Trasimene lake but at the-Servilian-pool we-saw

90 Quis ibi non est volneratus ferro Phrygio?
who there not was wounded by-steel Phrygian

Non necesse est omnis commemorare Curtios, Marios, denique
not necessary it-is all to-recall the-Curtii the-Marii finally
Memmios quos iam aetas a proeliis avocabat, postremo
the-Memmii whom now age from battles was-calling-away lastly
Priamum ipsum senem, Antistium quem non modo aetas sed
Priam himself the-old-man Antistius whom not only age but
etiam leges pugnare prohibebant. Iam quos nemo propter
also the-laws to-fight forbade now those-whom no-one on-account-of
ignobilitatem nominat, sescenti sunt qui inter sicarios et de
obscurity names six-hundred there-are who on assassination and on
veneficiis accusabant; qui omnes, quod ad me attinet, vellem
poisonings used-to-accuse who all as to me pertains I-would-wish

viverent. Nihil enim mali est canes ibi quam plurimos
were-alive nothing for of-harm is dogs there as many-as-possible
esse ubi permulti observandi multaque servanda sunt.
to-be where very-many-men to-be-watched and-many to-be-guarded are
Verum, ut fit, multa saepe imprudentibus imperatoribus 91
but as happens many-things often with-unaware commanders
vis belli ac turba molitur. Dum is in aliis rebus
the-violence of-war and confusion contrives while he in other things
erat occupatus qui summam rerum administrabat, erant
was occupied who the-sum of-affairs was-administering there-were
interea qui suis volneribus mederentur; qui, tamquam
meanwhile those-who their-own wounds were-healing who as-though
si offusa rei publicae sempiterna nox esset, ita ruebant
if spread-over the-thing public an-everlasting night were so rushed
in tenebris omniaque miscebant; a quibus miror ne quod
in the-darkness and-all-things confounded by whom I-wonder lest any
iudiciorum esset vestigium non subsellia quoque esse
of-the-courts was a-trace not the-benches also to-have-been
combusta; nam et accusatores et iudices sustulerunt. Hoc
burned for both accusers and judges they-removed this
commodi est quod ita vixerunt ut testis omnis,
of-advantage there-is that so they-have-lived that the-witnesses all
si cuperent, interficere non possent; nam, dum hominum
if they-wished to-kill not they-could for while of-men
genus erit, qui accuset eos non deerit; dum civitas erit,
the-race will-be who may-accuse them not will-be-lacking while the-state will-be
iudicia fient. Verum, ut coepi dicere, et Erucius, haec
trials will-be-held but as I-began to-say both Erucius these-things
si haberet in causa quae commemoravi, posset ea quamvis
if he-had in his-case which I-have-recalled could them however
diu dicere, et ego, iudices, possum; sed in animo est,
long speak-of and I judges can but in mind it-is

quem ad modum ante dixi, leviter transire ac tantum modo
in-what to manner before I-said lightly to-pass-over and so-much only
perstringere unam quamque rem, ut omnes intellegant me
to-graze one each thing that all may-understand that-I
non studio accusare sed officio defendere.
not from-zeal accuse but from-duty defend

92 Video igitur causas esse permultas quae istum impellerent;
I-see therefore motives to-be very-many which that-one might-drive
videamus nunc ecquae facultas suscipiendi malefici fuerit.
let-us-see now whether-any opportunity of-undertaking the-crime there-was
Ubi occisus est Sex. Roscius? — Romae. — Quid? tu,
where killed was Sextus Roscius at-Rome what you
T. Rosci, ubi tunc eras? — Romae. Verum quid ad
Titus Roscius where then were-you at-Rome but what to
rem? Et alii multi. — Quasi nunc id agatur quis
the-matter and others many as-if now that were-the-question who
ex tanta multitudine occiderit, ac non hoc quaeratur, eum
out-of so-great a-crowd killed and not this be-asked he
qui Romae sit occisus utrum veri similius sit ab eo
who at-Rome was killed whether of-the-truth more-like it-be by him
esse occisum qui adsiduus eo tempore Romae fuerit,
to-have-been killed who constant at-that time at-Rome was
an ab eo qui multis annis Romam omnino non accesserit.
or by him who for-many years to-Rome at-all not had-come

93 Age nunc ceteras quoque facultates consideremus. Erat tum
come now the-other also opportunities let-us-consider there-was then
multitudo sicariorum, id quod commemoravit Erucius, et
a-crowd of-assassins that which recalled Erucius and
homines impune occidebantur. Quid? ea multitudo quae
men with-impunity were-killed what that crowd what
erat? Opinor, aut eorum qui in bonis erant occupati, aut
was-it I-think either of-those who on the-goods were busy or

eorum qui ab eis conducebantur ut aliquem occiderent. Si
of-those who by them were-hired that someone they-should-kill if
eos putas qui alienum appetebant, tu es in eo numero qui
those you-think who another's coveted you are in that number who
nostra pecunia dives es; sin eos quos qui leviore nomine
with-our money rich are but-if those whom those-who with-a-lighter name
appellant percussores vocant, quaere in cuius fide sint
call cutthroats call ask in whose protection they-are
et clientela; mihi crede, aliquem de societate tua reperies;
and clientship me believe someone from partnership your you-will-find
et, quicquid tu contra dixeris, id cum defensione nostra
and whatever you against will-have-said that with defense our
contendito; ita facillime causa Sex. Rosci cum tua conferetur.
compare so most-easily the-case of-Sextus Roscius with yours will-be-compared
Dices: 'Quid postea, si Romae adsiduus fui?' Respondebo: 94
you-will-say what then if at-Rome constant I-was I-shall-answer
'At ego omnino non fui.' — Fateor me sectorem esse,
but I at-all not was I-admit that-I a-buyer to-be
verum et alii multi. — At ego, ut tute arguis, agricola
but also others many but I as you-yourself charge a-farmer
et rusticus. — Non continuo, si me in gregem sicariorum
and rustic not straightway if I into the-herd of-assassins
contuli, sum sicarius. — At ego profecto qui ne novi
have-betaken I-am an-assassin but I surely who not know
quidem quemquam sicarium longe absum ab eius modi
even any assassin far am-removed from of-that kind
crimine. Permulta sunt quae dici possunt qua re
a-charge very-many-things there-are which to-be-said can by-which thing
intellegatur summam tibi facultatem fuisse malefici
it-may-be-understood the-greatest for-you opportunity to-have-been of-crime
suscipiendi; quae non modo idcirco praetereo quod te
to-be-undertaken which not only for-that-reason I-pass-over that you

ipsum non libenter accuso verum eo magis etiam quod,
yourself not willingly I-accuse but for-this the-more also that
si de illis caedibus velim commemorare quae tum factae
if about those murders I-should-wish to-recall which then done
sunt ista eadem ratione qua Sex. Roscius occisus est,
were in-that same manner in-which Sextus Roscius killed was
vereor ne ad pluris oratio mea pertinere videatur.
I-fear lest to more speech my to-pertain may-seem

XVII · THE MESSENGER IN THE NIGHT

Cicero turns to what Titus Roscius did after the murder, and to his effrontery in sitting with the accuser. Why did his client Glaucia ride so far in a single night, and why to Capito, not to the dead man's family? The answer is plain: Capito is a partner in the estate, holding three of its thirteen farms. The judges can see the scene with their own eyes, the ambush, the messenger, and the chariot that bore the news.

95 Videamus nunc strictim, sicut cetera, quae post mortem
let-us-see now briefly as the-rest-of-it what-things after the-death
Sex. Rosci abs te, T. Rosci, facta sunt; quae ita aperta
of-Sextus Roscius by you Titus Roscius done were which so open
et manifesta sunt ut medius fidius, iudices, invitus ea
and manifest are that so-help-me god-of-faith judges unwilling them
dicam. Vereor enim, cuicuimodi es, T. Rosci, ne
I-shall-say I-fear for whatever-sort-of-man you-are Titus Roscius lest
ita hunc videar voluisse servare ut tibi omnino non
so this-man I-may-seem to-have-wished to-save that you at-all not
pepercerim. Cum hoc vereor et cupio tibi aliqua ex
I-have-spared when this I-fear and wish to-you some in
parte quod salva fide possim parcere, rursus immuto
part which with-safe good-faith I-can to-spare again I-change

voluntatem meam; venit enim mihi in mentem oris tui.
wish my it-comes for to-me into mind of-face your
Tene, cum ceteri socii tui fugerent ac se occultarent,
you-whether when the-other partners your were-fleeing and themselves were-hiding
ut hoc iudicium non de illorum praeda sed de huius
that this trial not about their plunder but about of-this-man
maleficio fieri videretur, potissimum tibi partis istas
crime to-be-held might-seem above-all for-yourself the-part that
depoposcisse ut in iudicio versarere et sederes cum
to-have-demanded that in the-trial you-might-be-engaged and might-sit with
accusatore? Qua in re nihil aliud adsequeris nisi ut ab
the-accuser which in thing nothing else you-attain except that by
omnibus mortalibus audacia tua cognoscatur et impudentia.
all mortals audacity your be-known and impudence
Occiso Sex. Roscio quis primus Ameriam nuntiat? Mallius 96
with-killed Sextus Roscius who first to-Ameria announces Mallius
Glaucia, quem iam antea nominavi, tuus cliens et familiaris.
Glaucia whom already before I-named your client and intimate
Quid attinuit eum potissimum nuntiare quod, si nullum
why did-it-concern him above-all to-announce which if no
iam ante consilium de morte ac de bonis eius inieras
already before plan about the-death and about the-goods his you-had-formed
nullamque societatem neque sceleris neque praemi cum homine
and-no partnership neither of-crime nor of-reward with man
ullo coieras, ad te minime omnium pertinebat? — Sua
any you-had-entered to you least of-all it-pertained of-his-own
sponte Mallius nuntiat. — Quid, quaeso, eius intererat? An,
accord Mallius announces what I-ask to-him did-it-matter or
cum Ameriam non huiusce rei causa venisset, casu
when to-Ameria not of-this thing for-the-sake he-had-come by-chance
accidit ut id quod Romae audierat primus nuntiaret?
it-happened that that which at-Rome he-had-heard first he-announced

Cuius rei causa venerat Ameriam? 'Non possum' inquit
of-what thing for-the-sake had-he-come to-Ameria not I-can he-says
'divinare.' Eo rem iam adducam ut nihil divinatione
to-divine to-that the-matter now I-shall-bring that nothing for-divination
opus sit. Qua ratione T. Roscio Capitoni primo
need there-be by-what means to-Titus Roscius Capito first
nuntiavit? Cum Ameriae Sex. Rosci domus uxor liberique
did-he-announce when at-Ameria of-Sextus Roscius the-house the-wife and-children
essent, cum tot propinqui cognatique optime convenientes,
were when so-many relatives and-kinsmen best agreeing
qua ratione factum est ut iste tuus cliens, sceleris tui
by-what means done it-was that that your client of-crime your
nuntius, T. Roscio Capitoni potissimum nuntiaret?
the-messenger to-Titus Roscius Capito above-all should-announce
97 Occisus est a cena rediens; nondum lucebat cum Ameriae
killed he-was from dinner returning not-yet it-was-light when at-Ameria
scitum est. Quid hic incredibilis cursus, quid haec tanta
known it-was what this incredible running what this so-great
celeritas festinatioque significat? Non quaero quis percusserit;
speed and-haste signifies not I-ask who struck
nihil est, Glaucia, quod metuas; non excutio te, si quid
nothing is-there Glaucia that you-should-fear not I-shake-out you if any
forte ferri habuisti, non scrutor; nihil ad me arbitror
by-chance steel you-had not I-search nothing to me I-think
pertinere; quoniam cuius consilio occisus sit invenio, cuius
to-pertain since whose by-plan killed he-was I-find whose
manu sit percussus non laboro. Unum hoc sumo quod
by-hand he-was struck not I-trouble one-thing this I-take which
mihi apertum tuum scelus resque manifesta dat: Ubi
to-me open your crime and-the-matter manifest gives where
aut unde audivit Glaucia? qui tam cito scivit? Fac
or whence did-he-hear Glaucia how so quickly did-he-know suppose

audisse statim; quae res eum nocte una tantum itineris
to-have-heard-it at-once what thing him in-night one so-much of-journey
contendere coegit? quae necessitas eum tanta premebat ut,
to-press compelled what necessity him so-great pressed that
si sua sponte iter Ameriam faceret, id temporis
if of-his-own accord the-journey to-Ameria he-were-making at-that of-time
Roma proficisceretur, nullam partem noctis requiesceret?
from-Rome he-should-set-out no part of-the-night he-should-rest
Etiamne in tam perspicuis rebus argumentatio quaerenda aut 98
even-whether in so clear things argument to-be-sought or
coniectura capienda est? Nonne vobis haec quae audistis
conjecture to-be-taken is-it surely to-you these-things which you-have-heard
cernere oculis videmini, iudices? non illum miserum,
to-see with-your-eyes you-seem judges not him wretched
ignarum casus sui, redeuntem a cena videtis, non positas
ignorant of-fate his-own returning from dinner do-you-see not the-laid
insidias, non impetum repentinum? non versatur ante oculos
ambush not the-attack sudden not moves before eyes
vobis in caede Glaucia? non adest iste T. Roscius? non
to-you in the-slaughter Glaucia not is-he-present that Titus Roscius not
suis manibus in curru conlocat Automedontem illum,
with-his-own hands in the-chariot he-places Automedon that
sui sceleris acerbissimi nefariaeque victoriae nuntium?
of-his-own crime most-bitter and-wicked victory the-messenger
non orat ut eam noctem pervigilet, ut honoris sui
not he-begs that that night he-should-stay-awake that of-honor his-own
causa laboret, ut Capitoni quam primum nuntiet?
for-the-sake he-should-toil that to-Capito as first he-should-announce

99 Quid erat quod Capitonem primum scire vellet? Nescio,
what was-it why Capito first to-know he-wished I-do-not-know
nisi hoc video, Capitonem in his bonis esse socium; de tribus
except this I-see Capito in these goods to-be a-partner of three
et decem fundis tris nobilissimos fundos eum video possidere.
and ten farms three most-famous farms him I-see to-possess

XVIII · CAPITO'S PALMS

Capito is no newcomer to such suspicion: he has many palms, among them a man under sixty thrown from the bridge into the Tiber. Let him come and testify, as he threatens. One Roscius sent the news to Ameria, the other will give evidence, though even Africanus would not testify in his own cause. Four days later the news reached Chrysogonus at Volaterrae, who knew neither the man nor his estate; the Roscii, the only ones he gave a share, must have brought him the prize.

100 Audio praeterea non hanc suspicionem nunc primum in
I-hear moreover not this suspicion now first onto
Capitonem conferri; multas esse infamis eius palmas, hanc
Capito to-be-cast many to-be infamous his palms this
primam esse tamen lemniscatam quae Roma ei deferatur;
first to-be still beribboned which from-Rome to-him is-brought
nullum modum esse hominis occidendi quo ille non aliquot
no way to-be of-a-man to-be-killed by-which he not several
occiderit, multos ferro, multos veneno. Habeo etiam dicere
has-killed many by-steel many by-poison I-have also to-tell-of
quem contra morem maiorum minorem annis lx de
one-whom against the-custom of-the-ancestors younger than-years sixty from
ponte in Tiberim deiecerit. Quae, si prodierit atque
the-bridge into the-Tiber he-threw which-things if he-comes-forward and
adeo cum prodierit — scio enim prodituram esse —
indeed when he-comes-forward I-know for going-to-come-forward to-be

audiet. Veniat modo, explicet suum volumen illud quod
he-will-hear let-him-come only let-him-unroll his scroll that which
ei planum facere possum Erucium conscripsisse; quod
for-him clear to-make I-can Erucius to-have-composed which
aiunt illum Sex. Roscio intentasse et minitatum esse
they-say him to-Sextus Roscius to-have-held-out and threatened to-have
se omnia illa pro testimonio esse dicturum.
that-he all those-things as testimony to-be going-to-say
O praeclarum testem, iudices! O gravitatem dignam 101
O splendid witness judges O dignity worthy
exspectatione! O vitam honestam atque eius modi ut
of-the-expectation O life honorable and of-such kind that
libentibus animis ad eius testimonium vestrum ius iurandum
with-willing minds to his testimony your oath sworn
accommodetis! Profecto non tam perspicue nos istorum
you-should-fit surely not so clearly we of-these-men
maleficia videremus, nisi ipsos caecos redderet cupiditas
the-crimes would-see unless themselves blind made desire
et avaritia et audacia.
and avarice and audacity
Alter ex ipsa caede volucrem nuntium Ameriam ad 102
the-one from itself the-slaughter a-winged messenger to-Ameria to
socium atque adeo magistrum suum misit ut, si dissimulare
his-partner and indeed master his sent that if to-pretend
omnes cuperent se scire ad quem maleficium pertineret,
all wished themselves to-know to whom the-crime pertained
tamen ipse apertum suum scelus ante omnium oculos
still he-himself open his crime before of-all eyes
poneret. Alter, si dis immortalibus placet, testimonium
should-place the-other if to-the-gods immortal it-pleases testimony
etiam in Sex. Roscium dicturus est; quasi vero id nunc
even against Sextus Roscius going-to-give is as-if indeed that now

agatur, utrum is quod dixerit credendum, ac non
were-the-question whether he what he-has-said to-be-believed and not
quod fecerit vindicandum sit. Itaque more maiorum
what he-has-done to-be-punished is and-so by-the-custom of-the-ancestors
comparatum est ut in minimis rebus homines amplissimi
arranged it-is that in the-smallest things men most-distinguished
testimonium de sua re non dicerent.
testimony about their-own affair not should-say

103 Africanus qui suo cognomine declarat tertiam partem
Africanus who by-his-own surname declares the-third part
orbis terrarum se subegisse tamen, si sua res
of-the-world of-lands that-he subdued still if his-own affair
ageretur, testimonium non diceret; nam illud in talem virum
were-in-question testimony not would-give for that about such a-man
non audeo dicere: si diceret, non crederetur. Videte nunc
not I-dare to-say if he-gave-it not he-would-be-believed see now
quam versa et mutata in peiorem partem sint omnia. Cum
how overturned and changed into the-worse direction are all-things when
de bonis et de caede agatur, testimonium dicturus est
about the-goods and about the-murder it-is-a-question testimony going-to-give is
is qui et sector est et sicarius, hoc est qui et illorum ipsorum
he who both a-buyer is and an-assassin that is who both of-those very
bonorum de quibus agitur emptor atque possessor est et
goods about which it-is-a-question the-buyer and possessor is and
eum hominem occidendum curavit de cuius morte quaeritur.
that man to-be-killed arranged about whose death it-is-asked

104 Quid? Tu, vir optime, ecquid habes quod dicas? mihi
what you man the-best anything you-have which you-may-say to-me
ausculta: vide ne tibi desis; tua quoque res
listen see lest to-yourself you-be-wanting your also interest
permagna agitur. Multa scelerate, multa audaciter, multa
very-great is-at-stake many-things wickedly many audaciously many

improbe fecisti, unum stultissime, profecto tua sponte
dishonestly you-have-done one-thing most-stupidly surely of-your-own accord
non de Eruci sententia: nihil opus fuit te istic sedere.
not on Erucius' advice no need there-was that-you there to-sit
Neque enim accusatore muto neque teste quisquam utitur
nor for an-accuser dumb nor a-witness anyone uses
eo qui de accusatoris subsellio surgit. Huc accedit quod
him who from of-the-accuser the-bench rises to-this is-added that
paulo tamen occultior atque tectior vestra ista cupiditas
a-little still more-hidden and more-covered your that greed
esset. Nunc quid est quod quisquam ex vobis audire
would-be now what is-there that anyone of you to-hear
desideret, cum quae facitis eius modi sint ut ea dedita
may-want since what-things you-do of-such kind are that them devoted
opera a nobis contra vosmet ipsos facere videamini? Age
on-purpose for us against you yourselves to-do you-may-seem come
nunc illa videamus, iudices, quae statim consecuta sunt.
now those-things let-us-see judges which at-once followed have
Ad Volaterras in castra L. Sullae mors Sex. Rosci 105
to Volaterrae into the-camp of-Lucius Sulla the-death of-Sextus Roscius
quadriduo quo is occisus est Chrysogono nuntiatur.
within-four-days in-which he killed was to-Chrysogonus is-reported
Quaeritur etiam nunc quis eum nuntium miserit? nonne
is-it-asked even now who that messenger sent surely
perspicuum est eundem qui Ameriam? Curat Chrysogonus
clear is the-same-man who to-Ameria sees-to-it Chrysogonus
ut eius bona veneant statim; qui non norat hominem aut
that his goods be-sold at-once who not knew the-man or
rem. At qui ei venit in mentem praedia concupiscere
the-matter but how to-him came into mind the-estates to-covet
hominis ignoti quem omnino numquam viderat? Soletis,
of-a-man unknown whom at-all never he-had-seen you-are-accustomed

cum aliquid huiusce modi audistis, iudices, continuo dicere:
when anything of-this kind you-have-heard judges straightway to-say
'Necesse est aliquem dixisse municipem aut vicinum; ei
necessary it-is someone to-have-told-it a-townsman or neighbor to-him
plerumque indicant, per eos plerique produntur.' Hic nihil
mostly inform through them most are-betrayed here nothing
est quod suspicione occupetis.
is-there which with-suspicion you-may-forestall

106 Non enim ego ita disputabo: 'Veri simile est Roscios
not for I so shall-argue of-the-truth like it-is the-Roscii
istam rem ad Chrysogonum detulisse; erat enim eis
that thing to Chrysogonus to-have-reported there-was for to-them
cum Chrysogono iam antea amicitia; nam cum multos
with Chrysogonus already before friendship for although many
veteres a maioribus Roscii patronos hospitesque haberent,
old from their-ancestors the-Roscii patrons and-guest-friends had
omnis eos colere atque observare destiterunt ac se
all them to-cultivate and to-respect they-ceased and themselves
in Chrysogoni fidem et clientelam contulerunt.'
into Chrysogonus' protection and clientship betook

107 Haec possum omnia vere dicere, sed in hac causa
these-things I-can all truly to-say but in this case
coniectura nihil opus est; ipsos certo scio non negare
of-conjecture no need there-is themselves for-certain I-know not to-deny
ad haec bona Chrysogonum accessisse impulsu suo.
to these goods Chrysogonus to-have-come at-the-instigation their-own
Si eum qui indici causa partem acceperit oculis
if him who of-information for-the-sake a-share received with-your-eyes
cernetis, poteritisne dubitare, iudices, qui indicarit?
you-will-see will-you-be-able-whether to-doubt judges who informed
Qui sunt igitur in istis bonis quibus partem Chrysogonus
who are therefore in those goods to-whom a-share Chrysogonus

dederit? Duo Roscii. Num quisnam praeterea? Nemo est,
gave the-two Roscii surely-not anyone besides no-one there-is
iudices. Num ergo dubium est quin ei obtulerint hanc
judges surely-not therefore doubtful is-it that they offered this
praedam Chrysogono qui ab eo partem praedae tulerunt?
plunder to-Chrysogonus who from him a-share of-the-plunder took

XIX · THE FAITHLESS ENVOY

Chrysogonus' own rewards show what the Roscii did: three farms for Capito, a share for Magnus. Capito, sent as one of the ten envoys, betrayed his colleagues and kept them from Sulla. The trial for a breach of commission is as shameful as one for theft, since a commission rests on friendship and trust; what penalty is due to a man who betrayed the trust of a public embassy?

Age nunc ex ipsius Chrysogoni iudicio Rosciorum factum 108
come now from the-very of-Chrysogonus judgment of-the-Roscii the-deed
consideremus. Si nihil in ista pugna Roscii quod operae
let-us-consider if nothing in that fight the-Roscii which of-effort
pretium esset fecerant, quam ob causam a Chrysogono
the-reward was had-done what on-account-of reason by Chrysogonus
tantis praemiis donabantur? Si nihil aliud fecerunt nisi
with-so-great rewards were-they-presented if nothing else they-did except
rem detulerunt, nonne satis fuit eis gratias agi,
the-matter they-reported surely enough was to-them thanks to-be-given
denique, ut perliberaliter ageretur, honoris aliquid haberi?
finally so-that very-generously it-was-done of-honor something to-be-paid
Cur tria praedia tantae pecuniae statim Capitoni dantur? Cur
why three estates of-so-much money at-once to-Capito are-given why
quae reliqua sunt iste T. Roscius omnia cum Chrysogono
what-things remaining are that Titus Roscius all with Chrysogonus

communiter possidet? Nonne perspicuum est, iudices, has
in-common possesses surely clear is-it judges these
manubias Rosciis Chrysogonum re cognita concessisse?
spoils to-the-Roscii Chrysogonus with-the-thing known to-have-granted
109 Venit in decem primis legatus in castra Capito. Vos totam
comes among the-ten first-men as-envoy into the-camp Capito you the-whole
vitam naturam moresque hominis ex ipsa legatione cognoscite.
life nature and-manners of-the-man from the-very embassy learn
Nisi intellexeritis, iudices, nullum esse officium, nullum ius
unless you-will-have-understood judges no to-be duty no right
tam sanctum atque integrum quod non eius scelus atque perfidia
so sacred and inviolate which not his crime and treachery
violarit et imminuerit, virum optimum esse eum iudicatote.
has-violated and impaired a-man the-best to-be him judge
110 Impedimento est quo minus de his rebus Sulla doceatur,
a-hindrance be-is by-which the-less about these things Sulla be-informed
ceterorum legatorum consilia et voluntatem Chrysogono
of-the-other envoys the-plans and wishes to-Chrysogonus
enuntiat, monet ut provideat ne palam res agatur,
he-discloses he-warns that he-take-care lest openly the-matter be-done
ostendit, si sublata sit venditio bonorum, illum pecuniam
he-shows if annulled be the-sale of-the-goods that-be money
grandem amissurum, sese capitis periculum aditurum; illum
great going-to-lose himself of-his-life danger going-to-incur that-one
acuere, hos qui simul erant missi fallere, illum identidem
to-spur-on these who along-with were sent to-deceive him repeatedly
monere ut caveret, hisce insidiose spem falsam ostendere,
to-warn that he-should-beware to-these treacherously hope false to-show
cum illo contra hos inire consilia, horum consilia illi
with that-one against these to-enter plans of-these the-plans to-that-one
enuntiare, cum illo partem suam depecisci, hisce aliqua
to-disclose with that-one share his-own to-bargain-for to-these some

fretus mora semper omnis aditus ad Sullam intercludere.
relying-on delay always every approach to Sulla to-shut-off
Postremo isto hortatore, auctore, intercessore ad Sullam
finally with-him as-urger as-author as-go-between to Sulla
legati non adierunt; istius fide ac potius perfidia decepti,
the-envoys not went by-his good-faith and rather treachery deceived
id quod ex ipsis cognoscere poteritis, si accusator
that which from themselves to-learn you-will-be-able if the-accuser
voluerit testimonium eis denuntiare, pro re certa
will-have-wished testimony to-them to-summon for a-thing certain
spem falsam domum rettulerunt. In privatis rebus si qui
a-hope false home they-brought-back in private affairs if anyone
rem mandatam non modo malitiosius gessisset sui
a-matter entrusted not only rather-maliciously had-managed of-his-own
quaestus aut commodi causa verum etiam neglegentius,
gain or advantage for-the-sake but even rather-carelessly
eum maiores summum admisisse dedecus existimabant.
him the-ancestors the-highest to-have-committed disgrace thought
Itaque mandati constitutum est iudicium non minus 111
and-so of-a-commission set-up is a-court not less
turpe quam furti, credo, propterea quod quibus in rebus
disgraceful than of-theft I-believe for-this-reason that which in things
ipsi interesse non possumus, in eis operae nostrae
ourselves to-be-present not we-can in those of-effort our
vicaria fides amicorum supponitur; quam qui laedit,
the-substitute the-good-faith of-friends is-put-in-place which he-who injures
oppugnat omnium commune praesidium et, quantum in
attacks of-all the-common protection and as-much-as in
ipso est, disturbat vitae societatem. Non enim possumus
himself is he-disrupts of-life the-fellowship not for we-can
omnia per nos agere; alius in alia est re magis utilis.
all-things through ourselves to-do one in another is thing more useful

Idcirco amicitiae comparantur ut commune commodum
for-this-reason friendships are-formed that the-common advantage
mutuis officiis gubernetur.
by-mutual services be-governed
112 Quid recipis mandatum, si aut neglecturus aut ad tuum
why do-you-accept the-commission if either going-to-neglect or to your-own
commodum conversurus es? Cur mihi te offers ac
advantage going-to-turn you-are why to-me yourself do-you-offer and
meis commodis officio simulato officis et obstas?
to-my advantages with-duty pretended do-you-hinder and stand-in-the-way
Recede de medio; per alium transigam. Suscipis onus
withdraw from the-midst through another I-shall-transact you-take-up a-burden
offici quod te putas sustinere posse; quod maxime
of-duty which yourself you-think to-bear to-be-able which most
videtur grave eis qui minime ipsi leves sunt. Ergo
seems heavy to-those who least themselves light are therefore
idcirco turpis haec culpa est, quod duas res sanctissimas
for-this-reason disgraceful this fault is that two things most-sacred
violat, amicitiam et fidem. Nam neque mandat quisquam
it-violates friendship and good-faith for neither entrusts anyone
fere nisi amico neque credit nisi ei quem fidelem putat.
almost except to-a-friend nor trusts except him whom faithful he-thinks
Perditissimi est igitur hominis simul et amicitiam dissolvere
of-a-most-abandoned it-is therefore man at-once both friendship to-dissolve
et fallere eum qui laesus non esset, nisi credidisset.
and to-deceive him who harmed not would-have-been unless he-had-trusted
113 Itane est? in minimis rebus qui mandatum neglexerit,
so-whether it-is in the-smallest things he-who a-commission has-neglected
turpissimo iudicio condemnetur necesse est, in re
by-a-most-disgraceful verdict be-condemned necessary it-is in a-matter
tanta cum is cui fama mortui, fortunae vivi
so-great when he to-whom the-reputation of-the-dead-man the-fortunes of-the-living

commendatae sunt atque concreditae, ignominia mortuum,
entrusted were and committed with-disgrace the-dead
inopia vivum adfecerit, is inter honestos homines atque adeo
with-want the-living has-afflicted he among honorable men and indeed
inter vivos numerabitur? In minimis privatisque rebus etiam
among the-living will-be-counted in the-smallest and-private things even
neglegentia in crimen mandati iudiciumque infamiae vocatur,
carelessness into a-charge of-a-commission and-a-trial for-infamy is-summoned
propterea quod, si recte fiat, illum neglegere oporteat
for-this-reason that if rightly it-be-done him to-neglect it-would-be-proper
qui mandarit non illum qui mandatum receperit; in re tanta
who entrusted not him who the-commission accepted in a-matter so-great
quae publice gesta atque commissa sit qui non neglegentia
which publicly was-carried-out and committed was he-who not by-carelessness
privatum aliquod commodum laeserit sed perfidia legationis
private some advantage has-harmed but by-treachery of-the-embassy
ipsius caerimoniam polluerit maculaque adfecerit, qua is
itself the-sanctity has-polluted and-with-a-stain affected by-what he
tandem poena adficietur aut quo iudicio damnabitur?
pray penalty will-be-visited or by-what court will-he-be-condemned
Si hanc ei rem privatim Sex. Roscius mandavisset ut 114
if this to-him matter privately Sextus Roscius had-entrusted that
cum Chrysogono transigeret atque decideret, inque eam
with Chrysogonus he-should-transact and settle and-in that
rem fidem suam, si quid opus esse putaret, interponeret,
matter good-faith his if anything needful to-be he-thought he-should-pledge
ille qui sese facturum recepisset, nonne, si ex eo negotio
he who that-he going-to-do had-undertaken surely if from that business
tantulum in rem suam convertisset, damnatus per arbitrum
so-little into affairs his-own he-had-turned condemned by an-arbiter
et rem restituere et honestatem omnem amitteret?
both the-property would-restore and honor all would-lose

115 Nunc non hanc ei rem Sex. Roscius mandavit sed, id quod
now not this to-him matter Sextus Roscius entrusted but that which
multo gravius est, ipse Sex. Roscius cum fama vita bonisque
much more-grave is himself Sextus Roscius with reputation life and-goods
omnibus a decurionibus publice T. Roscio mandatus est;
all by the-councilors publicly to-Titus Roscius entrusted was
et ex eo T. Roscius non paululum nescio quid in rem
and from that Titus Roscius not a-little I-know-not what into affairs
suam convertit sed hunc funditus evertit bonis, ipse
his-own turned but this-man utterly he-overturned from-his-goods himself
tria praedia sibi depectus est, voluntatem decurionum ac
three estates for-himself bargained-for has the-wish of-the-councilors and
municipum omnium tantidem quanti fidem suam fecit.
of-the-townsmen all at-as-much as good-faith his-own he-valued

XX · THE SLAVES NOT GIVEN UP

Titus Roscius cheated not one partner but nine envoys; where so much greed and treachery are seen, crime lies hidden among them, and the pupil matches the master. He refused two slaves for questioning, though men of the highest rank asked it; they sit in Chrysogonus' household as if he prized their culture, and must know something the masters fear. Cicero suspects no crime in Chrysogonus: the crime is the Roscii's, and to refuse the question is to confess.

116 Videte iam porro cetera, iudices, ut intellegatis fingi
see now further the-rest judges that you-may-understand to-be-invented
maleficium nullum posse quo iste sese non contaminarit.
crime none to-be-able with-which he himself not has-stained
In rebus minoribus socium fallere turpissimum est aequeque
in matters lesser a-partner to-deceive most-disgraceful is and-equally
turpe atque illud de quo ante dixi; neque iniuria,
disgraceful as that about which before I-spoke nor without-cause

propterea quod auxilium sibi se putat adiunxisse qui
for-this-reason that help for-himself himself thinks to-have-joined he-who
cum altero rem communicavit. Ad cuius igitur fidem
with another the-business has-shared to whose therefore good-faith
confugiet, cum per eius fidem laeditur cui se
will-he-flee when through his good-faith he-is-harmed to-whom himself
commiserit? Atque ea sunt animadvertenda peccata maxime
he-has-trusted and those are to-be-punished the-faults most
quae difficillime praecaventur. Tecti esse ad alienos
which with-most-difficulty are-guarded-against hidden to-be from strangers
possumus, intimi multa apertiora videant necesse est; socium
we-can intimates many-things more-open see necessary it-is a-partner
cavere qui possumus? quem etiam si metuimus, ius
to-guard-against how can-we whom even if we-fear the-right
offici laedimus. Recte igitur maiores eum qui socium fefellisset
of-duty we-harm rightly therefore the-ancestors him who a-partner had-deceived
in virorum bonorum numero non putarunt haberi oportere.
in of-men good the-number not thought to-be-held it-was-proper
At vero T. Roscius non unum rei pecuniariae socium 117
but indeed Titus Roscius not one of-a-matter financial partner
fefellit, quod, tametsi grave est, tamen aliquo modo posse
deceived which although serious it-is still in-some way to-be-able
ferri videtur, verum novem homines honestissimos, eiusdem
to-be-borne it-seems but nine men most-honorable of-the-same
muneris, legationis, offici mandatorumque socios, induxit,
office of-embassy of-duty and-of-commissions partners he-led-on
decepit, destituit, adversariis tradidit, omni fraude et
deceived abandoned to-the-opponents handed-over with-every fraud and
perfidia fefellit; qui de scelere suspicari eius nihil potuerunt,
treachery deceived who of crime to-suspect his nothing were-able
socium offici metuere non debuerunt, eius malitiam non
a-partner in-duty to-fear not they-ought his malice not

viderunt, orationi vanae crediderunt. Itaque nunc illi homines
they-saw to-talk empty they-trusted and-so now those men
honestissimi propter istius insidias parum putantur cauti
most-honorable on-account-of his plots too-little are-thought careful
providique fuisse; iste qui initio proditor fuit, deinde
and-foresighted to-have-been he who at-the-beginning a-traitor was then
perfuga, qui primo sociorum consilia adversariis enuntiavit,
a-deserter who first of-his-partners the-plans to-the-opponents disclosed
deinde societatem cum ipsis adversariis coiit, terret etiam
then a-partnership with the-very opponents formed he-terrifies even
nos ac minatur tribus praediis, hoc est praemiis sceleris,
us and threatens with-three estates that is with-rewards of-crime
ornatus. In eius modi vita, iudices, in his tot tantisque
adorned in of-such kind a-life judges in these so-many and-so-great
flagitiis hoc quoque maleficium de quo iudicium est reperietis.
outrages this also crime about which the-trial is you-will-find
118 Etenim quaerere ita debetis: ubi multa avare, multa audacter,
for-indeed to-inquire so you-ought where many-things greedily many audaciously
multa improbe, multa perfidiose facta videbitis, ibi scelus
many dishonestly many treacherously done you-will-see there crime
quoque latere inter illa tot flagitia putatote. Tametsi hoc
also to-lie-hidden among those so-many outrages think although this
quidem minime latet quod ita promptum et propositum
indeed least lies-hidden which so ready and exposed
est ut non ex illis maleficiis quae in illo constat esse hoc
is that not from those crimes which in him it-is-agreed to-be this
intellegatur verum ex hoc etiam, si quo de illorum forte
be-understood but from this even if any about of-those perhaps
dubitabitur, convincatur. Quid tandem, quaeso, iudices? Num
there-will-be-doubt it-be-proved what pray I-ask judges surely-not
aut ille lanista omnino iam a gladio recessisse videtur aut
either that trainer altogether now from the-sword to-have-withdrawn seems or

hic discipulus magistro tantulum de arte concedere? Par est
this pupil to-his-master so-little in skill to-yield equal is
avaritia, similis improbitas, eadem impudentia, gemina audacia.
the-avarice similar the-dishonesty the-same impudence twin audacity
Etenim, quoniam fidem magistri cognostis, cognoscite 119
for-indeed since the-good-faith of-the-master you-have-learned learn
nunc discipuli aequitatem. Dixi iam antea saepe numero
now of-the-pupil the-fairness I-said already before often times
postulatos esse ab istis duos servos in quaestionem. Tu
demanded to-have-been from these two slaves for examination you
semper, T. Rosci, recusasti. Quaero abs te: 'Eine qui
always Titus Roscius refused I-ask from you those-whether who
postulabant indigni erant qui impetrarent, an is te non
were-demanding unworthy were that they-should-obtain-it or he you not
commovebat pro quo postulabant, an res ipsa tibi iniqua
moved for whom they-were-demanding or the-thing itself to-you unfair
videbatur?' Postulabant homines nobilissimi atque integerrimi
seemed demanded men most-noble and most-upright
nostrae civitatis quos iam antea nominavi; qui ita vixerunt
of-our state whom already before I-named who so have-lived
talesque a populo Romano putantur ut quicquid dicerent nemo
and-such by the-people Roman are-thought that whatever they-said no-one
esset qui non aequum putaret. Postulabant autem pro homine
there-was who not fair thought-it they-demanded however for a-man
miserrimo atque infelicissimo qui vel ipse sese in cruciatum
most-wretched and most-unfortunate who even he-himself himself into torture
dari cuperet, dum de patris morte quaereretur.
to-be-given would-wish provided-that about his-father's death it-were-inquired
Res porro abs te eius modi postulabatur ut nihil 120
the-thing moreover from you of-such kind was-demanded that nothing
interesset, utrum eam rem recusares an de maleficio
it-made-a-difference whether that thing you-refused or of the-crime

confiterere. Quae cum ita sint, quaero abs te quam
you-confessed which-things since so they-are I-ask from you what
ob causam recusaris. Cum occiditur Sex. Roscius
on-account-of reason you-have-refused when was-killed Sextus Roscius
ibidem fuerunt. Servos ipsos, quod ad me attinet, neque arguo
there they-were the-slaves themselves as to me pertains neither I-accuse
neque purgo; quod a vobis oppugnari video ne in quaestionem
nor I-clear that by you to-be-resisted I-see lest to examination
dentur, suspiciosum est; quod vero apud vos ipsos in
they-be-given suspicious is that indeed among you yourselves in
honore tanto sunt, profecto necesse est sciant aliquid, quod
honor so-great they-are surely necessary it-is they-know something which
si dixerint perniciosum vobis futurum sit. — In dominos
if they-said ruinous to-you going-to-be it-would-be against masters
quaeri de servis iniquum est. — At non quaeritur;
to-be-examined concerning slaves unfair it-is but not it-is-inquired
Sex. enim Roscius reus est; neque enim, cum de
Sextus for Roscius the-defendant is nor for when about
hoc quaeritur, in dominos quaeritur; vos enim dominos
this-man it-is-inquired against masters it-is-inquired you for the-masters
esse dicitis. — Cum Chrysogono sunt. — Ita credo; litteris
to-be say with Chrysogonus they-are so I-believe by-the-letters
eorum et urbanitate Chrysogonus ducitur ut inter suos
their and refinement Chrysogonus is-led that among his-own
omnium deliciarum atque omnium artium puerulos ex tot
of-all delights and of-all arts young-slaves out-of so-many
elegantissimis familiis lectos velit hos versari, homines paene
most-elegant households chosen he-wishes these to-move men almost
operarios, ex Amerina disciplina patris familiae rusticani.
laborers from the-Amerian training of-a-father of-a-household rustic

Non ita est profecto, iudices; non est veri simile ut 121
not so it-is surely judges not is of-the-truth like that
Chrysogonus horum litteras adamarit aut humanitatem,
Chrysogonus their letters has-loved or refinement
non ut rei familiaris negotio diligentiam cognorit
not that of-the-property household in-the-business diligence he-has-learned
eorum et fidem. Est quiddam quod occultatur; quod
their and good-faith there-is something which is-hidden which
quo studiosius ab istis opprimitur et absconditur, eo
the more-zealously by these-men it-is-suppressed and concealed by-so-much
magis eminet et apparet. Quid igitur?
the-more it-stands-out and appears what therefore
Chrysogonus suine malefici occultandi causa 122
Chrysogonus of-his-own-whether crime to-be-hidden for-the-sake
quaestionem de eis haberi non volt? Minime, iudices; non
an-examination about them to-be-held not he-wishes by-no-means judges not
in omnis arbitror omnia convenire. Ego in Chrysogono,
against all I-think all-things to-apply I in Chrysogonus
quod ad me attinet, nihil eius modi suspicor; neque hoc
as to me pertains nothing of-that kind suspect nor this
mihi nunc primum in mentem venit dicere. Meministis
to-me now first into mind has-come to-say you-remember
me ita distribuisse initio causam: in crimen cuius tota
that-I so to-have-divided at-the-beginning the-case into the-charge whose whole
argumentatio permissa Erucio est, et in audaciam cuius partes
argument entrusted to-Erucius is and into the-audacity whose parts
Rosciis impositae sunt. Quicquid malefici, sceleris, caedis
on-the-Roscii imposed were whatever of-crime of-wickedness of-murder
erit, proprium id Rosciorum esse debebit. Nimiam gratiam
will-be peculiar that of-the-Roscii to-be will-have the-excessive influence
potentiamque Chrysogoni dicimus et nobis obstare et
and-power of-Chrysogonus we-say both to-us to-stand-in-the-way and

perferri nullo modo posse et a vobis, quoniam potestas data
to-be-borne in-no way to-be-able and by you since the-power given
est, non modo infirmari verum etiam vindicari oportere.
is not only to-be-weakened but also to-be-punished to-be-proper
123 Ego sic existimo, qui quaeri velit ex eis quos constat,
I so think he-who to-be-examined wishes from those who it-is-agreed
cum caedes facta sit, adfuisse, eum cupere verum
when the-murder done was to-have-been-present him to-desire the-truth
inveniri; qui id recuset, eum profecto, tametsi verbo non
to-be-found he-who that refuses him surely although in-word not
audeat, tamen re ipsa de maleficio suo confiteri. Dixi
he-dare still in-the-thing itself of crime his-own to-confess I-said
initio, iudices, nolle me plura de istorum scelere
at-the-beginning judges to-be-unwilling me more about their crime
dicere quam causa postularet ac necessitas ipsa cogeret. Nam
to-say than the-case demanded and necessity itself compelled for
et multae res adferri possunt, et una quaeque
both many things to-be-brought-forward can and one each
earum multis cum argumentis dici potest. Verum ego
of-them many with arguments to-be-stated can but I
quod invitus ac necessario facio neque diu neque diligenter
what unwillingly and of-necessity I-do neither long nor carefully
facere possum. Quae praeteriri nullo modo poterant, ea
to-do can what-things to-be-passed-over in-no way could those
leviter, iudices, attigi, quae posita sunt in suspicionibus
lightly judges I-touched-on which placed are in suspicions
de quibus, si coepero dicere, pluribus verbis sit
about which if I-shall-have-begun to-speak with-more words it-would-be
disserendum, ea vestris ingeniis coniecturaeque committo.
to-be-discussed those-things to-your intelligence and-conjecture I-commit

XXI · THE GOLDEN NAME

Cicero comes to the golden name of Chrysogonus, which hid the whole partnership. He asks by what law the goods were sold: the law allows the sale of the proscribed and of those killed in the enemy's lines, and Roscius was neither. Sulla is not blamed but Chrysogonus. The sale came months after the June deadline, and perhaps never happened. The son cares nothing for the money. Sulla, ruling the world alone, could not see everything, as even Jupiter harms men without design.

Venio nunc ad illud nomen aureum Chrysogoni sub quo 124
I-come now to that name golden of-Chrysogonus under which
nomine tota societas latuit; de quo, iudices, neque quo
name the-whole partnership lay-hidden about which judges neither in-what
modo dicam neque quo modo taceam reperire possum.
manner I-should-speak nor in-what manner I-should-be-silent to-find I-am-able
Si enim taceo, vel maximam partem relinquo; sin autem
if for I-am-silent perhaps the-greatest part I-leave but-if however
dico, vereor ne non ille solus, id quod ad me nihil attinet, sed
I-speak I-fear lest not he alone that which to me nothing pertains but
alii quoque plures laesos se putent. Tametsi ita se res
others also more harmed themselves may-think although so itself the-matter
habet ut mihi in communem causam sectorum dicendum
holds that by-me on the-common cause of-the-buyers to-be-said
nihil magno opere videatur; haec enim causa nova profecto et
nothing in-great measure may-seem this for case new surely and
singularis est. Bonorum Sex. Rosci emptor est Chrysogonus.
unparalleled is of-the-goods of-Sextus Roscius the-buyer is Chrysogonus
Primum hoc videamus: eius hominis bona qua ratione 125
first this let-us-see of-that man the-goods by-what means
venierunt aut quo modo venire potuerunt? Atque hoc non
were-sold or in-what manner to-be-sold could-they and this not
ita quaeram, iudices, ut id dicam esse indignum, hominis
so I-shall-ask judges that it I-may-say to-be outrageous of-a-man

innocentis bona venisse — si enim haec audientur ac
innocent the-goods to-have-been-sold if for these-things will-be-heard and
libere dicentur, non fuit tantus homo Sex. Roscius in civitate
freely be-spoken not was so-great a-man Sextus Roscius in the-state
ut de eo potissimum conqueramur — verum ego hoc quaero:
that about him above-all we-should-complain but I this ask
qui potuerunt ista ipsa lege quae de proscriptione est, sive
how could by-that very law which about proscription is whether
Valeria est sive Cornelia — non enim novi nec scio — verum
Valerian it-is or Cornelian not for I-know nor do-I-know-it but
ista ipsa lege bona Sex. Rosci venire qui potuerunt?
by-that very law the-goods of-Sextus Roscius to-be-sold how could-they
126 Scriptum enim ita dicunt esse: ut aut eorum bona veneant
written for so they-say to-be that either of-those the-goods be-sold
qui proscripti sunt; quo in numero Sex. Roscius non est:
who proscribed have-been which in number Sextus Roscius not is
aut eorum qui in adversariorum praesidiis occisi sunt. Dum
or of-those who in of-the-opponents the-garrisons killed have-been while
praesidia ulla fuerunt, in Sullae praesidiis fuit; postea quam
garrisons any there-were in Sulla's garrisons he-was after that
ab armis omnes recesserunt, in summo otio rediens a cena
from arms all withdrew in the-utmost peace returning from dinner
Romae occisus est. Si lege, bona quoque lege venisse
at-Rome killed he-was if by-law the-goods also by-law to-have-been-sold
fateor. Sin autem constat contra omnis non modo veteres
I-admit but-if however it-is-agreed against all not only old
leges verum etiam novas occisum esse, bona quo iure
laws but also new killed to-have-been the-goods by-what right
aut quo modo aut qua lege venierint quaero.
or in-what manner or by-what law they-were-sold I-ask

In quem hoc dicam quaeris, Eruci? Non in eum quem 127
against whom this I-say do-you-ask Erucius not against him whom
vis et putas; nam Sullam et oratio mea ab initio
you-wish and think for Sulla both speech my from the-beginning
et ipsius eximia virtus omni tempore purgavit. Ego
and his-own extraordinary virtue at-every time has-cleared I
haec omnia Chrysogonum fecisse dico, ut ementiretur,
these-things all Chrysogonus to-have-done say that he-might-lie
ut malum civem Sex. Roscium fuisse fingeret, ut
that a-bad citizen Sextus Roscius to-have-been he-might-pretend that
eum apud adversarios occisum esse diceret, ut his
him among the-opponents killed to-have-been he-might-say that these
de rebus a legatis Amerinorum doceri L. Sullam
about things by the-envoys of-the-Amerians to-be-informed Lucius Sulla
passus non sit. Denique etiam illud suspicor, omnino
allowed not he-might-have finally even this I-suspect at-all
haec bona non venisse; id quod postea, si per vos,
these goods not to-have-been-sold that which afterward if through you
iudices, licitum erit, aperietur.
judges allowed it-will-be will-be-laid-open
Opinor enim esse in lege quam ad diem proscriptiones 128
I-think for to-be in the-law which by day proscriptions
venditionesque fiant, nimirum Kalendas Iunias. Aliquot
and-sales are-to-be-made no-doubt the-Kalends of-June some
post mensis et homo occisus est et bona venisse
after months both the-man killed was and the-goods to-have-been-sold
dicuntur. Profecto aut haec bona in tabulas publicas
are-said surely either these goods into the-records public
nulla redierunt nosque ab isto nebulone facetius eludimur
not returned and-we by that scoundrel more-wittily are-mocked
quam putamus, aut, si redierunt, tabulae publicae corruptae
than we-think or if they-returned the-records public corrupted

aliqua ratione sunt; nam lege quidem bona venire non
in-some way have-been for by-law indeed the-goods to-be-sold not
potuisse constat. Intellego me ante tempus, iudices,
to-have-been-able it-is-agreed I-understand that-I before the-time judges
haec scrutari et prope modum errare qui, cum capiti
these-things to-search-out and almost in-measure to-err who when the-head
Sex. Rosci mederi debeam, reduviam curem. Non enim
of-Sextus Roscius to-heal I-ought a-hangnail I-tend not for
laborat de pecunia, non ullius rationem sui commodi
he-is-troubled about money not of-any the-reckoning of-his-own advantage
ducit; facile egestatem suam se laturum putat, si hac
he-takes easily poverty his that-he going-to-bear thinks if from-this
indigna suspicione et ficto crimine liberatus sit.
unworthy suspicion and invented charge freed he-be
129 Verum quaeso a vobis, iudices, ut haec pauca quae restant
but I-ask from you judges that these few-things which remain
ita audiatis ut partim me dicere pro me ipso putetis,
so you-hear that partly that-I to-speak for me myself you-may-think
partim pro Sex. Roscio. Quae enim mihi ipsi indigna
partly for Sextus Roscius what-things for to-me myself outrageous
et intolerabilia videntur quaeque ad omnis, nisi providemus,
and intolerable seem and-which to all unless we-take-care
arbitror pertinere, ea pro me ipso ex animi mei sensu ac
I-think to-pertain those for me myself from of-mind my the-feeling and
dolore pronuntio; quae ad huius vitae casum causamque
grief I-declare what-things to of-this-man life's fortune and-case
pertinent et quid hic pro se dici velit et qua condicione
pertain and what he for himself to-be-said wishes and on-what condition
contentus sit iam in extrema oratione nostra, iudices, audietis.
content he-is now at the-end of-speech our judges you-will-hear

Ego haec a Chrysogono mea sponte remoto 130
I these-things from Chrysogonus of-my-own accord with-removed
Sex. Roscio quaero, primum qua re civis optimi bona
Sextus Roscius ask first by-what thing of-a-citizen the-best the-goods
venierint, deinde qua re hominis eius qui neque proscriptus
were-sold then by-what thing of-a-man of-that who neither proscribed
neque apud adversarios occisus est bona venierint, cum in
nor among the-opponents killed was the-goods were-sold when against
eos solos lex scripta sit, deinde qua re aliquanto post
those alone the-law written is then by-what thing a-good-while after
eam diem venierint quae dies in lege praefinita est, deinde
that day they-were-sold which day in the-law fixed-beforehand is then
cur tantulo venierint. Quae omnia si, quem ad modum solent
why for-so-little they-were-sold which all if in-what to manner are-wont
liberti nequam et improbi facere, in patronum suum
freedmen worthless and wicked to-do against patron their-own
voluerit conferre, nihil egerit; nemo est enim
he-will-have-wished to-lay nothing he-will-have-done no-one there-is for
qui nesciat propter magnitudinem rerum multa multos
who does-not-know on-account-of the-magnitude of-affairs many-things many
partim improbante partim imprudente L. Sulla commisisse.
partly with-disapproving partly with-unaware Lucius Sulla to-have-committed
Placet igitur in his rebus aliquid imprudentia praeteriri? 131
does-it-please therefore in these things something through-oversight to-be-passed-over
Non placet, iudices, sed necesse est. Etenim si Iuppiter Optimus
not it-pleases judges but necessary it-is for-indeed if Jupiter Best
Maximus cuius nutu et arbitrio caelum terra mariaque
Greatest whose by-nod and will the-sky earth and-seas
reguntur saepe ventis vehementioribus aut immoderatis
are-ruled often by-winds rather-violent or immoderate
tempestatibus aut nimio calore aut intolerabili frigore
storms or excessive heat or intolerable cold

hominibus nocuit, urbis delevit, fruges perdidit, quorum
men has-harmed cities has-destroyed crops has-ruined of-which
nihil pernicii causa divino consilio sed vi ipsa et
nothing of-destruction for-the-sake by-divine design but by-the-force itself and
magnitudine rerum factum putamus, at contra commoda
the-magnitude of-things done we-think but on-the-contrary the-advantages
quibus utimur lucemque qua fruimur spiritumque quem
which we-use and-the-light which we-enjoy and-the-breath which
ducimus ab eo nobis dari atque impertiri videmus, quid
we-draw from him to-us to-be-given and to-be-imparted we-see why
miramur, iudices, L. Sullam, cum solus rem publicam
do-we-wonder judges Lucius Sulla when alone the-thing public
regeret orbemque terrarum gubernaret imperique maiestatem
he-ruled and-the-world of-lands governed and-of-the-empire the-majesty
quam armis receperat iam legibus confirmaret, aliqua
which by-arms he-had-recovered now by-laws was-confirming some-things
animadvertere non potuisse? nisi hoc mirum est quod vis
to-notice not to-have-been-able unless this surprising is that power
divina adsequi non possit, si id mens humana adepta non sit.
divine to-attain not can if that mind human attained not has

Chrysogonus contrived everything; after a gap in the manuscripts the speech resumes on owners of far estates in Sallentum and Bruttium. Chrysogonus comes down from his house on the Palatine, has villas near the city, a house full of Corinthian and Delian vessels, a self-cooker bought for the price of a farm, and slaves of every art, so that the neighborhood rings with music day and night. He flits through the forum perfumed, with a crowd of clients, despising all.

Verum ut haec missa faciam quae iam facta sunt, ex 132
but that these-things dismissed I-may-make which already done have-been from
eis quae nunc cum maxime fiunt nonne quivis potest
those which now at-this very-moment are-being-done surely anyone can
intellegere omnium architectum et machinatorem unum esse
to-understand of-all the-architect and contriver one to-be
Chrysogonum? Qui Sex. Rosci nomen deferendum curavit,
Chrysogonus who of-Sextus Roscius the-name to-be-brought arranged
cuius honoris causa accusare se dixit Erucius... ***...
whose honor for-the-sake to-accuse that-he said Erucius (lacuna)
aptam et ratione dispositam se habere existimant,
fit and by-plan arranged themselves to-have think
qui in Sallentinis aut in Bruttiis habent unde vix
who in the-Sallentine-land or in the-Bruttian-land have whence scarcely
ter in anno audire nuntium possunt.
three-times in a-year to-hear news they-can
Alter tibi descendit de Palatio et aedibus suis; habet 133
the-other for-you comes-down from the-Palatine and house his-own he-has
animi causa rus amoenum et suburbanum, plura
of-mind for-the-sake a-country-place pleasant and near-the-city more
praeterea praedia neque tamen ullum nisi praeclarum et
besides estates nor still any except splendid and
propinquum. Domus referta vasis Corinthiis et Deliacis,
near the-house crammed with-vessels Corinthian and Delian

in quibus est authepsa illa quam tanto pretio nuper
among which is the-self-cooker that which at-so-great a-price lately
mercatus est ut qui praetereuntes quid praeco enumeraret
bought he-has that those-who passing-by what the-crier was-enumerating
audiebant fundum venire arbitrarentur. Quid praeterea caelati
heard a-farm to-be-sold thought what besides of-engraved
argenti, quid stragulae vestis, quid pictarum tabularum, quid
silver what of-coverlet cloth what of-painted pictures what
signorum, quid marmoris apud illum putatis esse? Tantum
of-statues what of-marble with him do-you-think to-be so-much
scilicet quantum e multis splendidisque familiis in turba
no-doubt as from many and-splendid households in the-confusion
et rapinis coacervari una in domo potuit. Familiam vero
and the-robberies to-be-heaped-up one in house could the-household indeed
quantam et quam variis cum artificiis habeat quid ego dicam?
how-great and how various with skills he-has what I shall-say
134 Mitto hasce artis volgaris, coquos, pistores, lecticarios; animi
I-pass-over these trades common cooks bakers litter-bearers of-mind
et aurium causa tot homines habet ut cotidiano cantu
and of-ears for-the-sake so-many men he-has that with-daily song
vocum et nervorum et tibiarum nocturnisque conviviis tota
of-voices and of-strings and of-pipes and-with-nightly banquets the-whole
vicinitas personet. In hac vita, iudices, quos sumptus cotidianos,
neighborhood resounds in this life judges what expenses daily
quas effusiones fieri putatis, quae vero convivia? honesta,
what outpourings to-be-made do-you-think what indeed banquets honorable
credo, in eius modi domo, si domus haec habenda est potius
I-suppose in of-that kind a-house if a-house this to-be-held is rather
quam officina nequitiae ac deversorium flagitiorum omnium.
than a-workshop of-wickedness and an-inn of-outrages all

Ipse vero quem ad modum composito et dilibuto capillo 135
he-himself indeed in-what to manner with-arranged and perfumed hair
passim per forum volitet cum magna caterva togatorum
everywhere through the-forum flits with a-great troop of-men-in-togas
videtis, iudices; videtis ut omnis despiciat, ut hominem
you-see judges you-see how all he-despises how a-man
prae se neminem putet, ut se solum beatum,
compared-with himself no-one he-thinks how himself alone happy
solum potentem putet. Quae vero efficiat et quae
alone powerful he-thinks what-things indeed he-accomplishes and what-things
conetur si velim commemorare, vereor, iudices, ne quis
he-attempts if I-should-wish to-recall I-fear judges lest someone
imperitior existimet me causam nobilitatis victoriamque
more-inexperienced may-think that-I the-cause of-the-nobility and-the-victory
voluisse laedere. Tametsi meo iure possum, si quid in hac
to-have-wished to-harm although by-my right I-can if anything in this
parte mihi non placeat, vituperare; non enim vereor ne quis
side to-me not pleases to-censure not for I-fear lest anyone
alienum me animum habuisse a causa nobilitatis existimet.
estranged that-I mind to-have-had from the-cause of-the-nobility may-think

Cicero supported the nobility's victory and rejoices that each order has its rank again. But if the war was fought so that the lowest might grow rich on others' money and none might even complain, the people of Rome was crushed, not restored. Resisting such men honors the nobility's cause; the nobles must be watchful or yield their place, and must not bear a worthless slave's tyranny, which now reaches for the courts themselves.

136 Sciunt ei qui me norunt me pro mea tenui infirmaque
know those who me know that-I for my slender and-weak
parte, postea quam id quod maxime volui fieri non potuit,
part after that that which most I-wished to-be-done not could
ut componeretur, id maxime defendisse ut ei vincerent
that it-should-be-settled that most to-have-defended that those should-win
qui vicerunt. Quis enim erat qui non videret humilitatem
who won who for was-there who not saw lowliness
cum dignitate de amplitudine contendere? quo in certamine
with rank about eminence to-contend which in contest
perditi civis erat non se ad eos iungere quibus
of-an-abandoned citizen it-was not himself to them to-join with-whom
incolumibus et domi dignitas et foris auctoritas retineretur.
safe both at-home rank and abroad authority would-be-maintained
Quae perfecta esse et suum cuique honorem et gradum
which-things accomplished to-be and his-own to-each honor and rank
redditum gaudeo, iudices, vehementerque laetor eaque omnia
restored I-rejoice judges and-vehemently am-glad and-these all
deorum voluntate, studio populi Romani, consilio et
of-the-gods by-the-will by-the-zeal of-the-people Roman by-the-counsel and
imperio et felicitate L. Sullae gesta esse intellego.
command and good-fortune of-Lucius Sulla done to-have-been I-understand

Quod animadversum est in eos qui contra omni 137
that punished it-has-been on those who on-the-other-side with-every
ratione pugnarunt, non debeo reprehendere; quod viris
means fought not I-ought to-censure that to-men
fortibus quorum opera eximia in rebus gerendis exstitit
brave whose service extraordinary in things being-done stood-out
honos habitus est, laudo. Quae ut fierent idcirco
honor paid has-been I-praise which that they-might-be-done for-this-reason
pugnatum esse arbitror meque in eo studio partium
fought to-have-been I-think and-that-I in that zeal of-the-party
fuisse confiteor. Sin autem id actum est et idcirco
to-have-been I-confess but-if however this aimed-at was and for-this-reason
arma sumpta sunt ut homines postremi pecuniis alienis
arms taken-up were that men the-lowest with-the-money of-others
locupletarentur et in fortunas unius cuiusque impetum facerent,
might-be-enriched and on the-fortunes of-one each an-attack might-make
et id non modo re prohibere non licet sed ne verbis
and that not only in-deed to-prevent not it-is-allowed but not in-words
quidem vituperare, tum vero in isto bello non recreatus neque
even to-censure then indeed in that war not revived nor
restitutus sed subactus oppressusque populus Romanus est.
restored but subdued and-crushed the-people Roman has-been
Verum longe aliter est; nil horum est, iudices. Non modo 138
but far otherwise it-is nothing of-these is judges not only
non laedetur causa nobilitatis, si istis hominibus resistetis,
not will-be-harmed the-cause of-the-nobility if to-those men you-resist
verum etiam ornabitur. Etenim qui haec vituperare
but also it-will-be-honored for-indeed those-who these-things to-censure
volunt Chrysogonum tantum posse queruntur; qui
wish Chrysogonus so-much to-be-able complain those-who
laudare volunt concessum ei non esse commemorant. Ac
to-praise wish granted to-him not to-be recall and

iam nihil est quod quisquam aut tam stultus aut tam
now nothing is-there why anyone either so stupid or so
improbus sit qui dicat: 'Vellem quidem liceret; hoc
wicked should-be as-to say I-would-wish indeed it-were-allowed this
dixissem.' Dicas licet. 'Hoc fecissem.' Facias
I-would-have-said you-may-say-it it-is-allowed this I-would-have-done you-may-do-it
licet; nemo prohibet. 'Hoc decrevissem.' Decerne, modo
it-is-allowed no-one forbids this I-would-have-decreed decree only
recte; omnes approbabunt. 'Hoc iudicassem.' Laudabunt
rightly all will-approve this I-would-have-judged will-praise
omnes, si recte et ordine iudicaris.
all if rightly and in-order you-will-have-judged

139 Dum necesse erat resque ipsa cogebat, unus omnia poterat;
while necessary it-was and-the-thing itself compelled one-man all-things could
qui postea quam magistratus creavit legesque constituit, sua
who after that magistrates he-created and-laws established his-own
cuique procuratio auctoritasque est restituta. Quam si
to-each office and-authority has-been restored which if
retinere volunt ei qui reciperarunt in perpetuum poterunt
to-keep they-wish those who recovered-it in perpetuity they-will-be-able
obtinere; sin has caedis et rapinas et hos tantos tamque
to-hold but-if these murders and robberies and these so-great and-so
profusos sumptus aut facient aut approbabunt — nolo
lavish expenses either they-will-make or will-approve I-am-unwilling
in eos gravius quicquam ne ominis quidem causa
against them more-heavily anything not of-the-omen even for-the-sake
dicere, unum hoc dico: nostri isti nobiles nisi vigilantes et
to-say one-thing this I-say our those nobles unless watchful and
boni et fortes et misericordes erunt, eis hominibus in
good and brave and merciful they-will-be to-those men in
quibus haec erunt ornamenta sua concedant necesse est.
whom these-things will-be the-distinctions their-own to-yield necessary it-is

Quapropter desinant aliquando dicere male aliquem locutum 140
wherefore let-them-cease at-last to-say badly someone spoken
esse, si qui vere ac libere locutus sit, desinant suam
to-have if anyone truly and freely spoken has let-them-cease their
causam cum Chrysogono communicare, desinant, si ille laesus
cause with Chrysogonus to-share let-them-cease if he harmed
sit, de se aliquid detractum arbitrari, videant ne turpe
be from themselves something taken-away to-think let-them-see lest disgraceful
miserumque sit eos qui equestrem splendorem pati non
and-wretched it-be those who the-equestrian splendor to-bear not
potuerunt servi nequissimi dominationem ferre posse. Quae
could of-a-slave most-worthless the-lordship to-bear to-be-able which
quidem dominatio, iudices, in aliis rebus antea versabatur,
indeed lordship judges in other things before was-engaged
nunc vero quam viam munitet et quod iter adfectet
now indeed what road it-is-building and what journey it-aims-at
videtis, ad fidem, ad ius iurandum, ad iudicia vestra, ad id
you-see to good-faith to oath sworn to courts your to that
quod solum prope in civitate sincerum sanctumque restat.
which alone almost in the-state sound and-sacred remains
Hicne etiam sese putat aliquid posse Chrysogonus? 141
this-man-whether even himself thinks something to-be-able Chrysogonus
hicne etiam potens esse volt? O rem miseram atque
this-man-whether even powerful to-be he-wishes O thing wretched and
acerbam! Neque me hercules hoc indigne fero, quod
bitter nor so-help-me Hercules this resentfully do-I-bear because
verear ne quid possit, verum quod ausus est, quod
I-fear lest anything he-can but because dared he-has because
speravit sese apud talis viros aliquid ad perniciem posse
he-hoped himself among such men something for ruin to-be-able
innocentis, id ipsum queror. Idcircone exspectata
of-an-innocent-man that very-thing I-complain-of for-this-reason-whether the-awaited

nobilitas armis atque ferro rem publicam reciperavit ut ad
nobility by-arms and steel the-thing public recovered that at
libidinem suam liberti servolique nobilium bona fortunas
lust their-own freedmen and-little-slaves of-the-nobles the-goods fortunes
arasque nostras vexare possent?
and-altars our to-harass could
142 Si id actum est, fateor me errasse qui hoc maluerim,
if this aimed-at was I-confess that-I to-have-erred who this preferred
fateor insanisse qui cum illis senserim; tametsi inermis,
I-confess to-have-been-mad who with them thought although unarmed
iudices, sensi. Sin autem victoria nobilium ornamento atque
judges I-thought but-if however the-victory of-the-nobles for-ornament and
emolumento rei publicae populoque Romano debet esse,
for-profit to-the-thing public and-to-the-people Roman ought to-be
tum vero optimo et nobilissimo cuique meam orationem
then indeed to-the-best and most-noble each my speech
gratissimam esse oportet. Quod si quis est qui et se et
most-welcome to-be it-is-proper but if anyone there-is who both himself and
causam laedi putet, cum Chrysogonus vituperetur, is causam
the-cause to-be-harmed thinks when Chrysogonus is-censured he the-cause
ignorat, se ipsum probe novit; causa enim splendidior
does-not-know himself very-self properly knows the-cause for more-splendid
fiet, si nequissimo cuique resistetur, ille improbissimus
will-become if the-most-worthless each is-resisted that most-wicked
Chrysogoni fautor qui sibi cum illo rationem communicatam
of-Chrysogonus supporter who for-himself with him account shared
putat laeditur, cum ab hoc splendore causae separatur.
thinks is-harmed when from this splendor of-the-cause he-is-separated

Sextus Roscius blames no one and complains of nothing; he gives Chrysogonus the estate, the clothes, and the ring, asking only to live in poverty on his friends' charity. Why then pursue him? Chrysogonus can fear nothing from a man who cannot defend himself. Caecilia feeds and clothes him; Messala, too young to speak, has organized his defense. If all nobles did as Messala does, the state would suffer less.

Verum haec omnis oratio, ut iam ante dixi, mea est, qua 143
but this whole speech as already before I-said mine is which
me uti res publica et dolor meus et istorum iniuria
me to-use the-thing public and grief my and their wrong
coegit. Sex. Roscius horum nihil indignum putat, neminem
compelled Sextus Roscius of-these nothing outrageous thinks no-one
accusat, nihil de suo patrimonio queritur. Putat homo
accuses nothing about his-own inheritance complains he-thinks a-man
imperitus morum, agricola et rusticus, ista omnia quae
inexperienced in-manners a-farmer and rustic those all-things which
vos per Sullam gesta esse dicitis more, lege, iure
you through Sulla done to-have-been say by-custom by-law by-right
gentium facta; culpa liberatus et crimine nefario solutus
of-nations done from-guilt freed and from-a-charge wicked released
cupit a vobis discedere; si hac indigna suspicione careat,
he-desires from you to-depart if this unworthy suspicion he-be-free-of
animo aequo se carere suis omnibus commodis dicit.
with-mind even himself to-be-without his all advantages he-says
Rogat oratque te, Chrysogone, si nihil de patris fortunis 144
he-asks and-begs you Chrysogonus if nothing from of-his-father the-fortunes
amplissimis in suam rem convertit, si nulla in re te fraudavit,
most-ample into his-own affairs he-has-turned if no in thing you he-has-cheated
si tibi optima fide sua omnia concessit, adnumeravit,
if to-you with-the-best good-faith his all-things he-has-yielded counted-out

appendit, si vestitum quo ipse tectus erat anulumque de
weighed-out if the-clothing with-which himself covered he-was and-the-ring from
digito suum tibi tradidit, si ex omnibus rebus se ipsum
finger his to-you he-handed-over if from all things himself very-self
nudum neque praeterea quicquam excepit, ut sibi per te
naked nor besides anything he-has-excepted that to-himself through you
liceat innocenti amicorum opibus vitam in egestate degere.
it-be-allowed innocent by-friends' means life in poverty to-spend
145 Praedia mea tu possides, ego aliena misericordia vivo;
estates my you possess I by-another's pity live
concedo, et quod animus aequus est et quia necesse est. Mea
I-grant-it both because mind even is and because necessary it-is my
domus tibi patet, mihi clausa est; fero. Familia mea maxima
house to-you lies-open to-me closed is I-bear-it household my very-large
tu uteris, ego servum habeo nullum; patior et ferendum
you use I slave have none I-endure-it and to-be-borne
puto. Quid vis amplius? quid insequeris, quid oppugnas?
I-think what do-you-want more why do-you-pursue why do-you-attack
qua in re tuam voluntatem laedi a me putas?
what in thing your wish to-be-harmed by me do-you-think
Ubi tuis commodis officio? quid tibi obsto? Si
in-what your advantages do-I-hinder in-what to-you do-I-stand-in-the-way if
spoliorum causa vis hominem occidere, spoliasti;
of-spoils for-the-sake you-wish the-man to-kill you-have-despoiled-him
quid quaeris amplius? Si inimicitiarum, quae sunt tibi
what do-you-seek more if of-enmities what are to-you
inimicitiae cum eo cuius ante praedia possedisti quam ipsum
enmities with him whose before estates you-possessed than himself
cognosti? Si metus, ab eone aliquid metuis quem vides
you-knew if of-fear from him-whether anything you-fear whom you-see
ipsum ab se tam atrocem iniuriam propulsare non posse?
himself from himself so atrocious a-wrong to-ward-off not to-be-able

Sin, quod bona quae Rosci fuerunt tua facta sunt, idcirco
but-if because the-goods which Roscius' were yours made were for-this-reason
hunc illius filium studes perdere, nonne ostendis id
this-man his son you-are-eager to-ruin surely show that
te vereri quod praeter ceteros tu metuere non debeas ne
you to-fear which beyond the-others you to-fear not ought lest
quando liberis proscriptorum bona patria reddantur?
at-some-time to-the-children of-the-proscribed the-goods of-their-fathers be-restored
Facis iniuriam, Chrysogone, si maiorem spem emptionis tuae 146
you-do a-wrong Chrysogonus if greater hope of-purchase your
in huius exitio ponis quam in eis rebus quas L. Sulla
in of-this-man ruin you-place than in those things which Lucius Sulla
gessit. Quod si tibi causa nulla est cur hunc miserum
did but if to-you reason none is why this wretch
tanta calamitate adfici velis, si tibi omnia
with-so-great calamity to-be-afflicted you-should-wish if to-you all-things
sua praeter animam tradidit nec sibi quicquam
his except life he-has-handed-over nor for-himself anything
paternum ne monumenti quidem causa reservavit, per deos
of-his-father's not of-a-memorial even for-the-sake has-reserved by the-gods
immortalis! quae ista tanta crudelitas est, quae tam fera
immortal what that so-great cruelty is what so wild
immanisque natura? Quis umquam praedo fuit tam nefarius,
and-monstrous nature who ever robber was so wicked
quis pirata tam barbarus ut, cum integram praedam sine
what pirate so barbarous that when the-whole plunder without
sanguine habere posset, cruenta spolia detrahere mallet?
blood to-have he-could bloody spoils to-strip he-would-prefer
Scis hunc nihil habere, nihil audere, nihil posse, nihil 147
you-know this-man nothing to-have nothing to-dare nothing to-be-able nothing
umquam contra rem tuam cogitasse, et tamen oppugnas
ever against interest your to-have-planned and still you-attack

eum quem neque metuere potes neque odisse debes nec
him whom neither to-fear you-can nor to-hate ought nor
quicquam iam habere reliqui vides quod ei detrahere
anything now to-have of-remaining you-see which from-him to-take-away
possis. Nisi hoc indignum putas, quod vestitum sedere
you-could unless this outrageous you-think that clothed to-sit
in iudicio vides quem tu e patrimonio tamquam e
in court you-see one-whom you from his-inheritance as-if from
naufragio nudum expulisti. Quasi vero nescias hunc
a-shipwreck naked drove-out as-if indeed you-do-not-know this-man
et ali et vestiri a Caecilia Baliarici filia, Nepotis
both to-be-fed and to-be-clothed by Caecilia of-Balearicus the-daughter of-Nepos
sorore, spectatissima femina, quae cum patrem clarissimum,
the-sister a-most-esteemed woman who though a-father most-illustrious
amplissimos patruos, ornatissimum fratrem haberet, tamen,
most-distinguished uncles a-most-accomplished brother she-had still
cum esset mulier, virtute perfecit ut, quanto honore
since she-was a-woman by-virtue brought-it-about that with-as-much honor
ipsa ex illorum dignitate adficeretur, non minora illis
she-herself from their dignity was-graced not lesser to-them
ornamenta ex sua laude redderet.
distinctions from her-own merit she-returned

148 An, quod diligenter defenditur, id tibi indignum facinus
or because diligently he-is-defended that to-you an-outrageous deed
videtur? Mihi crede, si pro patris huius hospitiis et
seems to-me believe if for of-the-father of-this-man the-ties-of-hospitality and
gratia vellent omnes huic hospites adesse et auderent
influence wished all to-this-man the-guest-friends to-be-present and dared
libere defendere, satis copiose defenderetur; sin autem pro
freely to-defend sufficiently fully he-would-be-defended but-if however for
magnitudine iniuriae proque eo quod summa res publica
the-magnitude of-the-wrong and-for that which the-highest thing public

in huius periculo temptatur haec omnes vindicarent,
in of-this-man danger is-attacked these-things all would-avenge
consistere me hercule vobis isto in loco non liceret.
to-stand so-help-me Hercules for-you that in place not it-would-be-allowed
Nunc ita defenditur, non sane ut moleste ferre adversarii
now so he-is-defended not indeed that resentfully to-bear the-opponents
debeant neque ut se potentia superari putent.
ought nor that themselves by-power to-be-overcome should-think
Quae domi gerenda sunt, ea per Caeciliam 149
what-things at-home to-be-managed are those through Caecilia
transiguntur, fori iudicique rationem M. Messala,
are-transacted of-the-forum and-of-the-court the-conduct Marcus Messala
ut videtis, iudices, suscepit; qui, si iam satis aetatis ac
as you-see judges has-undertaken who if now enough of-age and
roboris haberet, ipse pro Sex. Roscio diceret. Quoniam
of-strength he-had himself for Sextus Roscius would-speak since
ad dicendum impedimento est aetas et pudor qui ornat
to speaking a-hindrance is age and modesty which adorns
aetatem causam mihi tradidit quem sua causa cupere
age the-case to-me he-handed-over whom his-own for-the-sake to-desire
ac debere intellegebat, ipse adsiduitate, consilio, auctoritate,
and to-owe-it he-understood himself by-persistence by-counsel by-authority
diligentia perfecit ut Sex. Rosci vita erepta de manibus
by-diligence brought-it-about that Sextus Roscius' life snatched from the-hands
sectorum sententiis iudicum permitteretur. Nimirum, iudices,
of-the-buyers to-the-verdicts of-the-judges should-be-entrusted no-doubt judges
pro hac nobilitate pars maxima civitatis in armis fuit; haec
for this nobility the-part greatest of-the-state in arms was this
acta res est ut ei nobiles restituerentur in civitatem
done the-thing was that those nobles might-be-restored into the-state
qui hoc facerent quod facere Messalam videtis, qui caput
who this would-do which to-do Messala you-see who the-life

innocentis defenderent, qui iniuriae resisterent, qui quantum
of-the-innocent would-defend who to-wrong would-resist who as-much-as
possent in salute alterius quam in exitio mallent ostendere;
they-could in the-safety of-another than in the-ruin would-prefer to-show
quod si omnes qui eodem loco nati sunt facerent, et res
but if all who in-the-same rank born are would-do-it both the-thing
publica ex illis et ipsi ex invidia minus laborarent.
public from them and they-themselves from ill-will less would-suffer

XXV · DO NOT GROW CRUEL

If Chrysogonus cannot be content with the money, the only refuge left to Roscius and to the state is the judges' mercy. They were not chosen, like soldiers posted to catch fugitives, to condemn those the buyers could not kill; they must not let a new and crueler proscription begin against the children of the proscribed. Daily cruelty has hardened the people, and the judges must drive it from the state.

150 Verum si a Chrysogono, iudices, non impetramus ut
but if from Chrysogonus judges not we-obtain that
pecunia nostra contentus sit, vitam ne petat, si ille
with-money our content he-be life not he-seek if he
adduci non potest ut, cum ademerit nobis omnia
to-be-led not can that when he-has-taken-away from-us all-things
quae nostra erant propria, ne lucem quoque hanc quae
which our were own not the-light also this which
communis est eripere cupiat, si non satis habet
common is to-snatch-away he-desire if not enough he-holds
avaritiam suam pecunia explere, nisi etiam crudelitati sanguis
avarice his with-money to-satisfy unless also to-cruelty blood
praebitus sit, unum perfugium, iudices, una spes reliqua
offered be one refuge judges one hope remaining

est Sex. Roscio eadem quae rei publicae, vestra
is to-Sextus Roscius the-same which to-the-thing public your
pristina bonitas et misericordia. Quae si manet, salvi
former goodness and mercy which if remains safe
etiam nunc esse possumus; sin ea crudelitas quae hoc
even now to-be we-can but-if that cruelty which at-this
tempore in re publica versata est vestros quoque
time in the-thing public engaged has-been your also
animos — id quod fieri profecto non potest — duriores
minds that which to-happen surely not can harder
acerbioresque reddit, actum est, iudices; inter feras
and-more-bitter makes done it-is judges among wild-beasts
satius est aetatem degere quam in hac tanta immanitate
better it-is life to-spend than in this so-great savagery
versari.
to-move
Ad eamne rem vos reservati estis, ad eamne rem 151
for that-whether thing you reserved have-you-been for that-whether thing
delecti ut eos condemnaretis quos sectores ac sicarii
chosen that those you-should-condemn whom buyers and assassins
iugulare non potuissent? Solent hoc boni imperatores
to-butcher not had-been-able are-accustomed this good commanders
facere cum proelium committunt, ut in eo loco quo
to-do when battle they-join that in that place where
fugam hostium fore arbitrentur milites conlocent, in
the-flight of-the-enemy going-to-be they-think soldiers they-station on
quos si qui ex acie fugerint de improviso incidant.
whom if any from the-battle-line have-fled from the-unforeseen they-may-fall
Nimirum similiter arbitrantur isti bonorum emptores vos hic,
no-doubt similarly think those of-the-goods buyers you here
talis viros, sedere qui excipiatis eos qui de suis manibus
such men to-sit who might-catch those who from their hands

effugerint. Di prohibeant, iudices, ne hoc quod maiores
have-escaped the-gods forbid judges that this which the-ancestors
consilium publicum vocari voluerunt praesidium sectorum
a-council public to-be-called wished a-garrison of-the-buyers
existimetur!
be-thought

152 An vero, iudices, vos non intellegitis nihil aliud
or indeed judges you not understand nothing else
agi nisi ut proscriptorum liberi quavis ratione
to-be-aimed-at except that of-the-proscribed the-children by-any means
tollantur, et eius rei initium in vestro iure iurando
be-removed and of-that thing the-beginning in your oath sworn
atque in Sex. Rosci periculo quaeri? Dubium est ad
and in Sextus Roscius' danger to-be-sought doubtful is-it to
quem maleficium pertineat, cum videatis ex altera parte
whom the-crime pertains when you-see on the-one side
sectorem, inimicum, sicarium eundemque accusatorem
a-buyer an-enemy an-assassin and-the-same-man accuser
hoc tempore, ex altera parte egentem, probatum
at-this time on the-other side a-needy-man approved
suis filium, in quo non modo culpa nulla sed ne
by-his-own a-son in whom not only guilt none but not
suspicio quidem potuit consistere? Numquid hic aliud
suspicion even could to-take-hold surely-not here anything-else
videtis obstare Roscio nisi quod patris bona
you-see to-stand-in-the-way to-Roscius except that his-father's goods
venierunt?
were-sold

153 Quod si id vos suscipitis et eam ad rem operam vestram
but if this you undertake and that to thing service your
profitemini, si idcirco sedetis ut ad vos adducantur
profess if for-this-reason you-sit that to you be-brought

eorum liberi quorum bona venierunt, cavete, per deos
of-those the-children whose goods were-sold beware by the-gods
immortalis! iudices, ne nova et multo crudelior per
immortal judges lest a-new and much more-cruel through
vos proscriptio instaurata esse videatur. Illam priorem
you proscription renewed to-have-been seem that earlier
quae facta est in eos qui arma capere potuerunt
which made was against those who arms to-take could
tamen senatus suscipere noluit, ne quid acrius quam
still the-senate to-sanction refused lest anything more-harshly than
more maiorum comparatum est publico consilio factum
by-the-custom of-the-ancestors established is by-public council done
videretur, hanc vero quae ad eorum liberos atque ad
might-seem this indeed which to their children and to
infantium puerorum incunabula pertinet nisi hoc iudicio
of-infant boys the-cradles extends unless by-this verdict
a vobis reicitis et aspernamini, videte, per deos
from you you-reject and spurn see by the-gods
immortalis! quem in locum rem publicam perventuram
immortal what into place the-thing public going-to-arrive
putetis!
you-think
Homines sapientes et ista auctoritate et potestate 154
men wise and with-that authority and power
praeditos qua vos estis ex quibus rebus maxime
endowed with-which you are from what things most
res publica laborat, eis maxime mederi convenit.
the-thing public suffers to-those most to-bring-remedy is-fitting
Vestrum nemo est quin intellegat populum Romanum
of-you no-one is but understands the-people Roman
qui quondam in hostis lenissimus existimabatur hoc
which once toward enemies most-gentle was-thought at-this

tempore domestica crudelitate laborare. Hanc tollite ex
time from-domestic cruelty to-suffer this remove from
civitate, iudices, hanc pati nolite diutius in hac re
the-state judges this allow do-not longer in this thing
publica versari; quae non modo id habet in se mali
public to-move which not only that has in itself of-evil
quod tot civis atrocissime sustulit verum etiam
that so-many citizens most-atrociously it-has-destroyed but also
hominibus lenissimis ademit misericordiam consuetudine
from-men most-gentle has-taken-away mercy by-familiarity
incommodorum. Nam cum omnibus horis aliquid atrociter
with-misfortunes for when at-all hours something atrociously
fieri videmus aut audimus, etiam qui natura mitissimi
to-be-done we-see or hear even we-who by-nature most-mild
sumus adsiduitate molestiarum sensum omnem humanitatis
are by-constancy of-troubles feeling all of-humanity
ex animis amittimus.
from our-minds we-lose

CICERO

Pro Cluentio

In Defense of Cluentius

PRO CLUENTIO

I · PREJUDICE AND CHARGE

The accuser's speech fell into two parts: the old prejudice of the Junian court, on which he chiefly relied, and the charges of poisoning, which alone belong to this court. Cicero will keep the same division. The charges are easy to answer; the prejudice, fit for stirred assemblies rather than courts, is hard. He asks the judges to bring no prejudgment from outside, to let reason shake any opinion they hold, and to hear him to the end.

Animum adverti, iudices, omnem accusatoris orationem in 1
attention I-have-turned judges the-whole of-the-accuser speech into
duas divisam esse partis, quarum altera mihi niti et magno
two divided to-be parts of-which the-one to-me to-rest and in-great
opere confidere videbatur invidia iam inveterata iudici
measure to-trust seemed on-the-prejudice now inveterate of-the-trial
Iuniani, altera tantum modo consuetudinis causa timide
Junian the-other so-much only of-custom for-the-sake timidly
et diffidenter attingere rationem venefici criminum, qua de
and diffidently to-touch the-question of-poisoning of-the-charges which about
re lege est haec quaestio constituta. Itaque mihi certum
thing by-law is this court established and-so to-me settled
est hanc eandem distributionem invidiae et criminum sic
it-is this same division of-prejudice and of-charges so
in defensione servare ut omnes intellegant nihil me nec
in the-defense to-keep that all may-understand nothing that-I neither
subterfugere voluisse reticendo nec obscurare dicendo.
to-evade to-have-wished by-keeping-silent nor to-obscure by-speaking
Sed cum considero quo modo mihi in utraque re sit 2
but when I-consider in-what manner by-me in each thing it-is
elaborandum, altera pars et ea quae propria est iudici
to-be-worked-out the-one part and that which proper is of-the-trial

vestri et legitimae venefici quaestionis per mihi brevis
your and of-the-lawful of-poisoning inquiry very to-me brief
et non magnae in dicendo contentionis fore videtur,
and not of-great in speaking effort going-to-be seems
altera autem quae procul ab iudicio remota est, quae
the-other however which far from the-court removed is which
contionibus seditiose concitatis accommodatior est quam
to-assemblies seditiously stirred more-suited is than
tranquillis moderatisque iudiciis, perspicio quantum in agendo
to-calm and-moderate courts I-see-clearly how-much in pleading
difficultatis et quantum laboris sit habitura.
of-difficulty and how-much of-labor it-is going-to-have

3 Sed in hac difficultate illa me res tamen, iudices, consolatur
but in this difficulty that me thing still judges consoles
quod vos de criminibus sic audire consuestis ut eorum
that you about charges so to-hear are-accustomed that of-them
omnium dissolutionem ab oratore quaeratis, ut non existimetis
all the-refutation from the-orator you-seek that not you-think
plus vos ad salutem reo largiri oportere quam quantum
more you for safety to-the-defendant to-grant to-be-proper than as-much-as
defensor purgandis criminibus consequi et dicendo probare
the-defender in-clearing the-charges to-attain and by-speaking to-prove
potuerit. De invidia autem sic inter nos disceptare debetis ut
has-been-able about prejudice however so among us to-decide you-ought that
non quid dicatur a nobis sed quid oporteat dici consideretis.
not what is-said by us but what ought to-be-said you-consider
Agitur enim in criminibus A. Cluenti proprium periculum,
is-at-stake for in the-charges of-Aulus Cluentius a-personal danger
in invidia causa communis. Quam ob rem alteram
in the-prejudice a-cause common which on-account-of thing the-one
partem causae sic agemus ut vos doceamus, alteram sic
part of-the-case so we-shall-plead that you we-may-instruct the-other so

ut oremus; in altera diligentia vestra nobis adiungenda est,
that we-may-entreat in the-one diligence your to-us to-be-joined is
in altera fides imploranda. Nemo est enim qui invidiae
in the-other good-faith to-be-implored no-one there-is for who prejudice
sine vestro ac sine talium virorum subsidio possit resistere.
without your and without of-such men support can to-resist
Equidem quod ad me attinet, quo me vertam nescio. 4
for-my-part as to me pertains where myself I-may-turn I-do-not-know
Negem fuisse illam infamiam iudici corrupti? negem
shall-I-deny to-have-been that infamy of-a-court corrupted shall-I-deny
esse illam rem agitatam in contionibus, iactatam in iudiciis,
to-have-been that thing discussed in assemblies tossed-about in courts
commemoratam in senatu? evellam ex animis hominum
recalled in the-senate shall-I-pluck from the-minds of-men
tantam opinionem, tam penitus insitam, tam vetustam? Non
so-great an-opinion so deeply implanted so old not
est nostri ingeni, vestri auxili est, iudices, huius innocentiae
is of-our talent of-your help it-is judges to-this-man's innocence
sic in hac calamitosa fama quasi in aliqua perniciosissima
so in this calamitous rumor as-if in some most-ruinous
flamma atque in communi incendio subvenire.
flame and in a-common conflagration to-come-to-the-aid
Etenim sicut aliis in locis parum firmamenti et parum 5
for-indeed as in-other in places too-little of-support and too-little
virium veritas habet, sic in hoc loco falsa invidia imbecilla
of-strength the-truth has so in this place false prejudice weak
esse debet. Dominetur in contionibus, iaceat in
to-be ought let-it-lord-it in assemblies let-it-lie-prostrate in
iudiciis; valeat in opinionibus ac sermonibus imperitorum,
courts let-it-prevail in the-opinions and talk of-the-ignorant
ab ingeniis prudentium repudietur; vehementis habeat
by the-intelligence of-the-wise let-it-be-rejected vehement let-it-have

repentinos impetus, spatio interposito et causa cognita
sudden onsets with-time interposed and with-the-case examined
consenescat; denique illa definitio iudiciorum aequorum quae
let-it-grow-old finally that definition of-courts fair which
nobis a maioribus tradita est retineatur, ut in iudiciis
to-us from the-ancestors handed-down has-been let-it-be-retained that in courts
et sine invidia culpa plectatur et sine culpa invidia ponatur.
both without prejudice guilt be-punished and without guilt prejudice be-laid-aside

6 Quam ob rem a vobis, iudices, ante quam de
which on-account-of thing from you judges before that about
ipsa causa dicere incipio, haec postulo, primum id quod
the-very case to-speak I-begin these-things I-demand first that which
aequissimum est ut ne quid huc praeiudicati adferatis —
most-fair is that not anything hither of-prejudgment you-bring
etenim non modo auctoritatem sed etiam nomen iudicum
for-indeed not only the-authority but also the-name of-judges
amittemus, nisi hic ex ipsis causis iudicabimus, si ad causas
we-shall-lose unless here from the-very cases we-judge if to the-cases
iudicia iam facta domo deferemus; — deinde si quam
judgments already made from-home we-shall-bring then if any
opinionem iam vestris mentibus comprehendistis, si eam ratio
opinion already in-your minds you-have-grasped if it reason
convellet, si oratio labefactabit, si denique veritas extorquebit,
will-uproot if speech will-shake if finally truth will-wrest-away
ne repugnetis eamque animis vestris aut libentibus aut
that-not you-resist and-it from-minds your either willing or
aequis remittatis; tum autem cum ego una quaque de re
even you-release then however when I one each about thing
dicam et diluam, ne ipsi quae contraria sint taciti
shall-speak and wash-away that-not yourselves what-things contrary may-be silently
cogitationi vestrae subiciatis sed ad extremum exspectetis
to-thought your you-put-forward but to the-end you-wait

meque meum dicendi ordinem servare patiamini; cum
and-me my of-speaking order to-keep you-allow when
peroraro, tum si quid erit praeteritum animo requiratis.
I-shall-have-finished then if anything will-be passed-over in-mind you-seek

II · THE CORRUPTED COURT

For eight years the case has been heard from one side only. Cluentius is said to have bribed the court that condemned Statius Albius Oppianicus. Cicero will show that Oppianicus came to trial on the gravest charges, already prejudged by the very judges who condemned him, and that the court was tampered with, but by Oppianicus against Cluentius. He begs young Oppianicus' pardon for speaking of his father, and begins the story: the elder Cluentius died when his son was fifteen, his daughter soon married her cousin Aulus Aurius Melinus, and her mother Sassia was seized by a wicked passion for her son-in-law.

Ego me, iudices, ad eam causam accedere quae iam per annos 7
I myself judges to that case to-approach which now for years
octo continuos ex contraria parte audiatur atque ipsa
eight continuous from the-opposite side has-been-heard and by-the-very
opinione hominum tacita prope convicta atque damnata
opinion of-men silent almost convicted and condemned
sit facile intellego; sed si qui mihi deus vestram ad
has-been easily I-understand but if some for-me god your toward
me audiendum benivolentiam conciliarit, efficiam profecto
me hearing goodwill will-have-won I-shall-bring-about surely
ut intellegatis nihil esse homini tam timendum quam
that you-understand nothing to-be for-a-man so to-be-feared as
invidiam, nihil innocenti suscepta invidia tam optandum
prejudice nothing for-an-innocent-man with-incurred prejudice so to-be-wished
quam aequum iudicium, quod in hoc uno denique falsae
as a-fair trial since in this one finally of-false

infamiae finis aliqui atque exitus reperiatur. Quam ob
infamy an-end some and outcome may-be-found which on-account-of
rem magna me spes tenet, si quae sunt in causa
thing great me hope holds if the-things-which are in the-case
explicare atque omnia dicendo consequi potuero, hunc locum
to-unfold and all by-speaking to-attain I-shall-be-able this place
consessumque vestrum, quem illi horribilem A. Cluentio ac
and-session your which they dreadful for-Aulus Cluentius and
formidolosum fore putaverunt, eum tandem eius fortunae
fearsome going-to-be thought it at-last of-his fortune
miserae multumque iactatae portum ac perfugium futurum.
wretched and-much tossed the-harbor and refuge going-to-be
8 Tametsi permulta sunt quae mihi, ante quam de causa
although very-many-things there-are which by-me before that about the-case
dico, de communibus invidiae periculis dicenda esse videantur,
I-speak about the-common of-prejudice dangers to-be-said to-be may-seem
tamen ne diutius oratione mea suspensa exspectatio vestra
still lest longer by-speech my suspended the-expectation your
teneatur adgrediar ad crimen cum illa deprecatione, iudices, qua
be-held I-shall-come to the-charge with that entreaty judges which
mihi saepius utendum esse intellego, sic ut me audiatis, quasi
by-me more-often to-be-used to-be I-understand so that me you-hear as-if
hoc tempore haec causa primum dicatur, sicuti dicitur,
at-this time this case for-the-first-time were-pleaded as it-is-pleaded
non quasi saepe iam dicta et numquam probata sit.
not as-if often already pleaded and never proved it-has-been
Hodierno enim die primum veteris istius criminis diluendi
on-today's for day first of-that old charge to-be-washed-away
potestas est data, ante hoc tempus error in hac causa
the-power has-been given before this time error in this case
atque invidia versata est. Quam ob rem, dum multorum
and prejudice moved has which on-account-of thing while of-many

annorum accusationi breviter dilucideque respondeo, quaeso ut
years accusation briefly and-clearly I-reply I-ask that
me, iudices, sicut facere instituistis, benigne attenteque audiatis.
me judges as to-do you-have-begun kindly and-attentively you-hear
Corrupisse dicitur A. Cluentius iudicium pecunia, 9
to-have-corrupted is-said Aulus Cluentius a-court with-money
quo inimicum innocentem, Statium Albium, condemnaret.
that his-enemy innocent Statius Albius he-might-condemn
Ostendam, iudices, primum, quoniam caput illius atrocitatis
I-shall-show judges first since the-head of-that atrocity
atque invidiae fuit innocentem pecunia circumventum, neminem
and prejudice it-was an-innocent-man by-money entrapped no-one
umquam maioribus criminibus gravioribus testibus esse
ever with-greater charges with-weightier witnesses to-have-been
in iudicium vocatum; deinde ea de eo praeiudicia esse
into court summoned then those about him prejudgments to-have-been
facta ab ipsis iudicibus a quibus condemnatus est ut non
made by the-very judges by whom condemned he-was that not
modo ab isdem sed ne ab aliis quidem ullis absolvi ullo
only by the-same but not by others even any to-be-acquitted in-any
modo posset. Cum haec docuero, tum illud ostendam
way he-could when these-things I-shall-have-taught then that I-shall-show
quod maxime requiri intellego iudicium illud pecunia
which most to-be-sought I-understand the-court that with-money
esse temptatum non a Cluentio sed contra Cluentium,
to-have-been tampered-with not by Cluentius but against Cluentius
faciamque ut intellegatis in tota illa causa quid
and-I-shall-bring-it-about that you-understand in the-whole that case what
res ipsa tulerit, quid error adfinxerit, quid invidia conflarit.
the-thing itself bore what error added what prejudice blew-up

10 Primum igitur illud est ex quo intellegi possit debuisse
first therefore that is from which to-be-understood it-can to-have-had-to
Cluentium magno opere causae confidere, quod certissimis
Cluentius in-great measure in-his-case to-trust that on-most-certain
criminibus et testibus fretus ad accusandum descenderit.
charges and witnesses relying to accusing he-came-down
Hoc loco faciendum mihi, iudices, est ut vobis breviter
this in-place to-be-done by-me judges it-is that to-you briefly
illa quibus Albius est condemnatus crimina exponam. Abs
those by-which Albius was condemned charges I-may-set-out from
te peto, Oppianice, ut me invitum de patris tui causa
you I-ask Oppianicus that me unwilling about of-your-father your the-case
dicere existimes adductum fide atque officio defensionis.
to-speak you-think led by-good-faith and by-the-duty of-the-defense
Etenim tibi si in praesentia non potuero, tamen multae
for-indeed to-you if at present not I-shall-be-able still many
mihi ad satis faciendum reliquo tempore facultates
to-me for enough doing in-the-remaining time opportunities
dabuntur; Cluentio nisi nunc satis fecero, postea
will-be-given to-Cluentius unless now satisfaction I-shall-have-made afterward
mihi satis faciendi potestas non erit. Simul et illud
for-me enough of-doing the-power not will-be at-the-same-time also this
quis est qui dubitare debeat contra damnatum et mortuum
who is-there who to-doubt ought against a-condemned and dead-man
pro incolumi et pro vivo dicere? Cum illi in quem
for one-safe and for one-living to-speak since from-him against whom
dicitur damnatio omne ignominiae periculum iam abstulerit,
it-is-spoken condemnation all of-disgrace danger already has-taken-away
mors vero etiam doloris; hic autem pro quo dicimus
death indeed even of-pain this-man however for whom we-speak

nihil possit offensionis accipere sine acerbissimo animi sensu
none can of-offense to-receive without the-most-bitter of-mind feeling
ac molestia et sine summo dedecore vitae et turpitudine.
and vexation and without the-utmost disgrace of-life and shame
Atque ut intellegatis Cluentium non accusatorio animo, 11
and that you-may-understand Cluentius not with-an-accuser's mind
non ostentatione aliqua aut gloria adductum, sed nefariis
not by-display any or glory led but by-wicked
iniuriis, cotidianis insidiis, proposito ante oculos vitae periculo
wrongs by-daily plots with-set before eyes of-life danger
nomen Oppianici detulisse, paulo longius exordium rei
the-name of-Oppianicus to-have-brought somewhat farther the-beginning of-the-thing
demonstrandae petam; quod quaeso, iudices, ne moleste
to-be-shown I-shall-seek which I-beg judges not resentfully
patiamini; principiis enim cognitis multo facilius extrema
you-may-bear with-the-beginnings for known much more-easily the-ends
intellegetis. A. Cluentius Habitus fuit, pater huiusce,
you-will-understand Aulus Cluentius Habitus was the-father of-this-man
iudices, homo non solum municipi Larinatis ex quo erat
judges a-man not only of-the-town of-Larinum from which he-was
sed etiam regionis illius et vicinitatis virtute, existimatione,
but also of-region that and neighborhood in-virtue in-reputation
nobilitate princeps. Is cum esset mortuus Sulla et Pompeio
in-nobility the-first he when he-had died with-Sulla and Pompeius
consulibus, reliquit hunc annos xv natum, grandem autem
as-consuls left this-man years fifteen born grown however
et nubilem filiam quae brevi tempore post patris
and marriageable a-daughter who in-a-short time after her-father's
mortem nupsit A. Aurio Melino, consobrino suo, adulescenti
death married Aulus Aurius Melinus cousin her a-young-man
in primis, ut tum habebatur, inter suos et honesto
among the-first as then he-was-held among his-own both honorable

et nobili. Cum essent eae nuptiae plenae dignitatis, plenae
and noble when were those nuptials full of-dignity full
concordiae, repente est exorta mulieris importunae nefaria
of-concord suddenly has arisen of-a-woman shameless a-wicked
libido non solum dedecore verum etiam scelere coniuncta.
lust not only with-disgrace but also with-crime joined
12 Nam Sassia, mater huius Habiti — mater enim a me in
for Sassia the-mother of-this Habitus mother for by me in
omni causa, tametsi in hunc hostili odio et crudelitate
the-whole case although toward this-man with-hostile hatred and cruelty
est, mater, inquam, appellabitur, neque umquam illa ita de
she-is mother I-say she-will-be-called nor ever she so about
suo scelere et immanitate audiet ut naturae nomen amittat;
her-own crime and monstrousness will-hear that of-nature the-name she-lose
quo enim est ipsum nomen amantius indulgentiusque
than-which for is the-very name more-loving and-more-indulgent
maternum, hoc illius matris quae multos iam annos et nunc
maternal this of-that mother who many now years and now
cum maxime filium interfectum cupit singulare scelus
at-this very-moment her-son killed desires the-unparalleled crime
maiore odio dignum esse ducetis. Ea igitur mater Habiti,
of-greater hatred worthy to-be you-will-consider she therefore the-mother of-Habitus
Melini illius adulescentis, generi sui, contra quam fas erat
of-Melinus that young-man son-in-law her against than right it-was
amore capta primo, neque id ipsum diu, quoquo modo
by-love seized at-first not that itself long in-whatever way
poterat in illa cupiditate continebatur; deinde ita flagrare coepit
she-could in that desire was-restrained then so to-blaze she-began
amentia, sic inflammata ferri libidine ut eam non pudor,
with-madness so inflamed to-be-carried by-lust that her not shame

non pietas, non macula familiae, non hominum fama, non
not filial-piety not the-stain of-the-family not of-men the-talk not
fili dolor, non filiae maeror a cupiditate revocaret.
her-son's grief not her-daughter's sorrow from desire could-call-back

III · SASSIA

Sassia seduced the young Melinus, and her daughter, tormented by her mother's adultery, wept in her brother's arms. When the daughter was divorced, Sassia married him in the very house, in the bed she had spread for her daughter's wedding. Cluentius bore the disgrace and resolved only to cease treating her as a mother. Cicero speaks of a mother only because her crimes are the whole cause of this trial: she raised the accusation, equips the witnesses, and has hurried to Rome to see her son destroyed.

Animum adulescentis nondum consilio ac ratione firmatum 13
the-mind of-the-young-man not-yet by-counsel and reason strengthened
pellexit eis omnibus rebus quibus illa aetas capi ac
she-enticed by-those all things by-which that age to-be-captured and
deleniri potest. Filia, quae non solum illo communi
to-be-charmed can the-daughter who not only by-that common
dolore muliebri in eius modi viri iniuriis angeretur sed
grief of-women in of-that kind of-a-husband wrongs was-tormented but
nefarium matris paelicatum ferre non posset de quo ne
the-wicked of-her-mother concubinage to-bear not could about which not
queri quidem se sine scelere posse arbitraretur, ceteros
to-complain even herself without crime to-be-able thought the-others
sui tanti mali ignaros esse cupiebat; in huius amantissimi sui
of-her so-great evil ignorant to-be wished in this most-loving her
fratris manibus et gremio maerore et lacrimis consenescebat.
brother's hands and lap in-sorrow and tears was-wasting-away

14 Ecce autem subitum divortium quod solacium malorum
behold however a-sudden divorce which a-solace of-evils
omnium fore videbatur! Discedit a Melino Cluentia ut
all going-to-be seemed departs from Melinus Cluentia as
in tantis iniuriis non invita, ut a viro non libenter.
in so-great wrongs not unwilling as from a-husband not gladly
Tum vero illa egregia ac praeclara mater palam exsultare
then indeed that excellent and splendid mother openly to-exult
laetitia, triumphare gaudio coepit, victrix filiae non
with-joy to-triumph with-gladness began victorious over-her-daughter not
libidinis; diutius suspicionibus obscuris laedi famam suam
over-her-lust longer by-suspicions obscure to-be-harmed reputation her
noluit; lectum illum genialem quem biennio ante filiae
she-refused the-bed that nuptial which two-years before for-her-daughter
suae nubenti straverat, in eadem domo sibi ornari
her marrying she-had-spread in the-same house for-herself to-be-adorned
et sterni expulsa atque exturbata filia iubet. Nubit
and to-be-spread with-driven-out and thrust-out daughter she-orders marries
genero socrus nullis auspicibus, nullis auctoribus,
her-son-in-law the-mother-in-law with-no auspices with-no sponsors
funestis ominibus omnium.
with-deadly omens of-all

15 O mulieris scelus incredibile et praeter hanc unam in
O of-the-woman crime incredible and beyond this one in
omni vita inauditum! O libidinem effrenatam et indomitam!
all life unheard-of O lust unbridled and untamed
O audaciam singularem! Nonne timuisse, si minus vim
O audacity unparalleled surely to-have-feared if less the-power
deorum hominumque famam, at illam ipsam noctem facesque
of-the-gods and-of-men the-talk yet that very night and-torches
illas nuptialis, non limen cubiculi, non cubile filiae,
those nuptial not the-threshold of-the-bedroom not the-bed of-her-daughter

non parietes denique ipsos superiorum testis nuptiarum?
not the-walls finally themselves of-the-earlier witnesses of-marriage
Perfregit ac prostravit omnia cupiditate ac furore; vicit
she-broke-through and laid-low all-things by-desire and frenzy conquered
pudorem libido, timorem audacia, rationem amentia.
shame lust fear audacity reason madness
Tulit hoc commune dedecus familiae, cognationis, nominis 16
bore this common disgrace of-the-family of-the-kin of-the-name
graviter filius; augebatur autem eius molestia cotidianis
heavily the-son was-increased however his vexation by-the-daily
querimoniis et adsiduo fletu sororis; statuit tamen nihil
complaints and constant weeping of-his-sister he-decided still nothing
sibi in tantis iniuriis ac tanto scelere matris gravius
for-himself in so-great wrongs and so-great crime of-his-mother more-severe
esse faciendum quam ut illa ne uteretur, ne quae
to-be to-be-done than that her not he-should-treat-as-mother lest what-things
videre sine summo animi dolore non poterat, ea, si matre
to-see without the-greatest of-mind pain not he-could those if his-mother
uteretur, non solum videre verum etiam probare suo
he-treated-as-mother not only to-see but also to-approve by-his-own
iudicio putaretur.
judgment he-be-thought
Initium quod huic cum matre fuerit simultatis audistis. 17
the-beginning which to-this-man with his-mother was of-the-quarrel you-have-heard
Pertinuisse hoc ad causam tum cum reliqua cognoveritis
to-have-pertained this to the-case then when the-rest you-will-have-learned
intellegetis. Nam illud me non praeterit, cuiuscumque modi
you-will-understand for that me not escapes of-whatever kind
sit mater, tamen in iudicio fili de turpitudine parentis
be the-mother still in the-trial of-the-son about the-shame of-the-parent
dici vix oportere. Non essem ad ullam causam idoneus,
to-be-spoken scarcely it-is-proper not I-should-be for any case fit

iudices, si hoc quod in communibus hominum sensibus atque in
judges if this which in common of-men feelings and in
ipsa natura positum atque infixum est, id ego, qui ad hominum
itself nature placed and fixed is that I who to men's
pericula defendenda adiungerer, non viderem; facile intellego
dangers to-be-defended was-attached not saw easily I-understand
non modo reticere homines parentum iniurias sed etiam
not only to-keep-silent men parents' wrongs but even
animo aequo ferre oportere. Sed ego ea quae ferri
with-mind even to-bear to-be-proper but I those-things which to-be-borne
possunt ferenda, quae taceri tacenda esse arbitror.
can to-be-borne which to-be-kept-silent to-be-kept-silent to-be I-think

18 Nihil in vita vidit calamitatis A. Cluentius, nullum
nothing in his-life saw of-calamity Aulus Cluentius no
periculum mortis adiit, nihil mali timuit quod non totum
danger of-death he-incurred nothing of-evil he-feared which not wholly
a matre esset conflatum et profectum. Quae hoc tempore
by his-mother had-been contrived and set-going she at-this time
sileret omnia atque ea, si oblivione non posset, tamen
would-keep-silent all-things and those if by-oblivion not she-could still
taciturnitate sua tecta esse pateretur; sed vero sic agitur
by-silence her-own covered to-be would-allow but indeed so it-is-done
ut prorsus reticere nullo modo possit. Hoc enim ipsum
that altogether to-keep-silent in-no way she-can this for very
iudicium, hoc periculum, illa accusatio, illa omnis testium
trial this danger that accusation that whole of-witnesses
copia quae futura est a matre initio est adornata,
supply which going-to-be is by his-mother from-the-beginning has-been equipped
a matre hoc tempore instruitur atque omnibus eius opibus
by his-mother at-this time is-being-furnished and with-all her means
et copiis comparatur. Ipsa denique nuper Larino huius
and resources is-being-prepared she-herself finally lately from-Larinum of-this-man

opprimendi causa Romam advolavit; praesto est mulier audax,
to-be-crushed for-the-sake to-Rome flew-in at-hand is a-woman audacious
pecuniosa, crudelis, instituit accusatores, instruit testis, squalore
moneyed cruel she-sets-up accusers furnishes witnesses in-the-squalor
huius et sordibus laetatur, exitium exoptat, sanguinem suum
of-this-man and mourning she-rejoices his-ruin she-longs-for blood her-own
profundere omnem cupit, dum modo profusum huius ante
to-pour-out all she-desires provided only poured-out his first
videat. Haec nisi omnia perspexeritis in causa, temere a
she-may-see these-things unless all you-will-have-perceived in the-case rashly by
nobis illam appellari putatote; sin erunt et aperta
us that-woman to-be-called-to-account think but-if they-will-be both open
et nefaria, Cluentio ignoscere debebitis, quod haec a
and wicked Cluentius to-pardon you-will-be-obliged that these-things by
me dici patiatur; mihi ignoscere non deberetis, si tacerem.
me to-be-said he-allows me to-pardon not you-ought if I-were-silent

Cluentius accused Oppianicus because he caught him preparing poison for him. Oppianicus' past shows the man. When Dinaea learned that her lost son Marcus Aurius was alive as a slave in the Gallic district of Italy, she charged her kin to find him and died leaving him a legacy. Oppianicus bribed the informer and had the young man killed. Aulus Aurius threatened to prosecute, and Oppianicus fled to Metellus' camp; under Sulla he returned with soldiers, removed the town's commissioners, and had the Aurii and his own go-between Vibius proscribed and killed.

19 Nunc iam summatim exponam quibus criminibus Oppianicus
now already summarily I-shall-set-out on-what charges Oppianicus
damnatus sit ut et constantiam A. Cluenti et rationem
condemned was that both the-consistency of-Aulus Cluentius and the-method
accusationis perspicere possitis. Ac primum causa
of-the-accusation to-perceive you-may-be-able and first the-reason
accusandi quae fuerit ostendam ut id ipsum A. Cluentium
for-accusing which it-was I-shall-show that that itself Aulus Cluentius
vi ac necessitate coactum fecisse videatis.
by-force and necessity compelled to-have-done you-may-see

20 Cum manifesto venenum deprehendisset quod vir matris
when manifestly the-poison he-had-caught which the-husband of-his-mother
Oppianicus ei paravisset, et res non coniectura sed oculis
Oppianicus for-him had-prepared and the-thing not by-conjecture but with-eyes
et manibus teneretur, neque in causa ulla dubitatio posset esse,
and hands was-held nor in the-case any doubt could be
accusavit Oppianicum; quam constanter et quam diligenter
he-accused Oppianicus how consistently and how diligently
postea dicam; nunc hoc scire vos volui, nullam huic aliam
later I-shall-say now this to-know you I-wished no for-this-man other
accusandi causam fuisse nisi uti propositum vitae periculum
for-accusing reason to-have-been except that the-set of-life danger

et cotidianas capitis insidias hac una ratione vitaret.
and the-daily of-his-life plots by-this one means he-might-escape
Atque ut intellegatis eis accusatum esse criminibus
and that you-may-understand on-those accused to-have-been charges
Oppianicum ut neque accusator timere neque reus
Oppianicus that neither the-accuser to-fear nor the-defendant
sperare debuerit, pauca vobis illius iudici crimina exponam;
to-hope ought few to-you of-that trial charges I-shall-set-out
quibus cognitis nemo vestrum mirabitur illum diffidentem
which known no-one of-you will-wonder him distrusting
rebus suis ad Staienum atque ad pecuniam confugisse.
affairs his-own to Staienus and to money to-have-fled
Larinas quaedam fuit Dinaea, socrus Oppianici, 21
of-Larinum a-certain there-was Dinaea the-mother-in-law of-Oppianicus
quae filios habuit M. et N. Aurios et Cn. Magium
who sons had Marcus and Numerius Aurius and Gnaeus Magius
et filiam Magiam nuptam Oppianico. M. Aurius
and a-daughter Magia married to-Oppianicus Marcus Aurius
adulescentulus bello Italico captus apud Asculum in
a-young-lad in-the-war Italian captured at Asculum into
Q. Sergi senatoris, eius qui inter sicarios damnatus est,
Quintus Sergius' the-senator's that who on assassination condemned was
manus incidit et apud eum fuit in ergastulo. N. autem
the-hands fell and with him was in the-slave-prison Numerius however
Aurius, frater eius, mortuus est heredemque Cn. Magium
Aurius brother his died has and-as-heir Gnaeus Magius
fratrem reliquit. Postea Magia, uxor Oppianici, mortua est.
his-brother left afterward Magia the-wife of-Oppianicus died has
Postremo unus qui reliquus erat Dinaeae filius Cn. Magius
finally the-one who remaining was of-Dinaea son Gnaeus Magius
est mortuus. Is heredem fecit illum adulescentulum
has died he heir made that young-lad

Oppianicum, sororis suae filium, eumque partiri cum Dinaea
Oppianicus of-sister his the-son and-him to-share with Dinaea
matre iussit. Interim venit index ad Dinaeam neque
his-mother ordered meanwhile came an-informer to Dinaea neither
obscurus neque incertus qui nuntiaret ei filium eius,
obscure nor uncertain who announced to-her son her
M. Aurium, vivere et in agro Gallico esse in servitute.
Marcus Aurius to-be-alive and in the-district Gallic to-be in slavery
22 Mulier amissis liberis, cum unius reciperandi fili spes
the-woman with-lost children when of-one being-recovered son the-hope
esset ostentata, omnis suos propinquos filique sui
had-been shown all her relatives and-of-son her
necessarios convocavit et ab eis flens petivit ut negotium
the-connections called-together and from them weeping asked that the-business
susciperent, adulescentem investigarent, sibi restituerent
they-should-undertake the-young-man track-down to-her restore
eum filium quem tamen unum ex multis fortuna reliquum
that son whom still alone of many fortune remaining
esse voluisset. Haec cum agere instituisset, oppressa morbo
to-be had-wished these-things when to-do she-had-begun overwhelmed by-disease
est. Itaque testamentum fecit eius modi ut illi filio HS
she-was and-so a-will she-made of-such kind that to-that son sesterces
cccc milia legaret, heredem institueret eundem illum
four-hundred thousand she-left-in-legacy heir appointed the-same that
Oppianicum, nepotem suum; atque eis diebus paucis est
Oppianicus grandson her and in-those days few has
mortua. Propinqui tamen illi, quem ad modum viva Dinaea
died the-relatives still those in-what to manner with-living Dinaea
instituerant, ita mortua illa ad investigandum M. Aurium
they-had-begun so with-dead her to tracking-down Marcus Aurius
cum eodem illo indice in agrum Gallicum profecti sunt.
with the-same that informer into the-district Gallic set-out have

Interim Oppianicus ut erat, sicuti multis ex rebus reperietis, 23
meanwhile Oppianicus as he-was as from-many of things you-will-find
singulari scelere et audacia, per quendam Gallicanum,
of-unparalleled crime and audacity through a-certain Gallicanus
familiarem suum, primum illum indicem pecunia corrupit,
friend his first that informer with-money corrupted
deinde ipsum M. Aurium non magna iactura facta
then the-very Marcus Aurius not with-great expense made
tollendum interficiendumque curavit. Illi autem qui erant ad
to-be-removed and-to-be-killed arranged they however who had to
propinquum investigandum et reciperandum profecti litteras
the-relative to-be-tracked-down and to-be-recovered set-out a-letter
Larinum ad Aurios, illius adulescentis suosque necessarios,
to-Larinum to the-Aurii of-that young-man and-their-own connections
mittunt sibi difficilem esse investigandi rationem, quod
send for-themselves difficult to-be of-tracking-down the-means because
intellegerent indicem ab Oppianico esse corruptum.
they-understood the-informer by Oppianicus to-have-been corrupted
Quas litteras A. Aurius, vir fortis et experiens et domi
which letter Aulus Aurius a-man brave and energetic and at-home
nobilis et M. illius Auri perpropinquus, in foro
noble and of-Marcus that Aurius a-very-near-relative in the-forum
palam multis audientibus, cum adesset Oppianicus, recitat
openly with-many listening when was-present Oppianicus reads-aloud
et clarissima voce se nomen Oppianici, si interfectum
and with-a-very-clear voice that-be the-name of-Oppianicus if killed
M. Aurium esse comperisset, delaturum esse testatur.
Marcus Aurius to-have-been he-had-learned going-to-bring to-be declares
Interim brevi tempore illi qui erant in agrum 24
meanwhile in-a-short time those who had into the-district
Gallicum profecti Larinum revertuntur; interfectum esse
Gallic set-out to-Larinum return killed to-have-been

M. Aurium nuntiant. Animi non solum propinquorum
Marcus Aurius they-announce the-minds not only of-the-relatives
sed etiam omnium Larinatium odio Oppianici et
but also of-all the-people-of-Larinum by-hatred of-Oppianicus and
illius adulescentis misericordia commoventur. Itaque cum
of-that young-man by-pity are-moved and-so when
A. Aurius is qui antea denuntiarat clamore hominem ac
Aulus Aurius he who before had-given-notice with-shouting the-man and
minis insequi coepisset, Larino profugit et se in
with-threats to-pursue had-begun from-Larinum he-fled and himself into
castra clarissimi viri, Q. Metelli, contulit.
the-camp of-the-most-illustrious man Quintus Metellus betook
25 Post illam autem fugam sceleris et conscientiae testem
after that however flight of-the-crime and of-the-conscience the-witness
numquam se iudiciis, numquam legibus, numquam inermem
never himself to-the-courts never to-the-laws never unarmed
inimicis committere ausus est sed per illam L. Sullae
to-his-enemies to-entrust dared he-has but through that of-Lucius Sulla
vim atque victoriam Larinum in summo timore omnium
violence and victory to-Larinum in the-utmost fear of-all
cum armatis advolavit; quattuorviros quos municipes fecerant
with armed-men he-flew-in the-four-commissioners whom the-townsmen had-made
sustulit; se a Sulla et alios praeterea tris factos esse
he-removed himself by Sulla and others besides three made to-have-been
dixit et ab eodem sibi esse imperatum ut A. Aurium
he-said and by the-same to-himself to-have-been ordered that Aulus Aurius
illum qui sibi delationem nominis et capitis periculum
that who to-him a-prosecution of-the-name and of-his-life danger
ostentarat, et alterum A. Aurium et eius L. filium
had-held-out and the-other Aulus Aurius and his Lucius son
et Sex. Vibium quo sequestre in illo indice corrumpendo
and Sextus Vibius whom as-go-between in that informer corrupting

dicebatur esse usus, proscribendos interficiendosque curaret.
he-was-said to-have used to-be-proscribed and-to-be-killed he-should-see-to
Itaque illis crudelissime interfectis non mediocri ab eo
and-so with-them most-cruelly killed not with-moderate by him
ceteri proscriptionis et mortis metu terrebantur. His rebus
the-others of-proscription and of-death fear were-terrified with-these things
in causa iudicioque patefactis quis est qui illum absolvi
in the-case and-the-trial laid-open who is-there who him to-be-acquitted
potuisse arbitretur? Atque haec parva sunt; cognoscite
to-have-been-able may-think and these-things small are learn
reliqua ut non aliquando condemnatum esse Oppianicum
the-rest that not at-some-time condemned to-have-been Oppianicus
sed aliquam diu incolumem fuisse miremini.
but some long-time safe to-have-been you-may-wonder

V · THE MARRIAGE BOUGHT WITH CHILDREN

Oppianicus wished to marry Sassia; she objected that he had three sons. He summoned one from his mother at Teanum, and the boy, well at the eleventh hour, was dead before night and burned before dawn; within ten days the infant son was killed too. So Sassia married him, consoled not with gifts but with funerals. Those who judged him heard all this from the accusers and the witnesses, not in summary as the jury hears it now. Cicero hurries on through the rest: Oppianicus poisoned his wife Cluentia, Habitus' aunt, who cried out as she drank that she was dying, and with the same poison his brother Gaius.

Primum videte hominis audaciam. Sassiam in matrimonium 26
first see of-the-man the-audacity Sassia in marriage
ducere, Habiti matrem — illam cuius virum A. Aurium
to-lead of-Habitus the-mother her whose husband Aulus Aurius
occiderat — concupivit. Utrum impudentior hic qui postulet,
he-had-killed he-desired whether more-shameless he who demands

an crudelior illa, si nubat, difficile dictu est; sed tamen
or more-cruel she if she-marries difficult to-say is but still
utriusque humanitatem constantiamque cognoscite.
of-each the-humanity and-consistency learn

27 Petit Oppianicus ut sibi Sassia nubat et id magno
asks Oppianicus that him Sassia marry and that in-great
opere contendit. Illa autem non admiratur audaciam, non
measure he-presses she however not wonders-at the-audacity not
impudentiam aspernatur, non denique illam Oppianici domum
the-shamelessness spurns not finally that of-Oppianicus house
viri sui sanguine redundantem reformidat, sed quod
of-husband her with-blood overflowing dreads but because
haberet ille tris filios, idcirco se ab eis nuptiis abhorrere
had he three sons for-that-reason herself from those nuptials to-shrink
respondit. Oppianicus, qui pecuniam Sassiae concupivisset,
she-answered Oppianicus who the-money of-Sassia had-coveted
domo sibi quaerendum remedium existimavit ad eam
at-home for-himself to-be-sought a-remedy thought for that
moram quae nuptiis adferebatur. Nam cum haberet ex Novia
delay which to-the-nuptials was-being-brought for since he-had by Novia
infantem filium, alter autem eius filius Papia natus Teani,
an-infant son the-other however his son by-Papia born at-Teanum
quod abest ab Larino xviii milia passuum, apud matrem
which is-distant from Larinum eighteen thousand of-paces with his-mother
educaretur, arcessit subito sine causa puerum Teano,
was-being-brought-up he-summons suddenly without cause the-boy from-Teanum
quod facere nisi ludis publicis aut festis diebus antea non
which to-do except at-the-games public or on-festal days before not
solebat. Mater misera nihil mali suspicans mittit. Ille
he-was-accustomed the-mother wretched nothing of-evil suspecting sends-him he
se Tarentum proficisci cum simulasset, eo ipso die puer,
himself to-Tarentum to-set-out when he-had-pretended on-that very day the-boy

cum hora undecima in publico valens visus esset, ante
when at-the-hour eleventh in public well seen he-had-been before
noctem mortuus et postridie ante quam luceret combustus est.
night dead and the-next-day before that it-was-light burned was
Atque hunc tantum maerorem matri prius hominum rumor 28
and this so-great grief to-the-mother sooner of-men the-rumor
quam quisquam ex Oppianici familia nuntiavit. Illa cum
than anyone from Oppianicus' household announced she when
uno tempore audisset sibi non solum filium sed etiam
at-one time she-had-heard from-herself not only her-son but also
exsequiarum munus ereptum, Larinum confestim exanimata
of-the-funeral the-office snatched to-Larinum at-once lifeless
venit et ibi de integro funus iam sepulto filio fecit. Dies
came and there from the-start a-funeral already for-the-buried son made days
nondum decem intercesserant cum ille alter filius infans necatur.
not-yet ten had-intervened when that other son an-infant is-killed
Itaque nubit Oppianico continuo Sassia laetanti iam animo et
and-so marries Oppianicus forthwith Sassia rejoicing now in-mind and
spe optime confirmato, nec mirum quae se non nuptialibus
in-hope best strengthened nor surprising who herself not by-nuptial
donis sed filiorum funeribus esse delenitam videret. Ita,
gifts but of-sons by-funerals to-have-been soothed saw so
quod ceteri propter liberos pecuniae cupidiores solent esse,
whereas the-others on-account-of their-children of-money more-desirous are-wont to-be
ille propter pecuniam liberos amittere iucundum esse duxit.
he on-account-of money his-children to-lose pleasant to-be thought
Sentio, iudices, vos pro vestra humanitate his tantis 29
I-perceive judges you according-to your humanity by-these so-great
sceleribus breviter a me demonstratis vehementer esse
crimes briefly by me shown vehemently to-have-been
commotos. Quo tandem igitur animo fuisse illos
moved with-what pray therefore mind to-have-been those

arbitramini quibus his de rebus non modo audiendum fuit
do-you-think by-whom these about things not only to-be-heard it-was
verum etiam iudicandum? Vos auditis de eo in quem
but also to-be-judged you hear about him over whom
iudices non estis, de eo quem non videtis, de eo quem
judges not you-are about him whom not you-see about him whom
odisse iam non potestis, de eo qui et naturae et legibus
to-hate now not you-can about him who both to-nature and to-the-laws
satis fecit, quem leges exsilio, natura morte multavit,
satisfaction has-made whom the-laws with-exile nature with-death has-punished
auditis non ab inimico, auditis sine testibus, auditis cum
you-hear not from an-enemy you-hear without witnesses you-hear when
ea quae copiosissime dici possunt breviter strictimque
those-things which most-fully to-be-said can briefly and-cursorily
dicuntur. Illi audiebant de eo de quo iurati sententias ferre
are-said they heard about him about whom sworn verdicts to-bring
debebant, de eo cuius praesentis nefarium et consceleratum
they-ought about him whose present wicked and criminal
voltum intuebantur, de eo quem omnes oderant propter
face they-were-gazing-at about him whom all hated on-account-of
audaciam, de eo quem omni supplicio dignum esse ducebant;
his-audacity about him whom of-every punishment worthy to-be they-thought
audiebant ab accusatoribus, audiebant verba multorum
they-heard from the-accusers they-heard the-words of-many
testium, audiebant cum una quaque de re a P. Cannutio,
witnesses they-heard when one each about thing by Publius Cannutius
homine eloquentissimo, graviter et diu diceretur.
a-man most-eloquent weightily and long it-was-spoken
30 Et est quisquam qui, cum haec cognoverit, suspicari
and is-there anyone who when these-things he-has-learned to-suspect
possit Oppianicum iudicio oppressum et circumventum
could Oppianicus by-the-court crushed and entrapped

esse innocentem? Acervatim reliqua iam, iudices, dicam
to-have-been innocent in-heaps the-rest now judges I-shall-say
ut ad ea quae propiora huiusce causae et adiunctiora
that to those-things which nearer to-this case and more-connected
sunt perveniam. Vos, quaeso, memoria teneatis non mihi hoc
are I-may-come you I-ask in-memory may-hold not to-me this
esse propositum ut accusem Oppianicum mortuum sed, cum
to-be the-purpose that I-should-accuse Oppianicus dead but since
hoc persuadere vobis velim, iudicium ab hoc non esse
this to-persuade you I-wish the-court by this-man not to-have-been
corruptum, hoc uti initio ac fundamento defensionis,
corrupted this as the-beginning and foundation of-the-defense
Oppianicum, hominem sceleratissimum et nocentissimum,
Oppianicus a-man most-wicked and most-guilty
esse damnatum. Qui uxori suae Cluentiae, quae amita
to-have-been condemned who to-wife his Cluentia who the-aunt
huius Habiti fuit, cum ipse poculum dedisset, subito illa in
of-this Habitus was when himself a-cup he-had-given suddenly she in
media potione exclamavit se maximo cum dolore emori
mid draft cried-out that-she the-greatest with pain was-dying
nec diutius vixit quam locuta est; nam in ipso sermone
nor longer lived than spoken she-had for in the-very talk
hoc et vociferatione mortua est. Et ad hanc mortem
this and outcry died she-has and to this death
repentinam vocemque morientis omnia praeterea quae solent
sudden and-the-cry of-the-dying all besides which are-wont
esse indicia et vestigia veneni in illius mortuae corpore
to-be signs and traces of-poison in that dead-woman's body
fuerunt. Eodemque veneno C. Oppianicum fratrem necavit.
were and-with-the-same poison Gaius Oppianicus his-brother he-killed

Even his brother's murder Oppianicus prepared by other crimes: he first poisoned the brother's pregnant wife Auria so that the child should not inherit, and the brother died trying to change his will. A woman of Miletus who took money to abort her child was condemned to death; Oppianicus, who killed many in one body, deserves worse. Gnaeus Magius, suspecting him, left his own pregnant wife a legacy if she bore the child, but she took Oppianicus' bribe to abort, and five months after the death married him.

31 Neque est hoc satis; tametsi in ipso fraterno parricidio
nor is this enough although in the-very fraternal parricide
nullum scelus praetermissum videtur, tamen ut ad hoc
no crime passed-over seems still that to this
nefarium facinus accederet aditum sibi aliis sceleribus
wicked deed he-might-come an-approach for-himself by-other crimes
ante munivit. Nam cum esset gravida Auria, fratris uxor, et
before he-built for when was pregnant Auria of-his-brother the-wife and
iam appropinquare partus putaretur, mulierem veneno interfecit
now to-approach the-birth was-thought the-woman by-poison he-killed
ut una illud quod erat ex fratre conceptum necaretur.
that together that which was from his-brother conceived might-be-killed
Post fratrem adgressus est; qui sero iam exhausto illo poculo
after his-brother attacked he-has who late now with-drained that cup
mortis, cum et de suo et de uxoris interitu clamaret
of-death when both about his-own and about his-wife's death he-was-crying-out
testamentumque mutare cuperet, in ipsa significatione huius
and-his-will to-change desired in the-very indication of-this
voluntatis est mortuus. Ita mulierem ne partu eius ab
wish he-has died so the-woman lest by-the-birth her from
hereditate fraterna excluderetur necavit; fratris autem
the-inheritance of-his-brother he-be-shut-out he-killed of-his-brother however

liberos prius vita privavit quam illi hanc a natura lucem
the-children sooner of-life he-deprived than they this from nature light
accipere potuerunt; ut omnes intellegerent nihil ei clausum,
to-receive could that all might-understand nothing to-him shut
nihil sanctum esse posse a cuius audacia fratris liberos
nothing sacred to-be able from whose audacity of-a-brother the-children
ne materni quidem corporis custodiae tegere potuissent.
not of-the-mother's even body the-guardianship to-shelter had-been-able
Memoria teneo Milesiam quandam mulierem, cum essem in 32
in-memory I-hold a-Milesian certain woman when I-was in
Asia, quod ab heredibus secundis accepta pecunia partum
Asia because from heirs reversionary received money the-birth
sibi ipsa medicamentis abegisset, rei capitalis esse
for-herself herself by-drugs had-aborted on-a-charge capital to-have-been
damnatam; nec iniuria quae spem parentis, memoriam
condemned nor without-cause who the-hope of-the-parent the-memory
nominis, subsidium generis, heredem familiae, designatum
of-the-name the-support of-the-family the-heir of-the-household designated
rei publicae civem sustulisset. Quanto est Oppianicus
for-the-thing public a-citizen had-destroyed by-how-much is Oppianicus
in eadem iniuria maiore supplicio dignus! Si quidem illa,
in the-same wrong of-greater punishment worthy if indeed she
cum suo corpori vim attulisset, se ipsa cruciavit,
when on-her-own body violence she-had-brought herself she-herself tortured
hic autem idem illud effecit per alieni corporis
he however the-same that brought-about through of-another's body
mortem atque cruciatum. Ceteri non videntur in singulis
the-death and torture the-others not seem in single
hominibus multa parricidia suscipere posse, Oppianicus
persons many parricides to-undertake to-be-able Oppianicus
inventus est qui in uno corpore pluris necaret.
found was who in one body more might-kill

33 Itaque cum hanc eius consuetudinem audaciamque cognosset
and-so when this his habit and-audacity had-learned
avunculus illius adulescentis Oppianici, Cn. Magius, isque,
the-uncle of-that young-man Oppianicus Gnaeus Magius and-he
cum gravi morbo adfectus esset, heredem illum sororis suae
when by-a-serious illness affected he-was heir that of-his-sister his
filium faceret, amicis adhibitis praesente matre sua Dinaea
son should-make with-friends summoned with-present mother his Dinaea
uxorem suam interrogavit essetne praegnas. Quae cum
wife his asked whether-she-were pregnant who when
se esse respondisset, ab ea petivit ut se mortuo apud
herself to-be had-answered from her he-asked that with-himself dead with
Dinaeam — quae tum ei mulieri socrus erat — quoad
Dinaea who then to-that woman mother-in-law was until
pareret habitaret diligentiamque adhiberet ut id quod
she-should-give-birth she-should-live and-diligence apply that that which
conceperat servare et salvum parere posset. Itaque ei
she-had-conceived to-keep and safe to-bring-forth she-could and-so to-her
testamento legat grandem pecuniam a filio si qui natus
in-the-will he-leaves a-large sum-of-money from the-son if any born
esset; ab secundo herede nil legat. Quid de Oppianico
should-be from the-reversionary heir nothing he-leaves what about Oppianicus
suspicatus sit videtis; quid iudicarit obscurum non est.
suspected he-has you-see what he-judged obscure not is
34 Nam cuius filium faceret heredem, eum tutorem liberis
for whose son he-was-making heir him guardian to-his-children
non adscripsit. Quid Oppianicus fecerit cognoscite ut illum
not he-named-in-writing what Oppianicus did learn that that
Magium intellegatis non longe animo prospexisse morientem.
Magius you-may-understand not far in-mind to-have-foreseen dying
Quae pecunia mulieri legata erat a filio, si qui natus
which money to-the-woman bequeathed had-been from the-son if any born

esset, eam praesentem Oppianicus non debitam mulieri
should-be that ready-cash Oppianicus not owed to-the-woman
solvit, si haec solutio legatorum et non merces abortionis
paid if this payment of-legacies and not the-fee of-an-abortion
appellanda est. Quo illa pretio accepto multisque praeterea
to-be-called is with-which she price received and-many besides
muneribus quae tum ex tabulis Oppianici recitabantur spem
gifts which then from the-accounts of-Oppianicus were-read-out the-hope
illam quam in alvo commendatam a viro continebat
that which in her-womb entrusted by her-husband she-contained
victa avaritia sceleri Oppianici vendidit. Nihil posse iam
overcome by-avarice to-the-crime of-Oppianicus sold nothing to-be-able now
ad hanc improbitatem addi videtur; attendite exitum.
to this wickedness to-be-added seems attend-to the-outcome
Quae mulier obtestatione viri decem illis mensibus ne 35
which woman by-the-entreaty of-her-husband in-ten those months not
domum quidem ullam nisi socrus suae nosse debuit,
house even any except of-mother-in-law her to-know ought
haec quinto mense post viri mortem ipsi Oppianico
she in-the-fifth month after her-husband's death himself to-Oppianicus
nupsit. Quae nuptiae non diuturnae fuerunt; erant enim
married which nuptials not lasting were they-were for
non matrimoni dignitate sed sceleris societate coniunctae.
not of-matrimony by-the-dignity but of-crime by-the-partnership joined

The young Asuvius of Larinum was drawn into the city's pleasures by Avillius, and Oppianicus followed them to Rome. A will was sealed in Asuvius' name by witnesses who knew neither man, and Asuvius was killed in the sand pits outside the Esquiline gate. Avillius confessed before the triumvir Quintus Manlius, but Oppianicus bribed Manlius. He killed Dinaea through a hired quack and forged her will, and Larinum shunned him as a beast; yet Cluentius accused him only because he had to accuse or die.

36 Quid? Illa caedes Asuvi Larinatis, adulescentis pecuniosi,
what that murder of-Asuvius of-Larinum a-young-man wealthy
quam clara tum recenti re fuit et quam omnium
how notorious then with-recent thing it-was and how in-all
sermone celebrata! Fuit Avillius quidam Larino perdita
talk celebrated there-was Avillius a-certain of-Larinum of-abandoned
nequitia et summa egestate, arte quadam praeditus ad
worthlessness and the-utmost poverty with-art a-certain endowed for
libidines adulescentulorum excitandas accommodata. Qui ut
the-lusts of-young-lads to-be-excited suited who when
se blanditiis et adsentationibus in Asuvi consuetudinem
himself by-flatteries and assents into Asuvius' intimacy
penitus immersit, Oppianicus continuo sperare coepit hoc
deeply had-plunged Oppianicus forthwith to-hope began with-this
se Avillio tamquam aliqua machina admota capere Asuvi
himself Avillius as-if some engine brought-up to-capture Asuvius'
adulescentiam et fortunas eius patrias expugnare posse.
youth and fortunes his paternal to-storm to-be-able
Ratio excogitata Larini est, res translata Romam; inire
the-plan devised at-Larinum was the-thing transferred to-Rome to-enter
enim consilium facilius in solitudine, perficere rem eius
for a-plan more-easily in solitude to-carry-out a-thing of-such

modi commodius in turba posse arbitrati sunt. Asuvius
kind more-conveniently in a-crowd to-be-able thought they-have Asuvius
cum Avillio Romam est profectus. Hos vestigiis Oppianicus
with Avillius to-Rome has set-out these on-the-tracks Oppianicus
consecutus est. Iam ut Romae vixerint, quibus conviviis,
followed has now how at-Rome they-lived with-what banquets
quibus flagitiis, quantis et quam profusis sumptibus non
with-what outrages with-how-great and how lavish expenses not
modo conscio sed etiam conviva et adiutore Oppianico
only as-accomplice but also as-guest and as-helper with-Oppianicus
longum est dicere mihi, praesertim ad alia properanti;
long it-is to-tell for-me especially to other-things hastening
exitum huius adsimulatae familiaritatis cognoscite.
the-end of-this pretended intimacy learn
Cum esset adulescens apud mulierculam quandam atque 37
when was the-young-man with a-little-woman certain and
ubi pernoctarat ibi diem posterum commoraretur,
where he-had-spent-the-night there the-day following was-staying
Avillius, ut erat constitutum, simulat se aegrotare et
Avillius as had-been arranged pretends that-he is-ill and
testamentum facere velle. Oppianicus obsignatores ad eum
a-will to-make wishes Oppianicus sealers to him
qui neque Asuvium neque Avillium nossent adducit et illum
who neither Asuvius nor Avillius knew brings and him
Asuvium appellat ipse; testamento Asuvi nomine obsignato
Asuvius calls himself with-the-will in-Asuvius' name sealed
disceditur. Avillius ilico convalescit; Asuvius autem brevi
it-is-departed Avillius on-the-spot recovers Asuvius however in-short
illo tempore, quasi in hortulos iret, in harenarias
that time as-if into the-gardens he-were-going into sand-pits
quasdam extra portam Esquilinam perductus occiditur.
certain outside the-gate Esquiline led is-killed

38 Qui cum unum iam et alterum diem desideraretur neque
who when one now and a-second day was-missed nor
in eis locis ubi ex consuetudine quaerebatur inveniretur, et
in those places where by custom he-was-sought was-found and
Oppianicus in foro Larinatium dictitaret nuper se et
Oppianicus in the-forum of-the-Larinates kept-saying lately himself and
suos amicos testamentum eius obsignasse, liberti Asuvi
his friends the-will his to-have-sealed the-freedmen of-Asuvius
et non nulli amici, quod eo die quo postremum
and not none friends because on-that day on-which last
Asuvius visus erat Avillium cum eo fuisse et a multis
Asuvius seen had-been Avillius with him to-have-been and by many
visum esse constabat, in eum invadunt et hominem
seen to-have-been it-was-agreed upon him rush and the-man
ante pedes Q. Manli qui tum erat triumvir constituunt.
before the-feet of-Quintus Manlius who then was a-triumvir set
Atque illic continuo nullo teste, nullo indice recentis
and there forthwith with-no witness with-no informer by-the-recent
malefici conscientia perterritus omnia, ut a me paulo ante
crime's conscience terrified all-things as by me a-little before
dicta sunt, exponit Asuviumque a sese consilio Oppianici
said have-been he-sets-out and-Asuvius by himself on-the-plan of-Oppianicus
interfectum fatetur. Extrahitur domo latitans Oppianicus
killed confesses is-dragged-out from-the-house hiding Oppianicus
a Manlio; index Avillius ex altera parte coram tenetur.
by Manlius the-informer Avillius on the-other side face-to-face is-held
39 Hic quid iam reliqua quaeritis? Manlium plerique noratis;
here why now the-rest do-you-ask Manlius most you-knew
non ille honorem a pueritia, non studia virtutis, non
not he honor from boyhood not the-pursuits of-virtue not
ullum existimationis bonae fructum umquam cogitarat, sed
any of-reputation good fruit ever had-thought-of but

ex petulanti atque improbo scurra in discordiis civitatis ad
from a-petulant and wicked buffoon in the-discords of-the-state to
eam columnam ad quam multorum saepe conviciis perductus
that column to which by-many often abuses brought
erat tum suffragiis populi pervenerat. Itaque tum
he-had-been then by-the-votes of-the-people had-come and-so then
cum Oppianico transigit, pecuniam ab eo accipit, causam
with Oppianicus he-settles money from him receives a-case
et susceptam et tam manifestam relinquit. Ac tum in
both undertaken and so manifest he-abandons and then in
Oppianici causa crimen hoc Asuvianum cum testibus multis
Oppianicus' case charge this of-Asuvius both by-witnesses many
tum vero illius testamento comprobabatur; in quo Oppianici
and indeed by-that will was-proved in which Oppianicus'
nomen primum esse constabat, eius quem vos miserum atque
name first to-be it-was-agreed his whom you wretched and
innocentem falso iudicio circumventum esse dicitis.
innocent by-a-false court entrapped to-have-been say
Quid? aviam tuam, Oppianice, Dinaeam cui tu es 40
what grandmother your Oppianicus Dinaea to-whom you are
heres pater tuus non manifesto necavit? Ad quam cum
heir father your not manifestly killed to whom when
adduxisset medicum illum suum iam cognitum et saepe
he-had-brought physician that his-own already known and often
victorem per quem interfecerat plurimos mulier exclamat
victorious through whom he-had-killed very-many the-woman cries-out
se ab eo nullo modo velle curari quo curante
that-she by him in-no way wishes to-be-treated with-whom treating
omnis suos perdidisset. Tum repente Anconitanum quendam,
all her-own she-had-lost then suddenly of-Ancona a-certain
L. Clodium, pharmacopolam circumforaneum qui casu
Lucius Clodius a-drug-seller itinerant who by-chance

tum Larinum venisset adgreditur et cum eo HS duobus
then to-Larinum had-come he-approaches and with him for-sesterces two
milibus, id quod ipsius tabulis est demonstratum, transigit.
thousand that which in-his-own accounts has-been shown settles
L. Clodius, cum properaret, cui fora multa restarent,
Lucius Clodius since he-was-hurrying to-whom markets many remained
simul atque introductus est rem confecit; prima
as-soon as brought-in he-was the-business finished with-the-first
potione mulierem sustulit neque postea Larini punctum est
draft the-woman he-removed nor afterward at-Larinum a-moment has
temporis commoratus. Eadem hac Dinaea testamentum faciente,
of-time stayed the-same this Dinaea a-will making
cum tabulas prehendisset Oppianicus, qui gener eius fuisset,
when the-tablets he-had-seized Oppianicus who son-in-law her had-been
digito legata delevit et, cum id multis locis fecisset,
with-his-finger the-legacies erased and when that in-many places he-had-done
post mortem eius ne lituris coargui posset testamentum
after the-death her lest by-erasures to-be-convicted he-could the-will
in alias tabulas transcriptum signis adulterinis obsignavit.
onto other tablets copied with-seals forged he-sealed
41 Multa praetereo consulto; etenim vereor ne haec ipsa
many-things I-pass-over deliberately for-indeed I-fear lest these very
nimium multa esse videantur. Vos tamen similem sui
too many to-be may-seem you still like to-himself
eum fuisse in ceteris quoque vitae partibus existimare
him to-have-been in the-other also of-life parts to-think
debetis. Illum tabulas publicas Larini censorias corrupisse
ought him the-records public of-Larinum of-the-census to-have-corrupted
decuriones universi iudicaverunt; cum illo nemo iam
the-councilors all judged with him no-one now
rationem, nemo rem ullam contrahebat; nemo illum ex
an-account no-one business any contracted no-one him from

tam multis cognatis et adfinibus tutorem umquam
so many kinsmen and relations-by-marriage guardian ever
liberis suis scripsit, nemo illum aditu, nemo congressione,
to-children his named no-one him of-approach no-one of-meeting
nemo sermone, nemo convivio dignum iudicabat; omnes
no-one of-talk no-one of-a-banquet worthy judged all
aspernabantur, omnes abhorrebant, omnes ut aliquam
spurned-him all shrank-from-him all as some
immanem ac perniciosam bestiam pestemque fugiebant.
monstrous and ruinous beast and-plague fled-him
Hunc tamen hominem tam audacem, tam nefarium, tam 42
this still man so audacious so wicked so
nocentem numquam accusasset Habitus, iudices, si id
guilty never would-have-accused Habitus judges if it
praetermittere suo salvo capite potuisset. Erat huic
to-pass-over with-his-own safe life he-had-been-able was to-this-man
inimicus Oppianicus, erat, sed tamen erat vitricus; crudelis
an-enemy Oppianicus he-was but still he-was a-stepfather cruel
et huic infesta mater, at mater; postremo nihil tam
and to-this-man hostile his-mother but his-mother after-all nothing so
remotum ab accusatione quam Cluentius et natura et
remote from accusing as Cluentius both by-nature and
voluntate et instituta ratione vitae. Sed cum esset haec
by-inclination and by-the-set plan of-life but when was this
ei proposita condicio ut aut iuste pieque accusaret
to-him proposed condition that either justly and-dutifully he-should-accuse
aut acerbe indigneque moreretur, accusare quoquo modo
or bitterly and-unworthily should-die to-accuse in-whatever way
posset quam illo modo emori maluit.
he-could than in-that manner to-die he-preferred

Cluentius would never have accused even such a man unless his own life required it. Oppianicus claimed the Martiales of Larinum, the temple servants of Mars, as free citizens; Cluentius defended the town's cause in Rome, and their quarrel grew. Since Cluentius had made no will, his estate would pass to his mother and so to Oppianicus. Through Gaius Fabricius of Aletrium, the surviving one of twin brothers, he tried to bribe the slave Diogenes, but the slave told his master, and the poison and the sealed money were caught.

43 Atque ut hoc ita esse perspicere possitis exponam vobis
and that this so to-be to-perceive you-may-be-able I-shall-set-out to-you
Oppianici facinus manifesto compertum atque deprensum;
Oppianicus' deed manifestly discovered and caught
ex quo simul utrumque, et huic accusare et illi
from which at-once each-thing both for-this-man to-accuse and for-that-one
condemnari, necesse fuisse intellegetis. Martiales quidam
to-be-condemned necessary to-have-been you-will-understand Martiales certain
Larini appellabantur, ministri publici Martis atque ei
at-Larinum were-called ministers public of-Mars and to-that
deo veteribus institutis religionibusque Larinatium consecrati.
god by-old institutions and-religious-rites of-the-Larinates consecrated
Quorum cum satis magnus numerus esset, cumque item
of-whom when sufficiently great a-number there-was and-when likewise
ut in Sicilia permulti Venerii sunt, sic illi Larini in Martis
as in Sicily very-many Venerii are so those at-Larinum in Mars'
familia numerarentur, repente Oppianicus eos omnis liberos
household were-counted suddenly Oppianicus them all free
esse civisque Romanos coepit defendere. Graviter id decuriones
to-be and-citizens Roman began to-maintain heavily that the-councilors
Larinatium cunctique municipes tulerunt. Itaque ab Habito
of-the-Larinates and-all the-townsmen bore and-so from Habitus

petiverunt ut eam causam susciperet publiceque defenderet.
they-asked that that cause he-should-undertake and-publicly defend
Habitus cum se ab omni eius modi negotio removisset,
Habitus though himself from every of-that kind business he-had-removed
tamen pro loco, pro antiquitate generis sui, pro eo quod
still for his-place for the-antiquity of-family his for that that
se non suis commodis sed etiam suorum municipum
himself not for-his-own advantages but also of-his townsmen
ceterorumque necessariorum natum esse arbitrabatur,
and-of-the-other connections born to-have-been he-thought
tantae voluntati universorum Larinatium deesse noluit.
to-so-great a-wish of-all the-Larinates to-be-wanting refused
Suscepta causa Romamque delata magnae cotidie 44
with-undertaken the-cause and-to-Rome carried great daily
contentiones inter Habitum et Oppianicum ex utriusque
contentions between Habitus and Oppianicus from each-one's
studio defensionis excitabantur. Erat ipse immani acerbaque
zeal of-defense were-roused was himself of-monstrous and-bitter
natura Oppianicus; incendebat eius amentiam infesta atque
nature Oppianicus inflamed his madness hostile and
inimica filio mater Habiti. Magni autem illi sua
unfriendly to-her-son the-mother of-Habitus of-great however they to-themselves
interesse arbitrabantur hunc a causa Martialium demoveri.
to-matter thought this-man from the-cause of-the-Martiales to-be-removed
Suberat etiam alia causa maior quae Oppianici, hominis
there-lay-beneath also another reason greater which of-Oppianicus a-man
avarissimi atque audacissimi, mentem maxime commovebat.
most-avaricious and most-audacious the-mind most stirred
Nam Habitus usque ad illius iudici tempus nullum 45
for Habitus up to of-that trial the-time no
testamentum umquam fecerat; neque enim legare quicquam
will ever had-made nor for to-bequeath anything

eius modi matri poterat in animum inducere neque
of-that kind to-his-mother could into mind to-bring nor
testamento nomen omnino praetermittere parentis. Id cum
in-a-will the-name altogether to-pass-over of-his-parent which when
Oppianicus sciret — neque enim erat obscurum — intellegebat
Oppianicus knew nor for was obscure he-understood
Habito mortuo bona eius omnia ad matrem esse ventura;
with-Habitus dead the-goods his all to his-mother to-be going-to-come
quae ab sese postea aucta pecunia maiore praemio, orbata
who by himself afterward increased with-money with-greater reward bereaved
filio minore periculo necaretur. Itaque his rebus incensus
of-her-son with-less danger would-be-killed and-so by-these things inflamed
qua ratione Habitum veneno tollere conatus sit cognoscite.
by-what means Habitus by-poison to-remove tried he-has learn
46 C. et L. Fabricii fratres gemini fuerunt ex municipio
Gaius and Lucius Fabricius brothers twin there-were from the-town
Aletrinati, homines inter se cum forma tum moribus
of-Aletrium men among themselves both in-form and in-manners
similes, municipum autem suorum dissimillimi; in quibus
alike of-townsmen however their-own most-unlike in whom
quantus splendor sit, quam prope aequabilis, quam fere
how-great splendor there-is how nearly uniform how almost
omnium constans et moderata ratio vitae nemo vestrum,
of-all steady and moderate the-manner of-life no-one of-you
ut mea fert opinio, ignorat. His Fabriciis semper est
as my brings opinion is-ignorant-of with-these Fabricii always has
usus Oppianicus familiarissime. Iam hoc fere scitis omnes
used Oppianicus most-intimately now this almost you-know all
quantam vim habeat ad coniungendas amicitias studiorum
how-great force has for joining friendships of-pursuits
ac naturae similitudo. Cum illi ita viverent ut nullum
and of-nature the-likeness since they so lived that no

quaestum esse turpem arbitrarentur, cum omnis ab eis fraus,
gain to-be shameful they-thought since all from them fraud
omnes insidiae circumscriptionesque adulescentium nascerentur,
all plots and-swindlings of-young-men arose
cumque essent vitiis atque improbitate omnibus noti,
and-since they-were for-vices and wickedness to-all known
studiose, ut dixi, ad eorum se familiaritatem multis iam
zealously as I-said to their himself intimacy many already
ante annis Oppianicus applicarat. Itaque tum sic statuit, per
before years Oppianicus had-attached and-so then thus he-decided through
C. Fabricium — nam L. erat mortuus — insidias 47
Gaius Fabricius for Lucius was dead plots
Habito comparare. Erat illo tempore infirma valetudine
against-Habitus to-contrive was at-that time in-weak health
Habitus. Utebatur autem medico non ignobili sed spectato
Habitus he-used however a-physician not undistinguished but approved
homine, Cleophanto; cuius servum Diogenem Fabricius ad
a-man Cleophantus whose slave Diogenes Fabricius to
venenum Habito dandum spe et pretio sollicitare coepit.
poison to-Habitus to-be-given by-hope and by-reward to-tempt began
Servus non incallidus et, ut res ipsa declaravit, frugi
the-slave not unshrewd and as the-thing itself declared honest
atque integer sermonem Fabrici non est aspernatus; rem
and upright the-talk of-Fabricius not has spurned the-matter
ad dominum detulit; Cleophantus autem cum Habito est
to his-master he-reported Cleophantus however with Habitus has
conlocutus. Habitus statim cum M. Baebio senatore,
spoken Habitus at-once with Marcus Baebius a-senator
familiarissimo suo, communicavit; qui qua fide, qua
most-intimate his shared-it who of-what good-faith of-what
prudentia, qua diligentia fuerit meminisse vos arbitror. Ei
wisdom of-what diligence he-was to-remember you I-think to-him

placuit ut Diogenem Habitus emeret a Cleophanto,
it-seemed-good that Diogenes Habitus should-buy from Cleophantus
quo facilius aut comprehenderetur res eius indicio
that more-easily either be-detected the-matter by-his information
aut falsa esse cognosceretur. Ne multa, Diogenes emitur,
or false to-be be-recognized not to-be-long Diogenes is-bought
venenum diebus paucis comparatur; multi viri boni cum ex
poison in-days few is-procured many men good when from
occulto intervenissent, pecunia obsignata quae ob eam
hiding they-had-intervened the-money sealed which on-account-of that
rem dabatur in manibus Scamandri, liberti Fabriciorum,
thing was-being-given in the-hands of-Scamander the-freedman of-the-Fabricii
deprehenditur.
is-caught

48 Pro di immortales! Oppianicum quisquam his rebus
O gods immortal Oppianicus anyone with-these things
cognitis circumventum esse dicet? Quis umquam
known entrapped to-have-been will-say who ever
audacior, quis nocentior, quis apertior in iudicium adductus
more-audacious who more-guilty who more-open into court brought
est? Quod ingenium, quae facultas dicendi, quae a quoquam
was what talent what faculty of-speaking what by anyone
excogitata defensio huic uni crimini potuit obsistere?
devised defense to-this one charge could to-stand-against
Simul et illud quis est qui dubitet quin hac
at-the-same-time also this who is-there who doubts that with-this
re comperta manifestoque deprehensa aut obeunda mors
thing discovered and-manifestly caught either to-be-met death
Cluentio aut suscipienda accusatio fuerit?
by-Cluentius or to-be-undertaken the-accusation was

Cluentius first accused Scamander, freedman of the Fabricii, in whose hands the poison was found. Cicero, asked by the people of Aletrium, defended him, and recalls the anxiety of that defense: the accuser wrested every argument from him, and Oppianicus sat by the defendant as though he were on trial himself. Scamander was condemned with one vote dissenting, that of Staienus, and so the poison was judged to have been meant for Habitus.

Satis esse arbitror demonstratum, iudices, eis criminibus 49
enough to-have-been I-think shown judges on-those charges
accusatum esse Oppianicum uti honeste absolvi
accused to-have-been Oppianicus that honorably to-be-acquitted
nullo modo potuerit. Cognoscite nunc ita reum citatum
in-no way he-could learn now so the-defendant summoned
esse illum ut re semel atque iterum praeiudicata
to-have-been him that with-the-thing once and twice prejudged
condemnatus in iudicium venerit. Nam Cluentius, iudices,
condemned into court he-came for Cluentius judges
primum nomen eius detulit cuius in manibus venenum
first the-name of-him brought whose in hands the-poison
deprenderat. Is erat libertus Fabriciorum, Scamander. Integrum
he-had-caught he was a-freedman of-the-Fabricii Scamander untouched
consilium, iudici corrupti nulla suspicio; simplex in iudicium
the-panel of-the-court corrupted no suspicion a-simple into court
causa, certa res, unum crimen adlatum est. Hic tum
case certain the-thing one charge brought was here then
C. Fabricius, is de quo ante dixi, qui liberto damnato
Gaius Fabricius he about whom before I-spoke who with-his-freedman condemned
sibi illud impendere periculum videret, quod mihi cum
to-himself that to-hang-over danger saw because to-me with
Aletrinatibus vicinitatem et cum plerisque eorum magnum
the-Aletrinates neighborhood and with most of-them great

usum esse sciebat, frequentis eos ad me domum adduxit.
intercourse to-be he-knew in-numbers them to me home brought
Qui quamquam de homine sic ut necesse erat existimabant,
who although about the-man so as necessary it-was thought
tamen quod erat ex eodem municipio, suae dignitatis esse
still because he-was from the-same town of-their dignity to-be
arbitrabantur eum quibus rebus possent defendere, idque
they-thought him by-what means they-could to-defend and-this
a me ut facerem et ut causam Scamandri susciperem
from me that I-should-do and that the-case of-Scamander I-should-undertake
petebant, in qua causa patroni omne periculum continebatur.
they-asked in which case of-the-patron the-whole danger was-contained
50 Ego, qui neque illis talibus viris ac tam amantibus mei
I who neither to-those such men and so loving of-me
rem possem ullam negare neque illud crimen tantum ac
a-thing could any to-deny nor that charge so-great and
tam manifestum esse arbitrarer, sicut ne illi ipsi quidem
so manifest to-be thought as not they themselves even
qui mihi tum illam causam commendabant arbitrabantur,
who to-me then that case commended thought
pollicitus eis sum me omnia quae vellent esse facturum.
promised to-them I-have that-I all-things which they-wished to-be going-to-do
Res agi coepta est; citatus est Scamander reus.
the-thing to-be-pleaded begun was summoned was Scamander the-defendant
Accusabat P. Cannutius, homo in primis ingeniosus et in
was-accusing Publius Cannutius a-man among the-first talented and in
dicendo exercitatus; accusabat autem ille quidem Scamandrum
speaking practiced was-accusing however he indeed Scamander
verbis tribus, venenum esse deprensum. Omnia tela
in-words three the-poison to-have-been caught all the-weapons
totius accusationis in Oppianicum coniciebantur, aperiebatur
of-the-whole accusation at Oppianicus were-hurled was-laid-open

causa insidiarum, Fabriciorum familiaritas commemorabatur,
the-motive of-the-plots of-the-Fabricii the-intimacy was-recalled
hominis vita et audacia proferebatur, denique omnis
of-the-man the-life and audacity was-brought-forward finally the-whole
accusatio varie graviterque tractata ad extremum manifesta
accusation variously and-weightily handled at the-end by-the-manifest
veneni deprehensione conclusa est.
of-the-poison detection concluded was
Hic ego tum ad respondendum surrexi qua cura, di 51
here I then to answering rose with-what anxiety gods
immortales! qua sollicitudine animi, quo timore! Semper
immortal with-what anxiety of-mind with-what fear always
equidem magno cum metu incipio dicere; quotienscumque
for-my-part great with fear I-begin to-speak as-often-as
dico, totiens mihi videor in iudicium venire non ingeni
I-speak so-often to-me I-seem into judgment to-come not of-talent
solum sed etiam virtutis atque offici, ne aut id profiteri
alone but also of-virtue and of-duty lest either that to-profess
videar quod non possim, quod est impudentiae, aut non
I-may-seem which not I-can which is of-impudence or not
id efficere quod possim, quod est aut perfidiae aut
that to-accomplish which I-can which is either of-treachery or
neglegentiae. Tum vero ita sum perturbatus ut omnia
of-negligence then indeed so I-was disturbed that all-things
timerem, si nihil dixissem ne infantissimus, si multa in eius
I-feared if nothing I-had-said lest most-speechless if much in of-such
modi causa dixissem ne impudentissimus existimarer. Conlegi
kind a-case I-had-said lest most-impudent I-be-thought I-collected
me aliquando et ita constitui, fortiter esse agendum; illi
myself at-last and so decided boldly to-be to-be-acted to-that
aetati qua tum eram solere laudi dari, etiam si in
age at-which then I-was to-be-wont for-praise to-be-given even if in

minus firmis causis hominum periculis non defuissem. Itaque
less firm cases to-men's dangers not I-had-failed and-so
feci; sic pugnavi, sic omni ratione contendi, sic ad omnia
I-did thus I-fought thus by-every means I-strove thus to all
confugi, quantum ego adsequi potui, remedia ac perfugia
I-fled as-far-as I to-attain could remedies and refuges
causarum ut hoc quod timide dicam consecutus sim, ne
of-cases that this which timidly I-shall-say attained I-have lest
quis illi causae patronum defuisse arbitraretur.
anyone to-that case an-advocate to-have-been-lacking should-think
52 Sed ut quidquid ego apprehenderam, statim accusator
but as whatever I had-grasped at-once the-accuser
extorquebat e manibus. Si quaesiveram quae inimicitiae
wrested from my-hands if I-had-asked what enmities
Scamandro cum Habito, fatebatur nullas fuisse, sed
to-Scamander with Habitus he-admitted none to-have-been but
Oppianicum cuius ille minister fuisset huic inimicissimum
Oppianicus whose he the-agent had-been to-this-man most-hostile
fuisse atque esse dicebat. Sin autem illud egeram, nullum
to-have-been and to-be he-said but-if however that I-had-argued no
ad Scamandrum morte Habiti venturum emolumentum
to Scamander from-the-death of-Habitus going-to-come profit
fuisse, concedebat, sed ad uxorem Oppianici, hominis in
to-have-been he-granted but to the-wife of-Oppianicus a-man in
uxoribus necandis exercitati, omnia bona Habiti ventura
wives being-killed practiced all the-goods of-Habitus going-to-come
fuisse dicebat. Cum illa defensione usus essem quae in
to-have-been he-said when that defense used I-had which in
libertinorum causis honestissima semper existimata est,
freedmen's cases most-honorable always thought has-been

Scamandrum patrono esse probatum, fatebatur, sed quaerebat
Scamander to-his-patron to-be approved he-admitted but he-asked
cui probatus esset ipse patronus.
to-whom approved was himself the-patron
Cum ego pluribus verbis in eo commoratus essem, Scamandro 53
when I with-more words on that dwelt had for-Scamander
insidias factas esse per Diogenem constitutumque
a-trap laid to-have-been through Diogenes and-it-arranged
inter eos alia de re fuisse ut medicamentum, non
between them other about matter to-have-been that a-medicine not
venenum Diogenes adferret; hoc cuivis usu venire
poison Diogenes should-bring this to-anyone in-experience to-happen
posse: quaerebat cur in eius modi locum tam abditum,
to-be-able he-asked why into of-such kind a-place so hidden
cur solus, cur cum obsignata pecunia venisset. Denique
why alone why with sealed money he-had-come finally
hoc loco causa testibus honestissimis hominibus premebatur.
at-this point the-case by-witnesses most-honorable men was-pressed
M. Baebius de suo consilio Diogenem emptum, se
Marcus Baebius on his-own advice Diogenes bought himself
praesente Scamandrum cum veneno pecuniaque deprehensum
present Scamander with poison and-money caught
esse dicebat. P. Quintilius Varus, homo summa
to-have-been said Publius Quintilius Varus a-man of-the-highest
religione et summa auctoritate praeditus, de insidiis
scrupulousness and of-the-highest authority endowed about the-plots
quae fierent Habito et de sollicitatione Diogenis
which were-being-made against-Habitus and about the-tempting of-Diogenes
recenti re secum Cleophantum locutum esse dicebat.
with-recent matter with-himself Cleophantus spoken to-have said

54 Atque in illo iudicio cum Scamandrum nos defendere
and in that trial when Scamander we to-defend
videremur, verbo ille reus erat, re quidem vera
seemed in-word he the-defendant was in-thing indeed true
et periculo tota accusatione Oppianicus. Neque id
and in-danger in-the-whole accusation Oppianicus nor that
obscure ferebat nec dissimulare ullo modo poterat; aderat
obscurely he-bore nor to-disguise in-any way could he-was-present
frequens, advocabat, omni studio gratiaque pugnabat;
constantly he-summoned-support with-all zeal and-influence he-fought
postremo — id quod maximo malo illi causae fuit —
finally that which to-the-greatest harm to-that case was
hoc ipso in loco, quasi reus ipse esset, sedebat.
this very in place as-if the-defendant himself he-were he-sat
Oculi omnium iudicum non in Scamandrum sed in
the-eyes of-all of-the-judges not at Scamander but at
Oppianicum coniciebantur; timor eius, perturbatio, suspensus
Oppianicus were-thrown fear his agitation the-anxious
incertusque voltus, crebra coloris mutatio, quae erant
and-uncertain face the-frequent of-color change which-things were
antea suspiciosa, haec aperta et manifesta faciebant.
before suspicious these open and manifest made
55 Cum in consilium iri oporteret, quaesivit ab reo
when into council to-go it-was-proper asked from the-defendant
C. Iunius quaesitor ex lege illa Cornelia quae tum erat
Gaius Junius the-president by law that Cornelian which then was
clam an palam de se sententiam ferri vellet. De
secretly or openly about himself the-verdict to-be-brought he-wished on
Oppianici sententia responsum est, quod is Habiti familiarem
Oppianicus' advice answered it-was because he Habitus' intimate
Iunium esse dicebat, clam velle ferri. Itum est in
Junius to-be said secretly to-wish to-be-brought gone it-was into

consilium. Omnibus sententiis praeter unam quam suam
council with-all votes except one which his-own
Staienus esse dicebat Scamander prima actione condemnatus
Staienus to-be said Scamander at-the-first hearing condemned
est. Quis tum erat omnium qui Scamandro condemnato
was who then was-there of-all who with-Scamander condemned
non iudicium de Oppianico factum esse arbitraretur?
not a-judgment about Oppianicus made to-have-been thought
quid est illa damnatione iudicatum, nisi venenum id quod
what is by-that condemnation judged except the-poison that which
Habito daretur esse quaesitum? Quae porro tenuissima
to-Habitus should-be-given to-have-been procured what further slightest
suspicio conlata in Scamandrum est aut conferri potuit
suspicion cast upon Scamander has-been or to-be-cast could
ut is sua sponte necare voluisse Habitum putaretur?
that he of-his-own accord to-kill to-have-wished Habitus should-be-thought

X · THE FABRICII CONDEMNED

Then Gaius Fabricius was accused as Oppianicus' accomplice. His defender Caepasius, ending a flowery appeal with "look upon the old age of Gaius Fabricius," turned to find that Fabricius had slipped away. Fabricius was condemned by his own judgment and by the court. Oppianicus came before the same judges, already condemned twice over; they could not acquit the author of the crime after condemning his agent and accomplice.

Atque hoc tum iudicio facto et Oppianico re 56
and with-this then trial held and Oppianicus in-fact
et existimatione iam, lege et pronuntiatione nondum
and in-reputation already by-law and declaration not-yet
condemnato tamen Habitus Oppianicum reum statim non
condemned still Habitus Oppianicus defendant at-once not

fecit. Voluit cognoscere utrum iudices in eos solos essent
made he-wished to-learn whether the-judges toward those alone were
severi quos venenum habuisse ipsos comperissent, an etiam
stern whom poison to-have-had themselves they-had-found or also
consilia conscientiasque eius modi facinorum supplicio dignas
the-plans and-complicities of-that kind of-deeds of-punishment worthy
iudicarent. Itaque C. Fabricium quem propter familiaritatem
they-judged and-so Gaius Fabricius whom on-account-of his-intimacy
Oppianici conscium illi facinori fuisse arbitrabatur reum
with-Oppianicus an-accomplice to-that deed to-have-been he-thought defendant
statim fecit, utique ei locus primus constitueretur propter
at-once he-made and-that for-him the-place first should-be-fixed on-account-of
causae coniunctionem impetravit. Hic tum Fabricius non modo
of-the-case the-connection he-obtained here then Fabricius not only
ad me meos vicinos et amicos Aletrinatis non adduxit sed ipse
to me my neighbors and friends the-Aletrinates not brought but himself
eis neque defensoribus uti postea neque laudatoribus potuit.
them neither as-defenders to-use afterward nor as-character-witnesses could
57 Rem enim integram hominis non alieni quamvis suspiciosam
a-thing for untouched of-a-man not a-stranger however suspicious
defendere humanitatis esse putabamus, iudicatam labefactare
to-defend of-humanity to-be we-thought judged to-shake
conari impudentiae. Itaque tum ille inopia et necessitate
to-try of-impudence and-so then he by-want and necessity
coactus in causa eius modi ad Caepasios fratres confugit,
compelled in a-case of-that kind to the-Caepasii brothers fled
homines industrios atque eo animo ut quaecumque dicendi
men industrious and of-that mind that whatever of-speaking
potestas esset data in honore atque in beneficio ponerent.
opportunity were given as an-honor and as a-favor they-counted
Iam hoc prope iniquissime comparatum est quod in morbis
now this almost most-unfairly arranged is that in diseases

corporis, ut quisque est difficillimus, ita medicus nobilissimus
of-the-body as each is most-difficult so the-physician most-noble
atque optimus quaeritur, in periculis capitis, ut quaeque
and best is-sought in dangers of-life as each
causa difficillima est, ita deterrimus obscurissimusque patronus
case most-difficult is so the-worst and-most-obscure advocate
adhibetur. Nisi forte hoc causae est quod medici nihil
is-employed unless perhaps this of-reason there-is that physicians nothing
praeter artificium, oratores etiam auctoritatem praestare debent.
except skill orators also authority to-furnish ought
Citatur reus, agitur causa; paucis verbis accusat ut de 58
is-summoned the-defendant is-pleaded the-case in-few words accuses as about
re iudicata Cannutius; incipit longo et alte petito
a-matter judged Cannutius begins with-a-long and from-on-high sought
prooemio respondere maior Caepasius. Primo attente auditur
preface to-answer the-elder Caepasius at-first attentively is-heard
eius oratio. Erigebat animum iam demissum et oppressum
his speech raised his-mind now downcast and crushed
Oppianicus; gaudebat ipse Fabricius; non intellegebat animos
Oppianicus rejoiced himself Fabricius not understood the-minds
iudicum non illius eloquentia sed defensionis impudentia
of-the-judges not by-his eloquence but by-the-defense's impudence
commoveri. Postea quam de re coepit dicere, ad ea
to-be-moved after that about the-matter he-began to-speak to those-things
quae erant in causa addebat etiam ipse nova quaedam
which were in the-case he-added even himself new certain
volnera ut, quamquam sedulo faciebat, tamen interdum non
wounds so-that although zealously he-was-acting still at-times not
defendere sed praevaricari videretur. Itaque cum callidissime
to-defend but to-collude he-seemed and-so when most-cleverly
se dicere putaret et cum illa verba gravissima ex intimo
himself to-speak he-thought and when those words most-weighty from inmost

artificio deprompsisset: 'Respicite, iudices, hominum fortunas,
art he-had-drawn-out look-back judges at-men's fortunes
respicite dubios variosque casus, respicite C. Fabrici
look-back at-the-doubtful and-changing chances look-back at-Gaius Fabricius'
senectutem' — cum hoc 'respicite' ornandae orationis causa
old-age when this look-back of-adorning speech for-the-sake
saepe dixisset, respexit ipse. At C. Fabricius a subselliis
often he-had-said he-looked-back himself but Gaius Fabricius from the-benches
demisso capite discesserat.
with-lowered head had-departed

59 Hic iudices ridere, stomachari atque acerbe ferre patronus
here the-judges to-laugh to-be-vexed and bitterly to-bear the-advocate
causam sibi eripi et se cetera de illo loco
the-case from-himself to-be-snatched and himself the-rest about that point
'respicite, iudices' non posse dicere; nec quicquam propius
look-back judges not to-be-able to-speak nor anything nearer
est factum quam ut illum persequeretur et collo obtorto
was done than that him he-should-pursue and with-neck twisted
ad subsellia reduceret ut reliqua posset perorare. Ita tum
to the-benches bring-back that the-rest he-could to-finish so then
Fabricius primum suo iudicio, quod est gravissimum,
Fabricius first by-his-own judgment which is most-weighty
deinde legis vi et sententiis iudicum est condemnatus.
then by-the-law's force and the-verdicts of-the-judges was condemned
Quid est quod iam de Oppianici persona causaque plura
what is-there that now about Oppianicus' person and-case more
dicamus? Apud eosdem iudices reus est factus, cum
we-should-say before the-same judges defendant he-was made when
his duobus praeiudiciis iam damnatus esset; ab isdem
by-these two prejudgments already condemned he-had-been by the-same
autem iudicibus qui Fabriciorum damnatione de Oppianico
however judges who by-the-Fabricii's condemnation about Oppianicus

iudicarant locus ei primus est constitutus. Accusatus
had-judged the-place to-him first was fixed accused
est criminibus gravissimis, et eis quae a me breviter
he-was on-charges most-weighty both those which by me briefly
dicta sunt et praeterea multis quae ego omnia nunc
said have-been and besides many which I all now
omitto; accusatus est apud eos qui Scamandrum ministrum
omit accused he-was before those who Scamander the-agent
Oppianici, C. Fabricium conscium malefici condemnarant.
of-Oppianicus Gaius Fabricius the-accomplice in-the-crime had-condemned
Utrum per deos immortalis! magis est mirandum quod is 60
whether by the-gods immortal more is to-be-wondered-at that he
condemnatus est, an quod omnino respondere ausus est? Quid
condemned was or that at-all to-reply dared he-has what
enim illi iudices facere potuerunt? qui si innocentis Fabricios
for those judges to-do could who if innocent the-Fabricii
condemnassent, tamen in Oppianico sibi constare et
they-had-condemned still in Oppianicus with-themselves to-be-consistent and
superioribus consentire iudiciis debuerunt. An vero illi sua
with-the-earlier to-agree judgments they-ought or indeed they their-own
per se ipsi iudicia rescinderent, cum ceteri soleant
by themselves they-themselves judgments should-rescind when the-others are-wont
in iudicando ne ab aliorum iudiciis discrepent providere?
in judging that-not from others' judgments they-may-differ to-take-care
et illi qui Fabrici libertum, quia minister in maleficio fuerat,
and those who Fabricius' freedman because agent in the-crime he-had-been
patronum, quia conscius, condemnassent, ipsum principem
the-patron because accomplice had-condemned the-very chief
atque architectum sceleris absolverent? et qui ceteros
and architect of-the-crime should-they-acquit and those-who the-others

nullo praeiudicio facto tamen ex ipsa causa condemnassent,
with-no prejudgment made still from the-very case had-condemned
hunc quem bis iam condemnatum acceperant liberarent?
this-man whom twice already condemned they-had-received should-they-free
61 Tum vero illa iudicia senatoria non falsa invidia sed vera atque
then indeed those courts senatorial not by-false prejudice but by-true and
insigni turpitudine notata atque operta dedecore et infamia
signal disgrace branded and covered with-dishonor and infamy
defensioni locum nullum reliquissent. Quid enim tandem illi
for-defense place none would-have-left what for pray those
iudices responderent, si qui ab eis quaereret: 'Condemnastis
judges would-reply if anyone from them asked you-condemned
Scamandrum, quo crimine?' 'Nempe quod Habitum per
Scamander on-what charge surely because Habitus through
servum medici veneno necare voluisset.' 'Quid Habiti
the-slave of-a-physician by-poison to-kill he-had-wished what by-Habitus'
morte Scamander consequebatur?' 'Nihil, sed administer erat
death Scamander was-gaining nothing but the-agent he-was
Oppianici.' 'Et condemnastis C. Fabricium, quid ita?' 'Quia,
of-Oppianicus and you-condemned Gaius Fabricius why so because
cum ipse familiarissime Oppianico usus, libertus autem
since he most-intimately with-Oppianicus had-dealt the-freedman however
eius in maleficio deprensus esset, illum expertem eius
his in the-crime caught had-been him without-share in-that
consili fuisse non probabatur.' Si igitur ipsum Oppianicum
plan to-have-been not was-proved if therefore himself Oppianicus
bis suis iudiciis condemnatum absolvissent, quis tantam
twice by-their-own judgments condemned they-had-acquitted who so-great
turpitudinem iudiciorum, quis tantam inconstantiam rerum
the-baseness of-the-courts who so-great the-inconsistency of-things
iudicatarum, quis tantam libidinem iudicum ferre potuisset?
judged who so-great the-caprice of-the-judges to-bear could

The accuser had no reason to bribe a court that was bound to condemn. Every charge in the earlier trials was the poison prepared for Habitus. The question is not whether the court was corrupted but by whom, and the man who feared condemnation is likelier than the one who feared acquittal. Cicero says plainly that Oppianicus gave money to the judge Staienus, and he dares young Oppianicus and the prosecutor Attius to deny it, since their side demanded it back.

Quod si hoc videtis quod iam hac omni oratione patefactum 62
but if this you-see which already by-this whole speech laid-open
est, illo iudicio reum condemnari, praesertim ab isdem
is in-that trial the-defendant to-be-condemned especially by the-same
iudicibus qui duo praeiudicia fecissent, necesse fuisse,
judges who two prejudgments had-made necessary to-have-been
simul illud videatis necesse est, nullam accusatori
at-the-same-time that you-see necessary it-is no for-the-accuser
causam esse potuisse cur iudicium vellet corrumpere.
reason to-be to-have-been-able why the-court he-should-wish to-corrupt
Quaero enim de te, T. Atti, relictis iam ceteris argumentis
I-ask for of you Titus Attius with-left now the-other arguments
omnibus, num Fabricios quoque innocentis condemnatos
all whether the-Fabricii also innocent condemned
existimes, num etiam illa iudicia pecunia corrupta esse
you-think whether also those courts with-money corrupted to-have-been
dicas, quibus in iudiciis alter a Staieno solo absolutus est,
you-say which in courts the-one by Staienus alone acquitted was
alter etiam ipse se condemnavit. Age, si nocentes,
the-other even he-himself himself condemned come-now if guilty
cuius malefici? num quid praeter venenum quaesitum quo
of-what crime surely-not anything besides poison procured by-which
Habitus necaretur obiectum est? num quid aliud in
Habitus might-be-killed cast-up has-been surely-not anything else in

illis iudiciis versatum est praeter hasce insidias Habito ab
those courts moved has besides these plots against-Habitus by
Oppianico per Fabricium factas? Nihil, nihil, inquam, aliud,
Oppianicus through Fabricius made nothing nothing I-say else
iudices, reperietis. Exstat memoria, sunt tabulae publicae;
judges you-will-find there-stands the-memory there-are the-records public
redargue me, si mentior; testium dicta recita, doce in
refute me if I-lie the-witnesses' statements read-out show in
illorum iudiciis quid praeter hoc venenum Oppianici non
those trials what besides this poison of-Oppianicus not
modo in criminis sed in male dicti loco sit obiectum.
only in of-a-charge but in bad of-speech the-place has-been cast-up
63 Multa dici possunt qua re ita necesse fuerit
many-things to-be-said can by-which thing so necessary it-was
iudicari, sed ego occurram exspectationi vestrae, iudices.
to-be-judged but I shall-meet the-expectation your judges
Nam etsi a vobis sic audior ut numquam benignius
for although by you so I-am-heard that never more-kindly
neque attentius quemquam auditum putem, tamen vocat
nor more-attentively anyone heard I-think still calls
me alio iam dudum tacita vestra exspectatio quae mihi
me elsewhere now long-since silent your expectation which to-me
obloqui videtur: 'Quid ergo? negasne illud iudicium
to-interrupt seems what therefore do-you-deny-whether that court
esse corruptum?' Non nego, sed ab hoc corruptum non
to-have-been corrupted not I-deny but by this-man corrupted not
esse confirmo. 'A quo igitur est corruptum?' Opinor,
to-have-been I-affirm by whom therefore has-it-been corrupted I-think
primum, si incertum fuisset quisnam exitus illius iudici
first if uncertain it-had-been what outcome of-that trial
futurus esset, veri similius tamen esset eum potius
going-to-be was of-the-truth more-like still it-would-be him rather

corrupisse qui metuisset ne ipse condemnaretur quam
to-have-corrupted who had-feared lest himself he-be-condemned than
illum qui veritus esset ne alter absolveretur; deinde, cum
him who feared had lest the-other be-acquitted then since
esset non dubium quid iudicari necesse esset, eum certe
it-was not doubtful what to-be-judged necessary was him certainly
potius qui sibi aliqua ratione diffideret quam eum qui omni
rather who himself in-some way distrusted than him who in-every
ratione confideret; postremo certe potius illum qui bis apud
way trusted finally certainly rather him who twice before
eos iudices offendisset quam eum qui bis causam probavisset.
those judges had-failed than him who twice his-case had-proved
Unum quidem certe nemo erit tam inimicus Cluentio 64
one-thing indeed certainly no-one will-be so hostile to-Cluentius
qui mihi non concedat, si constet corruptum illud esse
who to-me not grants if it-be-agreed corrupted that to-have-been
iudicium, aut ab Habito aut ab Oppianico esse corruptum;
court either by Habitus or by Oppianicus to-have-been corrupted
si doceo non ab Habito, vinco ab Oppianico; si ostendo ab
if I-show not by Habitus I-win by Oppianicus if I-show by
Oppianico, purgo Habitum. Qua re, etsi satis docui
Oppianicus I-clear Habitus by-which thing although sufficiently I-have-shown
rationem nullam huic corrumpendi iudici fuisse, ex
reason none to-this-man of-corrupting the-court to-have-been from
quo intellegitur ab Oppianico esse corruptum, tamen de
which it-is-understood by Oppianicus to-have-been corrupted still about
illo ipso separatim cognoscite. Atque ego illa non
that very-thing separately learn and I those-things not
argumentabor quae sunt gravia vehementer, eum corrupisse
shall-argue which are weighty vehemently him to-have-corrupted
qui in periculo fuerit, eum qui metuerit, eum qui spem
who in danger was him who feared him who hope

salutis in alia ratione non habuerit, eum qui semper singulari
of-safety in other means not had him who always of-unparalleled
fuerit audacia. Multa sunt eius modi; verum cum
was audacity many-things there-are of-that kind but since
habeam rem non dubiam sed apertam atque manifestam,
I-have a-matter not doubtful but open and manifest
enumeratio singulorum argumentorum non est necessaria.
the-enumeration of-the-single arguments not is necessary
65 Dico C. Aelio Staieno iudici pecuniam grandem Statium
I-say to-Gaius Aelius Staienus a-judge money large Statius
Albium ad corrumpendum iudicium dedisse. Num quis
Albius for corrupting the-court to-have-given surely-not anyone
negat? Te, Oppianice, appello, te, T. Atti, quorum alter
denies you Oppianicus I-call-upon you Titus Attius of-whom the-one
eloquentia damnationem illam, alter tacita pietate deplorat;
with-eloquence condemnation that the-other with-silent filial-love deplores
audete negare ab Oppianico Staieno iudici pecuniam datam,
dare to-deny by Oppianicus to-Staienus the-judge money given
negate, negate, inquam, meo loco. Quid tacetis? an negare
deny-it deny-it I-say in-my place why are-you-silent or to-deny
non potestis quod repetistis, quod confessi estis, quod
not can-you what you-reclaimed what confessed you-have what
abstulistis? Quo tandem igitur ore mentionem corrupti
you-carried-off with-what pray therefore face mention of-a-corrupted
iudici facitis, cum ab ista parte iudici pecuniam ante
court do-you-make when by that side to-the-judge money before
iudicium datam, post iudicium ereptam esse fateamini?
the-trial given after the-trial snatched-back to-have-been you-admit

Oppianicus turned to Staienus, a judge needy, bold, and practiced in bribery, who had already pocketed six hundred thousand in the case of Safinius. Staienus asked six hundred forty thousand, to be delivered to his house, and then reasoned that if Oppianicus were condemned no one would ask for the money back. So he resolved to promise money to the lighter judges and then withhold it, making them angry with Oppianicus; he began with Bulbus, promising him forty thousand.

Quonam igitur haec modo gesta sunt? Repetam paulo 66
how therefore these-things manner done were I-shall-go-back a-little
altius, iudices, et omnia quae in diuturna obscuritate
deeper judges and all-things which in long obscurity
latuerunt sic aperiam ut ea cernere oculis videamini.
lay-hidden so I-shall-open that them to-see with-your-eyes you-may-seem
Vos quaeso, ut adhuc me attente audistis, item quae
you I-ask that hitherto me attentively you-have-heard likewise what-things
reliqua sunt audiatis; profecto nihil a me dicetur quod
remaining are you-may-hear surely nothing by me will-be-said which
non dignum hoc conventu et silentio, dignum vestris studiis
not worthy-of this assembly and silence worthy-of your zeal
atque auribus esse videatur. Nam ut primum Oppianicus
and ears to-be may-seem for as soon-as Oppianicus
ex eo quod Scamander reus erat factus quid sibi
from that that Scamander defendant had-been made what to-himself
impenderet coepit suspicari, statim se ad hominis egentis,
was-impending began to-suspect at-once himself to of-a-man needy
audacis, in iudiciis corrumpendis exercitati, tum autem iudicis,
audacious in courts being-corrupted practiced then however a-judge
Staieni familiaritatem applicavit. Ac primum Scamandro
Staienus the-intimacy he-attached and first with-Scamander

reo tantum donis muneribusque perfecerat ut eo
as-defendant so-much by-gifts and-presents he-had-achieved that him
fautore uteretur cupidiore quam fides iudicis postulabat.
as-supporter he-could-use more-eager than the-good-faith of-a-judge demanded
67 Post autem cum esset Scamander unius Staieni sententia
afterward however when had-been Scamander by-one of-Staienus vote
absolutus, patronus autem Scamandri ne sua quidem
acquitted the-patron however of-Scamander not by-his-own even
sententia liberatus, acrioribus saluti suae remediis subveniendum
vote freed by-sharper to-safety his remedies to-be-relieved
putavit. Tum ab Staieno, sicut ab homine ad excogitandum
he-thought then from Staienus as from a-man for devising
acutissimo, ad audendum impudentissimo, ad efficiendum
most-acute for daring most-shameless for accomplishing
acerrimo — haec enim ille et aliqua ex parte habebat et
most-energetic these-qualities for he both some in part had and
maiore ex parte se habere simulabat — auxilium capiti
in-a-greater in part himself to-have pretended help for-his-life
ac fortunis suis petere coepit. Iam hoc non ignoratis,
and fortunes his to-seek he-began now this not you-are-ignorant
iudices, ut etiam bestiae fame monitae plerumque ad eum
judges that even beasts by-hunger warned mostly to that
locum ubi pastae sunt aliquando revertantur.
place where fed they-have at-some-time return
68 Staienus ille biennio ante cum causam bonorum Safini Atellae
Staienus that two-years before when the-case of-the-goods of-Safinius of-Atella
recepisset, sescentis milibus nummum se iudicium
he-had-undertaken for-six-hundred thousand of-sesterces that-he the-court
corrupturum esse dixerat. Quae cum accepisset a pupillo,
going-to-corrupt to-be had-said which when he-had-received from the-ward
suppressit iudicioque facto nec Safinio nec bonorum
he-kept-back and-with-the-trial held neither to-Safinius nor to-the-goods'

emptoribus reddidit. Quam cum pecuniam profudisset et
buyers returned-it which when the-money he-had-squandered and
sibi nihil non modo ad cupiditates suas sed ne ad
for-himself nothing not only for desires his but not for
necessitatem quidem reliquisset, statuit ad easdem esse sibi
necessity even he-had-left he-decided to the-same to-be for-himself
praedas ac suppressiones iudicialis revertendum. Itaque cum
plunderings and suppressions judicial to-be-returned and-so when
Oppianicum iam perditum et duobus iugulatum praeiudiciis
Oppianicus already ruined and by-two butchered prejudgments
videret, promissis suis eum excitavit abiectum et simul
he-saw with-promises his him he-roused downcast and at-the-same-time
saluti desperare vetuit. Oppianicus autem orare hominem
of-safety to-despair forbade Oppianicus however to-beg the-man
coepit ut sibi rationem ostenderet iudici corrumpendi.
began that to-him a-method he-should-show of-the-court being-corrupted
Ille autem, quem ad modum ex ipso Oppianico postea 69
he however in-what to manner from Oppianicus himself afterward
est auditum, negavit quemquam esse in civitate praeter se
was heard denied anyone to-be in the-state except himself
qui id efficere posset. Sed primo gravari coepit,
who that to-accomplish could but at-first to-make-difficulties he-began
quod aedilitatem se petere cum hominibus nobilissimis et
because the-aedileship himself to-seek with men most-noble and
invidiam atque offensionem timere dicebat. Post exoratus
the-ill-will and offense to-fear he-said afterward prevailed-upon
initio permagnam pecuniam poposcit, deinde ad id
at-the-beginning a-very-large sum-of-money he-demanded then to that
pervenit quod confici potuit; HS dcxl deferri
he-came which made-up could-be sesterces six-hundred-forty-thousand to-be-brought
ad se domum iussit. Quae pecunia simul atque ad eum
to himself home he-ordered which money as-soon as to him

delata est, homo impurissimus statim coepit in eius modi
brought was the-man most-foul at-once began in of-such kind
mente et cogitatione versari, nihil esse suis rationibus
mind and thought to-move nothing to-be for-his-own calculations
utilius quam Oppianicum condemnari; illo absoluto
more-useful than Oppianicus to-be-condemned with-him acquitted
pecuniam illam aut iudicibus dispertiendam aut ipsi esse
money that either to-the-judges to-be-distributed or to-him to-be
reddendam; damnato repetiturum esse neminem.
to-be-returned with-him-condemned going-to-reclaim to-be no-one
70 Itaque rem excogitat singularem. Atque haec, iudices,
and-so a-thing he-devises unparalleled and these-things judges
quae vera dicuntur a nobis facilius credetis, si cum
which true are-said by us more-easily you-will-believe if with
animis vestris longo intervallo recordari C. Staieni vitam
minds your over-a-long interval to-recall Gaius Staienus' life
et naturam volueritis; nam perinde ut opinio est de
and nature you-will-have-wished for just as the-opinion is about
cuiusque moribus, ita quid ab eo factum aut non factum
each-man's manners so what by him done or not done
sit existimari potest. Cum esset egens, sumptuosus, audax,
be to-be-judged can when he-was needy extravagant audacious
callidus, perfidiosus, et cum domi suae miserrimus in locis
cunning treacherous and when at-home his-own most-wretched in places
inanissimis tantum nummorum positum videret, ad omnem
most-empty so-much of-cash placed he-saw to all
malitiam et fraudem versare mentem suam coepit. 'Ego dem
malice and fraud to-turn mind his he-began I shall-I-give
iudicibus? mihi ipsi igitur praeter periculum et infamiam quid
to-the-judges to-me myself therefore besides danger and infamy what
quaeretur? Nihil excogitem quam ob rem Oppianicum
will-be-gained nothing shall-I-devise which on-account-of thing Oppianicus

damnari necesse sit? Quid tandem? — nihil enim
to-be-condemned necessary it-should-be what pray nothing for
est quod non fieri possit — si quis eum forte casus ex
is-there which not to-happen could if any him perhaps chance from
periculo eripuerit, nonne reddendum est? Praecipitantem
danger will-have-snatched surely to-be-returned is-it the-falling-man
igitur impellamus' inquit 'et perditum prosternamus.'
therefore let-us-push he-says and the-ruined let-us-lay-low
Capit hoc consili ut pecuniam quibusdam iudicibus levissimis 71
he-takes this of-plan that money to-certain judges most-frivolous
polliceatur, deinde eam postea supprimat ut, quoniam gravis
he-should-promise then it afterward should-keep-back that since weighty
homines sua sponte severe iudicaturos putabat, eos qui
men of-their-own accord sternly going-to-judge he-thought those who
leviores erant destitutione iratos Oppianico redderet. Itaque,
lighter were by-the-letdown angry with-Oppianicus he-might-make and-so
ut erat semper praeposterus atque perversus, initium facit
as he-was always preposterous and perverse a-beginning he-makes
a Bulbo et eum, quod iam diu nihil quaesierat, tristem
from Bulbus and him because now long nothing he-had-gained gloomy
atque oscitantem leviter impellit. 'Quid tu?' inquit 'ecquid me
and yawning lightly he-pushes what you he-says at-all me
adiuvas, Bulbe, ne gratiis rei publicae serviamus?' Ille
do-you-help Bulbus that-not for-nothing the-thing public we-may-serve he
vero simul atque hoc audivit 'ne gratiis': 'Quo voles' inquit
indeed as-soon as this heard not for-nothing wherever you-will-wish he-says
'sequar; sed quid adfers?' Tum ei quadraginta milia,
I-shall-follow but what do-you-bring then to-him forty thousand
si esset absolutus Oppianicus, pollicetur et eum ut ceteros
if he-were acquitted Oppianicus he-promises and him that the-others

appellet quibuscum loqui consuesset rogat atque etiam
he-should-approach with-whom to-speak he-was-wont he-asks and even
ipse conditor totius negoti Guttam aspergit huic Bulbo.
himself the-founder of-the-whole business Gutta sprinkles on-this Bulbus

XIII · THE VERDICT

Bulbus pressed Staienus for the money, and Staienus said Oppianicus had let him down and that he himself would vote to condemn. Rumor of money ran through the panel, and Cannutius called for the verdict at once. Quinctius the tribune forced the absent Staienus back to the court. The bribed judges, angry, condemned; the honest judges condemned or said "not proven"; only five acquitted.

72 Itaque minime amarus eis visus est qui aliquid ex
and-so least bitter to-them seemed he-has who something from
eius sermone speculae degustarant. Unus et alter dies
his talk of-a-little-hope had-tasted one and a-second day
intercesserat cum res parum certa videbatur; sequester et
had-passed when the-thing too-little certain seemed a-go-between and
confirmator pecuniae desiderabatur. Tum appellat hilari
guarantor of-the-money was-wanted then accosts with-cheerful
voltu hominem Bulbus ut blandissime potest: 'Quid tu'
face the-man Bulbus as most-coaxingly he-can what you
inquit 'Paete?' — hoc enim sibi Staienus cognomen
he-says Paetus this for for-himself Staienus surname
ex imaginibus Aeliorum delegerat ne, si se Ligurem
from the-ancestral-masks of-the-Aelii had-chosen lest if himself a-Ligurian
fecisset, nationis magis suae quam generis uti cognomine
he-had-made of-the-nation rather his-own than of-the-family to-use the-surname
videretur — 'qua de re mecum locutus es, quaerunt a
he-should-seem what about thing with-me spoken you-have they-ask from

me ubi sit pecunia.' Hic ille planus improbissimus quaestu
me where is the-money here he impostor most-wicked by-gain
iudiciario pastus, qui illi pecuniae quam condiderat spe
judicial fed who on-that money which he-had-stored-away in-hope
iam atque animo incubaret, contrahit frontem — recordamini
already and in-mind was-brooding contracts his-brow recall
faciem atque illos eius fictos simulatosque voltus — et, qui
the-face and those his feigned and-pretended expressions and who
esset totus ex fraude et mendacio factus quique ea vitia
was wholly from fraud and lying made and-who those vices
quae ab natura habebat etiam studio atque artificio quodam
which from nature he-had even by-study and skill a-certain
malitiae condivisset, pulchre adseverat sese ab Oppianico
of-malice had-seasoned splendidly asserts that-he by Oppianicus
destitutum atque hoc addit testimoni, sua illum sententia,
abandoned and this he-adds of-testimony by-his-own him vote
cum palam omnes laturi essent, condemnatum iri.
when openly all going-to-bring were condemned to-be-going
Manarat sermo in consilio pecuniae quandam mentionem 73
had-spread talk in the-panel of-money a-certain mention
inter iudices esse versatam. Res neque tam fuerat occulta
among the-judges to-have been-in-play the-thing neither so had-been hidden
quam erat occultanda, neque tam erat aperta quam rei
as it-was to-be-hidden nor so was open as of-the-thing
publicae causa aperienda. In ea obscuritate ac dubitatione
public for-the-sake to-be-opened in that obscurity and doubt
omnium Cannutio, perito homini, qui quodam odore
of-all to-Cannutius a-sbrewd man who by-a-certain scent
suspicionis Staienum corruptum esse sensisset neque dum
of-suspicion Staienus corrupted to-have-been had-sensed nor yet
rem perfectam arbitraretur, placuit repente pronuntiare:
the-thing completed thought it-seemed-good suddenly to-declare

Dixerunt. Hic tum Oppianicus non magno opere pertimuit;
they-have-spoken here then Oppianicus not in-great measure was-alarmed
rem a Staieno perfectam esse arbitrabatur.
the-thing by Staienus completed to-have-been he-thought
74 In consilium erant ituri iudices xxxii. Sententiis xvi
into council were going-to-go judges thirty-two with-votes sixteen
absolutio confici poterat. HS xl milia in singulos
acquittal to-be-achieved could sesterces forty thousand among each
iudices distributa eum numerum sententiarum conficere
judge distributed that number of-votes to-make-up
debebant ut ad cumulum spe maiorum praemiorum ipsius
ought so-that to the-heap in-hope of-greater rewards of-himself
Staieni sententia septima decima accederet. Atque etiam
of-Staienus the-vote seventh tenth might-be-added and even
casu tum, quod illud repente erat factum, Staienus ipse
by-chance then because that suddenly had-been done Staienus himself
non aderat; causam nescio quam apud iudicem defendebat.
not was-present a-case I-know-not what before a-judge he-was-defending
Facile hoc Habitus patiebatur, facile Cannutius, at non
easily this Habitus allowed easily Cannutius but not
Oppianicus neque patronus eius L. Quinctius; qui, cum
Oppianicus nor patron his Lucius Quinctius who since
esset illo tempore tribunus plebis, convicium C. Iunio
he-was at-that time tribune of-the-plebs abuse to-Gaius Junius
iudici quaestionis maximum fecit ut ne sine illo in
the-judge of-the-court the-greatest made that not without him into
consilium iretur; cumque id ei per viatores consulto
council it-be-gone and-when that to-him through the-attendants deliberately
neglegentius agi videretur, ipse e publico iudicio ad
rather-carelessly to-be-done seemed himself from the-public court to

privatum Staieni iudicium profectus est et illud pro potestate
the-private of-Staienus court went has and that by power
dimitti iussit; Staienum ipse ad subsellia adduxit.
to-be-dismissed ordered Staienus himself to the-benches he-brought
Consurgitur in consilium, cum sententias Oppianicus, quae tum 75
they-rise into council when the-votes Oppianicus which then
erat potestas, palam ferri velle dixisset ut Staienus scire
was the-option openly to-be-brought to-wish had-said that Staienus to-know
posset quid cuique deberet. Varia iudicum genera; nummarii
could what to-each he-owed varied of-judges the-kinds the-bribed
pauci sed omnes irati. Ut qui accipere in campo consuerunt
few but all angry as those-who to-take in the-Campus are-accustomed
eis candidatis quorum nummos suppressos esse putant
to-those candidates whose cash kept-back to-be they-think
inimicissimi solent esse, sic eius modi iudices infesti tum
most-hostile are-wont to-be so of-that kind judges hostile then
reo venerant; ceteri nocentissimum esse arbitrabantur,
to-the-defendant had-come the-others most-guilty to-be thought
sed exspectabant sententias eorum quos corruptos esse
but awaited the-votes of-those whom corrupted to-be
putabant ut ex eis constituerent a quo iudicium corruptum
they-thought that from them they-might-decide by whom the-court corrupted
videretur. Ecce tibi eius modi sortitio ut in primis Bulbo
might-seem behold for-you of-such kind a-ballot that among the-first by-Bulbus
et Staieno et Guttae esset iudicandum! Summa omnium
and Staienus and Gutta it-was to-be-judged the-greatest of-all
exspectatio quidnam sententiae ferrent leves ac nummarii
expectation what votes would-bring the-light and bribed
iudices. Atque illi omnes sine ulla dubitatione condemnant.
judges and they all without any doubt condemn

76 Hic tum iniectus est hominibus scrupulus et quaedam
here then thrown-in was into-men a-scruple and a-certain
dubitatio quidnam esset actum. Deinde homines sapientes
doubt what had been-done then men wise
et ex vetere illa disciplina iudiciorum, qui neque absolvere
and from old that training of-the-courts who neither to-acquit
hominem nocentissimum possent neque eum de quo esset
a-man most-guilty could nor him about whom had
orta suspicio pecunia oppugnatum re illa incognita
arisen a-suspicion with-money attacked with-the-matter that unknown
primo condemnare vellent, non liquere dixerunt. Non nulli
at-first to-condemn wished not to-be-clear they-said not none
autem severi homines qui hoc statuerunt, quo quisque
however stern men who this decided with-what each
animo quid faceret spectari oportere, etsi alii pecunia
mind what he-did to-be-looked-at it-was-proper although others with-money
accepta verum iudicabant, tamen nihilo minus se
received truly judged still by-nothing less themselves
superioribus suis iudiciis constare putabant oportere;
with-earlier their-own judgments to-be-consistent they-thought to-be-proper
itaque damnarunt. Quinque omnino fuerunt qui illum vestrum
and-so they-condemned five in-all there-were who that your
innocentem Oppianicum sive imprudentia sive misericordia
innocent Oppianicus whether by-imprudence or by-pity
sive aliqua suspicione sive ambitione adducti absolverunt.
or by-some suspicion or by-ambition led acquitted

Quinctius, a tribune who gathered every popular wind, made the condemnation a scandal of the senatorial courts. Summoned by Oppianicus, Staienus came at night to the house of Titus Annius, where honest men overheard him promise to return the money, which was then wrested from him. The people heard only that money had moved in the court and an innocent man was condemned, and Junius was swept from public life. Now that time has cooled the prejudice, the one question is whose money it was, the accuser's or the defendant's.

Condemnato Oppianico statim L. Quinctius, homo maxime 77
with-condemned Oppianicus at-once Lucius Quinctius a-man most
popularis, qui omnis rumorum et contionum ventos conligere
popular who all of-rumors and of-assemblies the-winds to-gather
consuesset, oblatam sibi facultatem putavit ut ex invidia
was-wont offered to-himself an-opportunity thought that from ill-will
senatoria posset crescere, quod eius ordinis iudicia minus
senatorial he-could to-grow because of-that order the-courts less
iam probari populo arbitrabatur. Habetur una atque altera
now to-be-approved by-the-people he-thought there-is-held one and a-second
contio vehemens et gravis; accepisse pecuniam iudices ut
assembly vehement and weighty to-have-taken money the-judges that
innocentem reum condemnarent tribunus plebis clamitabat;
an-innocent defendant they-should-condemn the-tribune of-the-plebs kept-crying
agi fortunas omnium dicebat; nulla esse iudicia; qui
to-be-at-stake the-fortunes of-all he-said no to-be courts he-who
pecuniosum inimicum haberet, incolumem esse neminem posse.
a-moneyed enemy had safe to-be no-one to-be-able
Homines totius ignari negoti, qui Oppianicum numquam
men of-the-whole ignorant business who Oppianicus never
vidissent, virum optimum et hominem pudentissimum pecunia
had-seen a-man the-best and a-person most-modest by-money

oppressum esse arbitrarentur, incensi suspicione rem in
crushed to-have-been thought fired by-suspicion the-matter into
medium vocare coeperunt et causam illam totam deposcere.
the-middle to-call began and case that whole to-demand
78 Atque illo ipso tempore in aedis T. Anni, hominis
and at-that very time into the-house of-Titus Annius a-man
honestissimi, necessarii et amici mei, noctu Staienus arcessitus
most-honorable a-connection and friend of-mine by-night Staienus summoned
ab Oppianico venit. Iam cetera nota sunt omnibus, ut cum illo
by Oppianicus came now the-rest known are to-all how with him
Oppianicus egerit de pecunia, ut ille se redditurum esse
Oppianicus dealt about the-money how he that-he going-to-return to-be
dixerit, ut eum sermonem audierint omnem viri boni qui tum
said how that talk heard whole men good who then
consulto propter in occulto stetissent, ut res patefacta et
deliberately nearby in hiding had-stood how the-thing laid-open and
in forum prolata et pecunia omnis Staieno extorta atque
into the-forum brought-out and the-money all from-Staienus wrested and
erepta sit. Huius Staieni persona populo iam nota atque
snatched was of-this Staienus the-person to-the-people already known and
perspecta ab nulla turpi suspicione abhorrebat; suppressam
seen-through from no shameful suspicion shrank kept-back
esse ab eo pecuniam quam pro reo pronuntiasset
to-have-been by him money which for the-defendant he-had-declared
qui erant in contione non intellegebant; neque enim
those-who were in the-assembly not understood nor for
docebantur. Versatam esse in iudicio mentionem pecuniae
were-they-taught moved to-have-been in the-court mention of-money
sentiebant, innocentem reum condemnatum audiebant,
they-perceived an-innocent defendant condemned they-heard
Staieni sententia condemnatum videbant; non gratiis id ab
by-Staienus' vote condemned they-saw not for-nothing that by

eo factum esse, quod hominem norant, iudicabant. Similis
him done to-have-been because the-man they-knew they-judged similar
in Bulbo, in Gutta, in aliis non nullis suspicio consistebat.
in Bulbus in Gutta in others not none suspicion settled
Itaque confiteor — licet enim iam impune hoc 79
and-so I-confess it-is-allowed for now with-impunity this
praesertim in loco confiteri — quod Oppianici non modo
especially in place to-confess because of-Oppianicus not only
vita sed etiam nomen ante illud tempus populo ignotum
the-life but even the-name before that time to-the-people unknown
fuisset, indignissimum porro videretur circumventum esse
had-been most-outrageous moreover seemed entrapped to-have-been
innocentem pecunia, hanc deinde suspicionem augeret
an-innocent-man by-money this then suspicion increased
Staieni improbitas et non nullorum eius similium iudicum
Staienus' wickedness and not of-none his like judges
turpitudo, causam autem ageret L. Quinctius, homo
the-baseness the-case however pleaded Lucius Quinctius a-man
cum summa potestate praeditus tum ad inflammandos
both with-the-highest power endowed and for inflaming
animos multitudinis accommodatus, summam illi iudicio
the-minds of-the-multitude suited the-greatest on-that court
invidiam infamiamque esse conflatam. Atque in hanc
ill-will and-infamy to-have-been blown-up and into this
flammam recentem tum C. Iunium qui illi quaestioni
flame fresh then Gaius Junius who over-that court
praefuerat iniectum esse memini, et illum hominem
had-presided thrown to-have-been I-remember and that man
aedilicium iam praetorem opinionibus omnium constitutum
of-aedile-rank already as-praetor by-the-opinions of-all established

non disceptatione dicendi sed clamore hominum de
not by-debate of-speaking but by-the-shouting of-men from
foro atque adeo de civitate esse sublatum.
the-forum and indeed from the-state to-have-been removed
80 Neque me paenitet hoc tempore potius quam illo causam
nor me does-it-repent at-this time rather than at-that the-case
A. Cluenti defendere. Causa enim manet eadem, quae
of-Aulus Cluentius to-defend the-case for remains the-same which
mutari nullo modo potest, temporis iniquitas atque invidia
to-be-changed in-no way can of-the-time the-unfairness and prejudice
recessit, ut quod in tempore mali fuit nihil obsit,
has-withdrawn so-that what in the-time of-evil was nothing may-harm
quod in causa boni fuit prosit. Itaque nunc quem ad
what in the-case of-good was may-help and-so now in-what to
modum audiar sentio, non modo ab eis quorum iudicium
manner I-am-heard I-perceive not only by those whose the-judgment
ac potestas est sed etiam ab illis quorum tantum est
and power is but also by those whose only is
existimatio. At tum si dicerem, non audirer, non quod
the-opinion but then if I-spoke not I-would-be-heard not because
alia res esset, immo eadem, sed tempus aliud. Id
another the-matter was nay the-same but the-time other that
adeo sic cognoscite. Quis tum auderet dicere nocentem
indeed so learn who then would-dare to-say guilty
condemnatum esse Oppianicum? quis nunc audet negare?
condemned to-have-been Oppianicus who now dares to-deny
Quis tum posset arguere ab Oppianico temptatum esse
who then could to-charge by Oppianicus tampered-with to-have-been
iudicium pecunia? quis id hoc tempore infitiari potest? Cui
the-court with-money who that at-this time to-deny can to-whom
tum liceret docere Oppianicum reum factum esse
then was-it-allowed to-show Oppianicus defendant made to-have-been

tum denique cum duobus proximis praeiudiciis condemnatus
then finally when by-two most-recent prejudgments condemned
esset? quis est qui id hoc tempore infirmare conetur?
he-had-been who is-there who that at-this time to-weaken may-try
Qua re invidia remota quam dies mitigavit, oratio 81
by-which thing with-prejudice removed which time has-softened speech
mea deprecata est, vestra fides atque aequitas a veritatis
my deprecated has your good-faith and fairness from of-the-truth
disceptatione reiecit, quid est praeterea quod in causa
the-debate has-rejected what is-there besides that in the-case
relinquatur? Versatam esse in iudicio pecuniam constat;
is-left moved to-have-been in the-court money it-is-agreed
ea quaeritur unde profecta sit, ab accusatore an ab
that is-asked whence set-out it-has from the-accuser or from
reo. Dicit accusator haec: 'Primum gravissimis criminibus
the-defendant says the-accuser this first on-most-weighty charges
accusabam, ut nihil opus esset pecunia; deinde condemnatum
I-was-accusing so-that no need there-was of-money then condemned
adducebam, ut ne eripi quidem pecunia posset;
I-was-bringing-him so-that not to-be-snatched even by-money he-could
postremo, etiam si absolutus fuisset, mearum tamen omnium
finally even if acquitted he-had-been of-my still all
fortunarum status incolumis maneret.' Quid contra reus?
fortunes the-standing safe would-remain what against-it the-defendant
'Primum ipsam multitudinem criminum et atrocitatem
first the-very multitude of-the-charges and atrocity
pertimescebam; deinde Fabriciis propter conscientiam mei
I-dreaded then with-the-Fabricii on-account-of the-complicity of-my
sceleris condemnatis me esse condemnatum sentiebam:
crime condemned myself to-have-been condemned I-felt

postremo in eum casum veneram ut omnis mearum
finally into that plight I-had-come that the-whole of-my
fortunarum status unius iudici periculo contineretur.'
fortunes standing of-one trial's by-the-danger was-contained

XV · NO TRACE OF CLUENTIUS' MONEY

Cluentius' accounts are complete, and in eight years the accusers have found no trace of his money; the six hundred forty thousand are found in one place, with a judge. Staienus was not Cluentius' agent: Cluentius let him be absent, while Oppianicus' patron dragged him back. The tale of a reconciliation was Staienus' shift when cornered, perhaps on Cethegus' advice, and none was possible. The sum itself tells its purpose: forty thousand for each of the sixteen votes.

82 Age, quoniam corrumpendi iudici causas ille multas et
come since of-corrupting the-court motives he many and
gravis habuit, hic nullam, profectio ipsius pecuniae
weighty had this-man none the-setting-out of-the-very money
requiratur. Confecit tabulas diligentissime Cluentius. Haec
let-be-sought made-up his-accounts most-diligently Cluentius this
autem res habet hoc certe ut nihil possit neque additum
however thing has this certainly that nothing can either added
neque detractum de re familiari latere. Anni sunt
or taken-away from the-property household lie-hidden years there-are
octo cum ista causa in ista meditatione versatur, cum omnia
eight since that case in that preparation is-engaged since all-things
quae ad eam rem pertinent et ex huius et ex aliorum
which to that thing pertain both from of-this-man and from others'
tabulis agitatis, tractatis, inquiritis, cum interea Cluentianae
accounts you-stir you-handle you-inquire-into when meanwhile of-Cluentian
pecuniae vestigium nullum invenitis. Quid? Albiana pecunia
money a-trace none you-find what the-Albian money

vestigiisne nobis odoranda est an ad ipsum cubile
by-its-tracks-whether by-us to-be-sniffed-out is or to the-very lair
vobis ducibus venire possumus? Tenentur uno in loco HS
with-you as-guides to-come can-we they-are-held in-one in place sesterces
dcxl, tenentur apud hominem audacissimum,
six-hundred-forty-thousand they-are-held with a-man most-audacious
tenentur apud iudicem; quid voltis amplius?
they-are-held with a-judge what do-you-want more
At enim Staienus non fuit ab Oppianico sed a Cluentio 83
but indeed Staienus not was by Oppianicus but by Cluentius
ad iudicium corrumpendum constitutus. Cur eum, cum
for the-court being-corrupted set-up why him when
in consilium iretur, Cluentius et Cannutius abesse
into council it-was-going Cluentius and Cannutius to-be-absent
patiebantur? Cur, cum in consilium mittebant, Staienum
allowed why when into council they-were-sending Staienus
iudicem cui pecuniam dederant non requirebant? Oppianicus
the-judge to-whom money they-had-given not did-they-ask-for Oppianicus
querebatur, Quinctius flagitabat; sine Staieno ne in
complained Quinctius demanded without Staienus that-not into
consilium iretur tribunicia potestate effectum est. At
council it-be-gone by-tribunician power brought-about it-was but
condemnavit. Hanc enim condemnationem dederat obsidem
he-condemned this for condemnation he-had-given as-a-hostage
Bulbo et ceteris ut destitutus ab Oppianico videretur. Qua
to-Bulbus and the-others that abandoned by Oppianicus he-might-seem by-which
re si istinc causa corrumpendi iudici, si istinc pecunia,
thing if from-there the-motive of-corrupting the-court if from-there the-money
istinc Staienus, istinc denique omnis fraus et audacia est,
from-there Staienus from-there finally all fraud and audacity is
hinc pudor, honesta vita, nulla suspicio pecuniae, nulla
from-here modesty an-honorable life no suspicion of-money no

corrumpendi iudici causa, patimini veritate patefacta atque
of-corrupting the-court motive allow with-the-truth laid-open and
omni errore sublato eo transire illius turpitudinis infamiam
every error removed there to-pass of-that of-disgrace the-infamy
ubi cetera maleficia consistunt, ab eo invidiam discedere
where the-other crimes rest from him the-ill-will to-depart
aliquando ad quem numquam accessisse culpam videtis.
at-last to whom never to-have-come guilt you-see

84 At enim pecuniam Staieno dedit Oppianicus non ad
but indeed money to-Staienus gave Oppianicus not for
corrumpendum iudicium sed ad conciliationem gratiae.
corrupting the-court but for the-winning of-favor
Tene hoc, Atti, dicere, tali prudentia, etiam usu
you-whether this Attius to-say with-such wisdom even with-experience
atque exercitatione praeditum! Sapientissimum esse dicunt
and practice endowed most-wise to-be they-say
eum cui quod opus sit ipsi veniat in mentem; proxime
him to-whom what needful is himself comes into mind next
accedere illum qui alterius bene inventis obtemperet. In
to-come him who another's well devised complies in
stultitia contra est. Minus enim stultus est is cui nihil
folly the-reverse it-is less for foolish is he to-whom nothing
in mentem venit quam ille qui quod stulte alteri venit
into mind comes than he who what foolishly to-another came
in mentem comprobat. Ita Staienus tum recenti re, cum
into mind approves so Staienus then with-recent thing when
faucibus premeretur — sive ultro excogitavit sive, ut
by-the-throat he-was-pressed whether of-himself he-devised or as
homines tum loquebantur, a P. Cethego admonitus est —
men then were-saying by Publius Cethegus admonished he-was
istam dedit conciliationis et gratiae fabulam.
that he-gave of-reconciliation and of-favor story

Nam fuisse hunc tum hominum sermonem recordari 85
for to-have-been this then of-men the-talk to-recall
potestis, Cethegum, quod hominem odisset et quod eius
you-can Cethegus because the-man he-hated and because his
improbitatem versari in re publica nollet et quod
wickedness to-move in the-thing public he-was-unwilling and because
videret eum qui se ab reo pecuniam, cum iudex
he-saw him who himself from the-defendant money when a-judge
esset, clam atque extra ordinem accepisse confessus esset,
he-was secretly and outside regular-order to-have-received confessed had
salvum esse non posse, minus ei fidele consilium dedisse.
safe to-be not to-be-able less to-him faithful advice to-have-given
In hoc si improbus Cethegus fuit, videtur mihi adversarium
in this if wicked Cethegus was he-seems to-me an-opponent
removere voluisse; sin erat eius modi causa ut Staienus
to-remove to-have-wished but-if it-was of-such-a kind the-case that Staienus
nummos se accepisse negare non posset, nihil autem erat
cash himself to-have-received to-deny not could nothing however was
periculosius nec turpius quam ad quam rem accepisset
more-dangerous nor more-shameful than for what thing he-had-received
confiteri, non est consilium Cethegi reprendendum.
to-confess not is the-advice of-Cethegus to-be-blamed
Verum alia causa tum Staieni fuit, alia nunc, Atti, tua est. 86
but other the-case then of-Staienus was other now Attius yours is
Ille cum re premeretur, quodcumque diceret, honestius
he when by-the-thing he-was-pressed whatever he-said more-honorably
diceret quam si quod erat factum fateretur; te vero illud
he-said than if what was done he-confessed you indeed that
idem quod tum explosum et eiectum est nunc rettulisse
same which then hissed-off and thrown-out was now to-have-brought-back
demiror. Qui enim poterat tum in gratiam redire cum
I-wonder-greatly how for could then into favor return with

Oppianico Cluentius, qui cum matre? Haerebat in tabulis
Oppianicus Cluentius he-who with his-mother there-stuck in the-records
publicis reus et accusator; condemnati erant Fabricii;
public the-defendant and accuser condemned were the-Fabricii
nec elabi alio accusatore poterat Albius nec sine
nor slip-away with-another accuser could Albius nor without
ignominia calumniae relinquere accusationem Cluentius.
the-disgrace of-false-accusation abandon the-accusation Cluentius
87 An vero praevaricaretur? Nam id quoque ad corrumpendum
or indeed would-be-collude for that also to corrupting
iudicium pertinet. Sed quid opus erat ad eam rem iudice
the-court pertains but what need was-there for that thing of-a-judge
sequestre? et omnino quam ob rem tota ista res
as-go-between and altogether what on-account-of thing whole that thing
per Staienum potius, hominem ab utroque alienissimum,
through Staienus rather a-man from both most-alien
sordidissimum, turpissimum, quam per bonum aliquem
most-sordid most-base than through good some
virum ageretur et amicum necessariumque communem? Sed
man should-be-done and a-friend and-connection common but
quid ego haec pluribus quasi de re obscura disputo,
why I these-things at-more-length as-if about a-matter obscure discuss
cum ipsa pecunia quae Staieno data est numero ac summa
when the-very money which to-Staienus given was by-its-number and sum
sua non modo quanta fuerit sed etiam ad quam rem fuerit
its-own not only how-great it-was but also for what thing it-was
ostendat? Sedecim dico iudices ut Oppianicus absolveretur
shows sixteen I-say judges that Oppianicus be-acquitted
corrumpendos fuisse; ad Staienum dcxl milia
to-be-corrupted to-have-been to Staienus six-hundred-forty thousand
nummum esse delata. Si, ut tu dicis, gratiae conciliandae
of-sesterces to-have-been brought if as you say of-favor to-be-won

causa, quadraginta istorum accessio milium quid valet? Si,
for-the-sake forty of-those the-addition thousand what avails-it if
ut nos dicimus, ut quadragena milia nummum sedecim
as we say that forty-each thousand of-sesterces to-sixteen
iudicibus darentur, non Archimedes melius potuit discribere.
judges were-given not Archimedes better could to-distribute

XVI · THE LATER TRIALS

The accuser cites the many later judgments that Cluentius corrupted the court; Cicero answers that the matter was never tried under its own name until today. Junius, who presided over Oppianicus' trial, was fined under Quinctius' agitation on trivial technical charges, for not swearing to a law and because his drawing of substitute jurors was missing from Verres' register, and was crushed by the moment, not the case. His condemnation says nothing about Cluentius: the tribune brought the assembly into court, and the defendant could not even rise to speak.

At enim iudicia facta permulta sunt a Cluentio iudicium 88
but indeed judgments made very-many have-been by Cluentius the-court
esse corruptum. Immo vero ante hoc tempus omnino
to-have-been corrupted nay indeed before this time at-all
ista ipsa res suo nomine in iudicium numquam est
that very thing under-its-own name into court never was
vocata. Ita multum agitata, ita diu iactata ista res est
summoned so much stirred so long tossed-about that thing has-been
ut hodierno die primum causa illa defensa sit, hodierno
that on-today's day first case that defended has-been on-today's
die primum veritas vocem contra invidiam his iudicibus
day first truth a-voice against prejudice on-these judges
freta miserit. Verum tamen ista multa iudicia quae sunt?
relying has-sent but still those many judgments what are-they

Ego enim me ad omnia confirmavi et sic paravi ut
I for myself to all-things have-strengthened and so prepared that
docerem quae facta postea iudicia de illo iudicio dicerentur,
I-might-show which made afterward judgments about that court were-said
partim ruinae similiora aut tempestati quam iudicio et
partly to-ruin more-like or to-a-storm than to-a-trial and
disceptationi fuisse, partim nihil contra Habitum valere,
to-a-debate to-have-been partly nothing against Habitus to-avail
partim etiam pro hoc esse, partim esse eius modi ut
partly even for this-man to-be partly to-be of-such kind that
neque appellata umquam iudicia sint neque existimata.
neither called ever judgments they-were nor thought
89 Hic ego magis ut consuetudinem servem quam quod vos non
here I rather that custom I-may-keep than because you not
vestra hoc sponte faciatis, petam a vobis ut me, dum de
your this accord may-do I-shall-ask from you that me while about
his singulis disputo, iudices, attente audiatis. Condemnatus est
these single-points I-discuss judges attentively you-hear condemned was
C. Iunius qui ei quaestioni praefuerat; adde etiam illud, si
Gaius Junius who over-that court had-presided add also this if
placet: tum est condemnatus cum esset iudex quaestionis. Non
it-pleases then was condemned when he-was the-judge of-the-court not
modo causae sed ne legi quidem quicquam per tribunum
only to-the-case but not to-the-law even anything through the-tribune
plebis laxamenti datum est. Quo tempore illum a
of-the-plebs of-relaxation given was at-which time him from
quaestione ad nullum aliud rei publicae munus abduci
the-court to no other of-the-thing public office to-be-drawn-away
licebat, eo tempore ad quaestionem ipse abreptus est.
it-was-allowed at-that time to the-court himself snatched-off he-was

At quam quaestionem? Voltus enim vestri, iudices, me invitant
but what court the-faces for your judges me invite
ut quae reticenda putaram libeat iam libere dicere.
that what-things to-be-kept-silent I-had-thought it-may-please now freely to-say
Quid? Illa tandem quaestio aut disceptatio aut iudicium 90
what that pray inquiry or debate or trial
fuit? Putabo fuisse. Dicat qui volt hodie de illo
was-it I-shall-suppose to-have-been let-him-say who wishes today from that
populo concitato, cui tum populo mos gestus est,
people stirred-up to-which then people indulgence shown was
qua de re Iunius causam dixerit; quemcumque rogaveris,
what about charge Junius his-case pleaded whomever you-will-ask
hoc respondebit, quod pecuniam acceperit, quod innocentem
this he-will-answer that money he-received that an-innocent-man
circumvenerit. Est haec opinio. At, si ita esset, hac
he-entrapped there-is this opinion but if so it-were by-this
lege accusatum fuisse oportuit qua accusatur Habitus.
law accused to-have-been it-was-proper by-which is-accused Habitus
At ipse ea lege quaerebat. Paucos dies exspectasset
but he-himself by-that law was-presiding a-few days should-have-waited
Quinctius. At neque privatus accusare nec sedata iam
Quinctius but neither as-a-private-man to-accuse nor with-calmed now
invidia volebat. Videtis igitur non in causa sed in tempore
prejudice he-wished you-see therefore not in the-case but in the-moment
ac potestate spem omnem accusatoris fuisse.
and power the-hope whole of-the-accuser to-have-been
Multam petivit. Qua lege? Quod in legem non iurasset, 91
a-fine he-sought by-what law because to the-law not he-had-sworn
quae res nemini umquam fraudi fuit, et quod C. Verres,
which thing to-no-one ever for-a-harm was and because Gaius Verres
praetor urbanus, homo sanctus et diligens, subsortitionem
the-praetor urban a-man upright and diligent the-substitute-ballot

eius in eo codice non haberet qui tum interlitus proferebatur.
his in that register not had which then erased was-produced
His de causis C. Iunius condemnatus est, iudices, levissimis
these for reasons Gaius Junius condemned was judges most-trivial
et infirmissimis, quas omnino in iudicium adferri non
and weakest which at-all into court to-be-brought not
oportuit. Itaque oppressus est non causa sed tempore.
it-was-proper and-so crushed he-was not by-the-case but by-the-time
92 Hoc vos Cluentio iudicium putatis obesse oportere? quam
this you to-Cluentius verdict think to-harm ought what
ob causam? Si ex lege subsortitus non erat
on-account-of reason if according-to the-law substitute-balloted not had
Iunius aut si in aliquam legem aliquando non iuraverat,
Junius or if to some law at-some-time not he-had-sworn
idcirco illius damnatione aliquid de Cluentio iudicabatur?
for-that-reason by-his condemnation something about Cluentius was-judged
'Non' inquit; 'sed ille idcirco illis legibus condemnatus
no he-says but he for-this-reason by-those laws condemned
est, quod contra aliam legem commiserat.' Qui hoc
was because against another law he-had-offended those-who this
confitentur, possunt idem illud iudicium fuisse defendere?
admit can the-same that court to-have-been defend
'Ergo' inquit 'idcirco infestus tum populus Romanus fuit
therefore he-says for-this-reason hostile then the-people Roman was
C. Iunio, quod illud iudicium corruptum per eum
to-Gaius Junius because that court corrupted through him
putabatur.' Num igitur hoc tempore causa mutata est?
was-thought surely-not therefore at-this time the-case changed has
num alia res, alia ratio illius iudici, alia natura
surely-not another the-matter another the-method of-that court another the-nature

totius negoti nunc est ac tum fuit? Non opinor ex eis
of-the-whole business now is than then was not I-think from those
rebus quae gestae sunt rem ullam potuisse mutari.
things which done were the-thing any to-have-been-able to-be-changed
Quid ergo est causae quod nunc nostra defensio audiatur 93
what therefore is-there of-reason why now our defense is-heard
tanto silentio, tum Iunio defendendi sui potestas erepta
with-so-great silence then to-Junius of-defending himself the-power snatched-away
sit? Quia tum in causa nihil erat praeter invidiam, errorem,
was because then in the-case nothing there-was except prejudice error
suspicionem, contiones cotidianas seditiose ac populariter
suspicion assemblies daily seditiously and demagogically
concitatas. Accusabat tribunus plebis idem in contionibus,
stirred-up was-accusing the-tribune of-the-plebs the-same in the-assemblies
idem ad subsellia; ad iudicium non modo de contione sed
the-same to the-benches to the-court not only from the-assembly but
etiam cum ipsa contione veniebat. Gradus illi Aurelii tum
even with the-very assembly came the-steps those Aurelian then
novi quasi pro theatro illi iudicio aedificati videbantur; quos
new as-if for a-theater for-that court built seemed which
ubi accusator concitatis hominibus complerat, non modo
when the-accuser with-stirred-up men had-filled not only
dicendi ab reo sed ne surgendi quidem potestas erat.
of-speaking by the-defendant but not of-rising even the-power there-was

Lately the court refused to try Faustus Sulla with a tribune prosecuting, judging that a fair hearing was impossible, though Sulla was far stronger than Junius and his tribune far milder than Quinctius. Even in the best times Popilius and Metellus could not withstand a tribune's power. The trial of Junius was no trial; Bulbus was condemned for treason, Popilius and Gutta for electoral bribery, and none of it touches Cluentius. Cicero passes over the testimony that condemned Staienus.

94 Nuper apud C. Orchivium, conlegam meum, locus ab
lately before Gaius Orchivius colleague my a-hearing by
iudicibus Fausto Sullae de pecuniis residuis non est
the-judges to-Faustus Sulla about monies outstanding not was
constitutus, non quo illi aut exlegem esse Sullam
fixed not because they either outside-the-law to-be Sulla
aut causam pecuniae publicae contemptam atque abiectam
or the-case of-money public despised and cast-aside
putarent, sed quod accusante tribuno plebis condicione
thought but because with-accusing a-tribune of-the-plebs on-terms
aequa disceptari posse non putaverunt. Quid conferam?
fair to-be-argued to-be-able not they-thought what shall-I-compare
Sullamne cum Iunio, an hunc tribunum plebis cum
Sulla-whether with Junius or this tribune of-the-plebs with
Quinctio, an vero tempus cum tempore? Sulla maximis
Quinctius or indeed time with time Sulla with-the-greatest
opibus, cognatis, adfinibus, necessariis, clientibus plurimis,
resources kinsmen relations-by-marriage connections clients very-many
haec autem apud Iunium parva et infirma et ipsius labore
these however with Junius small and weak and by-his-own labor
quaesita atque conlecta; hic tribunus plebis modestus,
sought and collected this tribune of-the-plebs moderate
pudens, non modo non seditiosus sed etiam seditiosis
modest not only not seditious but even to-the-seditious

adversarius, ille autem acerbus, criminosus, popularis homo
an-opponent that-one however bitter quarrelsome demagogic a-man
ac turbulentus; tempus hoc tranquillum atque placatum,
and turbulent the-time this calm and appeased
illud omnibus invidiae tempestatibus concitatum. Quae
that by-all of-prejudice the-storms stirred-up which-things
cum ita essent, in Fausto tamen illi iudices statuerunt
when so they-were in Faustus still those judges decided
iniqua condicione reum causam dicere, cum adversario
on-unfair terms the-defendant his-case to-plead when to-the-opponent
eius ad ius accusationis summa vis potestatis accederet.
his to the-right of-accusation the-highest force of-power was-added
Quam quidem rationem vos, iudices, diligenter pro vestra 95
which indeed consideration you judges diligently according-to your
sapientia et humanitate cogitare et penitus perspicere debetis,
wisdom and humanity to-ponder and deeply to-see-into ought
quid mali, quantum periculi uni cuique nostrum inferre
what of-evil how-much of-danger on-one each of-us to-bring
possit vis tribunicia, conflata praesertim invidia et
can the-force tribunician blown-up especially with-prejudice and
contionibus seditiose concitatis. Optimis hercule temporibus,
with-assemblies seditiously stirred-up in-the-best by-Hercules times
tum cum homines se non iactatione populari sed dignitate
then when men themselves not by-display demagogic but by-dignity
atque innocentia tuebantur, tamen nec P. Popilius neque
and innocence protected still neither Publius Popilius nor
Q. Metellus, clarissimi viri atque amplissimi, vim
Quintus Metellus most-illustrious men and most-distinguished the-force
tribuniciam sustinere potuerunt, nedum his temporibus,
tribunician to-withstand could much-less in-these times

his moribus, his magistratibus sine vestra sapientia
with-these manners with-these magistrates without your wisdom
ac sine iudiciorum remediis salvi esse possimus.
and without of-the-courts remedies safe to-be we-can
96 Non fuit illud igitur iudicium iudici simile, iudices, non fuit,
not was that therefore trial of-a-trial like judges not was
in quo non modus ullus est adhibitus, non mos consuetudoque
in which not measure any was applied not custom and-usage
servata, non causa defensa; vis illa fuit et, ut saepe iam
kept not the-case defended violence that was and as often already
dixi, ruina quaedam atque tempestas et quidvis potius quam
I-said a-ruin a-certain and a-storm and anything rather than
iudicium aut disceptatio aut quaestio. Quod si quis est qui
a-trial or a-debate or an-inquiry but if anyone is who
illud iudicium fuisse arbitretur et qui his rebus iudicatis
that a-trial to-have-been thinks and who by-these things judged
standum putet, is tamen hanc causam ab illa debet seiungere.
to-be-abided thinks he still this case from that ought to-separate
Ab illo enim, sive quod in legem non iurasset sive quod
from him for whether because to the-law not he-had-sworn or because
ex lege subsortitus iudicem non esset, multa petita
according-to the-law substitute-balloted a-judge not he-had a-fine sought
esse dicitur; Cluenti autem ratio cum illis legibus quibus
to-have-been is-said of-Cluentius however the-case with those laws which
a Iunio multa petita est nulla potest ex parte esse coniuncta.
from Junius a-fine sought was in-no can in part to-be joined
97 At enim etiam Bulbus est condemnatus. Adde ‘maiestatis,’ ut
but indeed also Bulbus was condemned add of-treason that
intellegas hoc iudicium cum illo non esse coniunctum.
you-may-understand this trial with that not to-be joined
At est hoc illi crimen obiectum. Fateor, sed etiam legionem
but was this to-him charge cast-up I-admit but also a-legion

esse ab eo sollicitatam in Illyrico C. Cosconi litteris
to-have-been by him tampered-with in Illyricum of-Gaius Cosconius by-the-letter
et multorum testimoniis planum factum est, quod crimen
and of-many by-the-testimonies clear made was which charge
erat proprium illius quaestionis et quae res lege maiestatis
was proper of-that court and which thing by-the-law of-treason
tenebatur. At hoc obfuit ei maxime. Iam ista divinatio est;
was-covered but this harmed him most now that a-divination is
qua si uti licet, vide ne mea coniectura multo sit
which if to-use it-is-allowed see whether-not my conjecture much be
verior. Ego enim sic arbitror, Bulbum, quod homo nequam,
truer I for so think Bulbus because a-man worthless
turpis, improbus, multis flagitiis contaminatus in iudicium
base wicked by-many outrages defiled into court
sit adductus, idcirco facilius esse damnatum. Tu
was brought for-that-reason more-easily to-have-been condemned you
mihi ex tota causa Bulbi quod tibi commodum est
to-me from the-whole case of-Bulbus what to-you convenient is
eligis ut id esse secutos iudices dicas.
you-pick so-that that to-have followed the-judges you-may-say
Quapropter hoc Bulbi iudicium non plus huic obesse causae 98
wherefore this of-Bulbus verdict not more to-this harm case
debet quam illa quae commemorata sunt ab accusatore
ought than those which recalled have-been by the-accuser
duo iudicia P. Popili et Ti. Guttae, qui causam
the-two verdicts of-Publius Popilius and of-Tiberius Gutta who their-case
de ambitu dixerunt, qui accusati sunt ab eis qui erant
for bribery pleaded who accused were by those who were
ipsi ambitus condemnati; quos ego non idcirco esse
themselves for-bribery condemned whom I not for-this-reason to-have-been
arbitror in integrum restitutos quod planum fecerint
think to their-former-status restored because clear they-made

illos ob rem iudicandam pecuniam accepisse sed quod
those for a-matter to-be-judged money to-have-received but because
iudicibus probarint, cum in eodem genere in quo ipsi
to-the-judges they-proved since in the-same kind in which themselves
offendissent alios reprendissent, se ad praemia legis
they-had-offended others they-had-convicted themselves to the-rewards of-the-law
venire oportere. Quapropter neminem dubitare existimo quin
to-come to-be-proper wherefore no-one to-doubt I-think that
illa damnatio ambitus nulla ex parte cum causa Cluenti
that condemnation for-bribery no in part with the-case of-Cluentius
vestroque iudicio coniuncta esse possit.
and-your judgment joined to-be can

99 Quid quod Staienus est condemnatus? Non dico hoc
what of-the-fact-that Staienus was condemned not I-say at-this
tempore, iudices, id quod nescio an dici oporteat, illum
time judges that which I-know-not whether to-be-said it-is-proper him
maiestatis esse condemnatum; non recito testimonia
of-treason to-have-been condemned not I-read-out the-testimonies
hominum honestissimorum quae in Staienum sunt dicta
of-men most-honorable which against Staienus were said
ab eis qui Mam. Aemilio, clarissimo viro, legati et
by those who to-Mamercus Aemilius a-most-illustrious man legates and
praefecti et tribuni militares fuerunt; quorum testimoniis
prefects and tribunes military were whose by-testimonies
planum factum est maxime eius opera, cum quaestor esset,
clear made was mainly by-his effort when quaestor he-was
in exercitu seditionem esse conflatam; ne illa quidem
in the-army a-mutiny to-have-been blown-up not those even
testimonia recito quae dicta sunt de HS dc
testimonies I-read-out which said were about sesterces six-hundred-thousand

quae ille, cum accepisset nomine iudici Safiniani, sicut
which he when he-had-received in-the-name of-the-trial Safinian as
in Oppianici iudicio postea, reticuit atque suppressit.
in Oppianicus' trial afterward he-kept-quiet-about and kept-back

XVIII · STAIENUS AND FIDICULANIUS

Staienus was prosecuted by the Cominii for taking Oppianicus' money to corrupt the court, and he was condemned; his condemnation confirms the defense. Fidiculanius was accused of taking four hundred thousand from Cluentius, and in a calm trial, with the case fully heard, he was acquitted. Of those who acquitted Oppianicus, none would now claim the credit.

Omitto et haec et alia permulta quae illo iudicio 100
I-pass-over both these-things and others very-many which in-that trial
in Staienum dicta sunt; hoc dico, eandem tum fuisse
against Staienus said were this I-say the-same then to-have-been
P. et L. Cominiis, equitibus Romanis, honestis
for-Publius and Lucius the-Cominii knights Roman honorable
hominibus et disertis, controversiam cum Staieno quem
men and eloquent the-dispute with Staienus whom
accusabant quae nunc mihi est cum Attio. Cominii
they-were-accusing which now for-me is with Attius the-Cominii
dicebant idem quod ego dico, Staienum ab Oppianico
said the-same that I say Staienus from Oppianicus
pecuniam accepisse ut iudicium corrumperet; Staienus
money to-have-received that the-court he-might-corrupt Staienus
conciliandae gratiae causa se accepisse dicebat.
of-reconciling favor for-the-sake himself to-have-received said

101 Inridebatur haec illius reconciliatio et persona viri boni
was-mocked this his reconciliation and the-character of-a-man good
suscepta, sicut in statuis inauratis quas posuit ad Iuturnae,
assumed as in the-statues gilded which he-set-up by Juturna
quibus subscripsit reges ab se in gratiam esse reductos.
under-which he-inscribed kings by himself into favor to-have-been brought-back
Exagitabantur omnes eius fraudes atque fallaciae, tota vita
were-harried all his frauds and deceits the-whole life
in eius modi ratione versata aperiebatur, egestas domestica,
in of-that kind a-method spent was-laid-open the-poverty domestic
quaestus forensis in medium proferebatur, nummarius
the-gains forensic into the-middle were-brought-out the-bribed
interpres pacis et concordiae non probabatur. Itaque tum
interpreter of-peace and of-concord not was-approved and-so then
Staienus cum idem defenderet quod Attius condemnatus est;
Staienus since the-same he-defended that Attius condemned was
102 Cominii cum hoc agerent quod nos in tota causa
the-Cominii when this they-were-pleading which we in whole case
egimus probaverunt. Quam ob rem, si Staieni
have-pleaded proved-it which on-account-of thing if by-Staienus'
damnatione Oppianicum iudicium corrumpere voluisse,
condemnation Oppianicus the-court to-corrupt to-have-wished
Oppianicum iudici ad emendas sententias dedisse pecuniam
Oppianicus to-a-judge for buying votes to-have-given money
iudicatum est, et, cum ita constitutum sit ut in illa culpa
judged it-was and since so established it-is that in that guilt
aut Cluentius sit aut Oppianicus, Cluenti nummus nullus
either Cluentius is or Oppianicus of-Cluentius a-coin none
iudici datus ullo vestigio reperitur, Oppianici pecunia post
to-a-judge given by-any trace is-found Oppianicus' money after
iudicium factum ab iudice ablata est: potest esse dubium quin
the-trial held from the-judge snatched was can it-be doubtful that

illa damnatio Staieni non modo non sit contra Cluentium
that condemnation of-Staienus not only not is against Cluentius
sed maxime nostram causam defensionemque confirmet?
but most-of-all our case and-defense confirms
Ergo adhuc Iuni iudicium video esse eius modi ut 103
therefore so-far Junius' trial I-see to-be of-such kind that
incursionem potius seditionis, vim multitudinis, impetum
an-inroad rather of-sedition a-violence of-the-multitude an-attack
tribunicium quam iudicium appellandum putem. Quod si quis
tribunician than a-trial to-be-called I-think but if anyone
illud iudicium appellet, tamen hoc confiteatur necesse est, nullo
that a-trial call still this he-confess necessary it-is in-no
modo illam multam quae ab Iunio petita sit cum Cluenti
way that fine which from Junius sought was with Cluentius'
causa posse coniungi. Illud igitur Iunianum per vim
case to-be-able to-be-joined that therefore Junian through violence
factum est, Bulbi et Popili et Guttae contra Cluentium
done was of-Bulbus and of-Popilius and of-Gutta against Cluentius
non est, Staieni etiam pro Cluentio est. Videamus ecquod
not is Staienus' even for Cluentius is let-us-see whether-any
aliud iudicium quod pro Cluentio sit proferre possimus.
other judgment which for Cluentius may-be to-bring-forward we-can
Dixitne tandem causam C. Fiduculanius Falcula qui
did-he-plead-whether pray his-case Gaius Fiduculanius Falcula who
Oppianicum condemnarat, cum praesertim, id quod fuit in
Oppianicus had-condemned since especially that which was in
illo iudicio invidiosissimum, paucos dies ex subsortitione
that trial most-invidious a-few days from substitute-ballot
sedisset? Dixit et bis quidem dixit. In summam enim
he-had-sat he-pleaded and twice indeed he-pleaded into the-greatest for
L. Quinctius invidiam contionibus eum cotidianis seditiosis
Lucius Quinctius ill-will by-assemblies him daily seditious

et turbulentis adduxerat. Uno iudicio multa est ab eo petita,
and turbulent had-brought in-one trial a-fine was from him sought
sicut ab Iunio, quod non suae decuriae munere neque ex
as from Junius because not of-his-own panel by-office nor by
lege sedisset. Paulo sedatiore tempore est accusatus quam
law he-had-sat in-a-little calmer time was accused than
Iunius, sed eadem fere lege et crimine. Quia nulla in iudicio
Junius but by-the-same almost law and charge because no in the-trial
seditio neque vis nec turba versata est, prima actione
sedition nor violence nor confusion engaged was at-the-first hearing
facillime est absolutus. Non numero hanc absolutionem; nihilo
most-easily was acquitted not I-count this acquittal by-nothing
minus enim potest, ut illam multam non commiserit,
less for he-can that-although that fine not he-incurred
accepisse tamen ob rem iudicandam, sicut causam pecunia
to-have-received still for a-matter to-be-judged as the-case of-money
ob rem iudicandam capta nusquam Staienus ea quidem
for a-matter to-be-judged taken nowhere Staienus by-that indeed
lege dixit. Proprium crimen illud quaestionis eius non fuit.
law pleaded the-proper charge that of-the-court that not was
104 Fidiculanius quid fecisse dicebatur? Accepisse a Cluentio
Fidiculanius what to-have-done was-he-said to-have-received from Cluentius
HS cccc. Cuius erat ordinis? Senatorii. Qua lege
sesterces four-hundred-thousand of-what was-he order senatorial by-what law
in eo genere a senatore ratio repeti solet, de pecuniis
in that kind from a-senator an-account to-be-reclaimed is-wont about monies
repetundis, ea lege accusatus honestissime est absolutus.
to-be-recovered by-that law accused most-honorably was acquitted
Acta est enim causa more maiorum sine vi, sine
pleaded was for the-case by-the-custom of-the-ancestors without violence without
metu, sine periculo; dicta et exposita et demonstrata sunt
fear without danger said and set-out and demonstrated were

omnia. Adducti iudices sunt non modo potuisse honeste
all-things led the-judges were not only to-have-been-able honorably
ab eo reum condemnari qui non perpetuo sedisset sed,
by him the-defendant to-be-condemned who not continuously had-sat but
aliud si is iudex nihil scisset, nisi quae praeiudicia de
else if he as-judge nothing had-known except what-things prejudgments about
eo facta esse constaret, audire praeterea nihil debuisse.
him made to-have-been it-was-agreed to-hear besides nothing to-have-had-to
Tum etiam illi quinque qui imperitorum hominum 105
then also those five who of-ignorant men
rumusculos aucupati tum illum absolverunt iam suam
the-little-rumors hunting then him acquitted now their
clementiam laudari magno opere nolebant; a quibus
clemency to-be-praised in-great measure did-not-wish from whom
si qui quaereret sedissentne iudices in C. Fabricium,
if anyone asked whether-they-had-sat as-judges on Gaius Fabricius
sedisse se dicerent; si interrogarentur num quo crimine
to-have-sat themselves they-would-say if they-were-questioned whether on-any charge
is esset accusatus praeterquam veneni eius quod quaesitum
he had-been accused except of-poison that which procured
Habito diceretur, negarent; si deinde essent rogati quid
for-Habitus was-said they-would-deny if then they-had-been asked what
iudicassent, condemnasse se dicerent; nemo enim absolvit.
they-had-judged to-have-condemned themselves they-would-say no-one for acquitted
Eodem modo quaesitum si esset de Scamandro, certe
in-the-same way asked if it-had-been about Scamander certainly
idem respondissent; tametsi ille una sententia est absolutus,
the-same they-would-have-answered although he by-one vote was acquitted
sed illam unam nemo tum istorum suam dici vellet.
but that one no-one then of-them his-own to-be-called wished

Cicero pardons the five who acquitted, approves those who held to their earlier verdicts, and praises as wise those who said "not proven"; such men as Octavius Balbus, Considius, Juventius Pedo, and Saturius did not acquit. Quinctius, who had silenced every defense, dropped the case once Junius fell. Insolent, in purple to his ankles, a man of fifty who had never pleaded, he carried the matter from the court to the rostra and was later hated by those who raised him.

106 Uter igitur facilius suae sententiae rationem
which-of-the-two therefore more-easily of-his-own verdict an-account
redderet, isne qui se et sibi et rei iudicatae
would-render he-whether who that-he both with-himself and with-the-thing judged
constitisse dicit, an ille qui se in principem malefici
to-have-been-consistent says or he who that-he toward the-chief of-the-crime
lenem, in adiutores eius et conscios vehementissimum esse
lenient toward the-helpers his and accomplices most-vehement to-be
respondit? Quorum ego de sententia non debeo disputare;
answered of-whom I about the-verdict not ought to-dispute
neque enim dubito quin ei tales viri suspicione aliqua
nor for do-I-doubt that they such men by-suspicion some
perculsi repentina de statu suo declinarint. Qua re
struck sudden from position their-own swerved by-which thing
eorum qui absolverunt misericordiam non reprendo, eorum
of-those who acquitted the-mercy not I-blame of-those
qui in iudicando superiora iudicia secuti sunt sua sponte,
who in judging the-earlier judgments followed have of-their-own accord
non Staieni fraude, constantiam comprobo, eorum vero qui
not by-Staienus' fraud the-consistency I-approve of-those indeed who
sibi non liquere dixerunt sapientiam laudo, qui absolvere
to-themselves not to-be-clear said the-wisdom I-praise who to-acquit
eum quem nocentissimum cognorant et quem ipsi bis
him whom most-guilty they-had-recognized and whom themselves twice

iam antea condemnarant nullo modo poterant, condemnare,
already before had-condemned in-no way could to-condemn
cum tanta consili infamia et tam atrocis rei suspicio
when so-great of-the-panel infamy and of-so atrocious a-thing suspicion
esset iniecta, paulo posterius patefacta re maluerunt.
had-been thrown-in a-little later with-laid-open the-matter they-preferred
Ac ne ex facto solum sapientes illos iudicetis, sed 107
and that-not from the-deed alone wise those-men you-judge but
etiam ex hominibus ipsis quod hi fecerunt rectissime
also from the-men themselves that-what these did most-rightly
ac sapientissime factum probetis, quis P. Octavio
and most-wisely done you-may-approve who than-Publius Octavius
Balbo ingenio prudentior, iure peritior, fide, religione,
Balbus in-talent more-sensible in-law more-skilled in-good-faith in-scrupulousness
officio diligentior aut sanctior commemorari potest? Non
in-duty more-diligent or more-upright to-be-mentioned can not
absolvit. Quis Q. Considio constantior, quis iudiciorum
he-acquitted who than-Quintus Considius more-steady who of-courts
atque eius dignitatis quae in iudiciis publicis versari debet
and of-that dignity which in courts public to-move ought
peritior, quis virtute, consilio, auctoritate praestantior? Ne
more-skilled who in-virtue in-counsel in-authority more-outstanding not
is quidem absolvit. Longum est de singulorum virtute ita
he even acquitted long it-is about of-each-one virtue so
dicere, quaeque iam cognita sunt ab omnibus verborum
to-speak and-what-things now known are by all of-words
ornamenta non quaerunt. Qualis vir M. Iuventius
ornaments not need what-kind-of man Marcus Juventius
Pedo fuit ex vetere illa iudiciorum disciplina, qualis
Pedo was from old that of-the-courts training what-kind
L. Caulius Mergus, M. Basilus, C. Caudinus! Qui
Lucius Caulius Mergus Marcus Basilus Gaius Caudinus who

omnes in iudiciis publicis iam tum florente re publica
all in courts public already then with-flourishing the-thing public
floruerunt. Ex eodem numero L. Cassius, Cn. Heius
flourished from the-same number Lucius Cassius Gnaeus Heius
pari et integritate et prudentia; quorum nullius sententia
of-equal both integrity and wisdom of-whom of-none by-the-vote
est Oppianicus absolutus. Atque in his omnibus natu
was Oppianicus acquitted and among these all by-birth
minimus, ingenio et diligentia et religione par eis quos
the-youngest in-talent and diligence and scrupulousness equal to-those whom
antea commemoravi, P. Saturius, in eadem sententia fuit.
before I-mentioned Publius Saturius in the-same verdict was
108 O innocentiam Oppianici singularem! Quo in reo qui
O innocence of-Oppianicus unparalleled which in defendant he-who
absolvit ambitiosus, qui distulit cautus, qui condemnavit
acquitted self-seeking he-who postponed cautious he-who condemned
constans existimatur. Haec tum agente Quinctio neque in
consistent is-thought these-things then with-acting Quinctius neither in
contione neque in iudicio demonstrata sunt; neque enim ipse
the-assembly nor in the-court shown were nor for he-himself
dici patiebatur nec per multitudinem concitatam consistere
to-be-said allowed nor through the-multitude stirred-up to-stand-firm
cuiquam in dicendo licebat. Itaque ipse postquam Iunium
to-anyone in speaking was-it-allowed and-so himself after Junius
pervertit, totam causam reliquit; paucis enim diebus illis et
he-overturned the-whole case he-abandoned in-few for days those both
ipse privatus est factus et hominum studia defervisse
himself private was made and of-men the-enthusiasms to-have-cooled-off
intellegebat. Quod si, per quos dies Iunium accusavit,
he-understood but if during which days Junius he-accused
Fidiculanium accusare voluisset, respondendi Fidiculanio
Fidiculanius to-accuse he-had-wished of-answering to-Fidiculanius

potestas facta non esset. Ac primo quidem omnibus
the-power made not would-have-been and at-first indeed to-all
illis iudicibus qui Oppianicum condemnarant minabatur.
those judges who Oppianicus had-condemned he-threatened
Iam insolentiam noratis hominis, noratis animos eius ac 109
now the-insolence you-knew of-the-man you-knew the-spirit his and
spiritus tribunicios. Quod erat odium, di immortales!
airs tribunician what was the-hatred gods immortal
quae superbia, quanta ignoratio sui, quam gravis atque
what pride how-great ignorance of-himself how heavy and
intolerabilis adrogantia! Qui illud iam ipsum acerbe tulerit,
intolerable arrogance who that now very-thing bitterly bore
ex quo illa nata sunt omnia, non sibi ac defensioni
from which those born are all-things not to-himself and to-defense
suae condonatum esse Oppianicum; proinde quasi non
his-own pardoned to-have-been Oppianicus just as-if not
satis signi esse debuerit ab omnibus eum fuisse desertum
enough of-a-sign to-be it-ought by all him to-have-been deserted
qui se ad patronum illum contulisset. Erat enim Romae
who himself to patron that had-betaken there-was for at-Rome
summa copia patronorum, hominum eloquentissimorum atque
the-greatest supply of-advocates of-men most-eloquent and
amplissimorum, quorum certe aliquis defendisset equitem
most-distinguished of-whom certainly some-one would-have-defended a-knight
Romanum in municipio suo nobilem, si honeste putasset
Roman in town his-own noble if honorably he-had-thought
eius modi causam posse defendi.
of-such-a kind a-case to-be-able to-be-defended
Nam Quinctius quidem quam causam umquam antea dixerat, 110
for Quinctius indeed what case ever before had-pleaded
cum annos ad quinquaginta natus esset? quis eum umquam
when years near fifty born he-was who him ever

non modo in patroni sed in lautioris advocati loco
not only in of-a-patron but in of-a-more-elegant supporter the-place
viderat? qui quod rostra iam diu vacua locumque illum
had-seen who because the-rostra now for-long empty and-the-place that
post adventum L. Sullae a tribunicia voce desertum
after the-arrival of-Lucius Sulla by the-tribunician voice deserted
oppresserat multitudinemque desuefactam iam a contionibus
had-seized and-the-multitude disaccustomed now from assemblies
ad veteris consuetudinis similitudinem revocarat, idcirco
to of-old custom the-likeness had-called-back for-that-reason
cuidam hominum generi paulisper iucundior fuit. Atque
to-a-certain of-men kind for-a-little-while more-pleasing he-was and
idem quanto in odio postea fuit illis ipsis per quos
the-same how-much in hatred afterward was-he to-those very-men through whom
in altiorem locum ascenderat!
into a-higher place he-had-climbed

111 Neque iniuria. Facite enim ut non solum mores et
nor without-cause see for that not only the-manners and
adrogantiam eius sed etiam voltum atque amictum atque
arrogance his but also the-face and dress and
etiam illam usque ad talos demissam purpuram recordemini.
also that right to the-ankles let-down purple you-recall
Is, quasi non esset ullo modo ferendum se ex iudicio
he as-if not it-were in-any way to-be-borne himself from the-court
discessisse victum, rem ab subselliis ad rostra detulit.
to-have-departed defeated the-matter from the-benches to the-rostra carried
Et iam querimur saepe hominibus novis non satis magnos
and now we-complain often to-men new not sufficiently great
in hac civitate esse fructus? Nego usquam umquam fuisse
in this state to-be the-rewards I-say-that nowhere ever to-have-been
maiores; ubi si quis ignobili loco natus ita vivit ut nobilitatis
greater where if anyone of-obscure rank born so lives that of-the-nobility

dignitatem virtute tueri posse videatur, usque eo
the-dignity by-virtue to-maintain to-be-able he-seems right to-that-point
pervenit quoad eum industria cum innocentia prosecuta est.
he-comes as-far-as him industry with innocence escorted has
Si quis autem hoc uno nititur quod sit ignobilis, procedit 112
if anyone however on-this one-thing relies that he-is low-born he-goes
saepe longius quam si idem ille esset cum isdem suis
often farther than if the-same he were with the-same his-own
vitiis nobilissimus. Ut Quinctius — nihil enim dicam de
vices most-noble as Quinctius nothing for I-shall-say about
ceteris — si fuisset homo nobilis, quis eum cum illa superbia
the-others if he-had-been a-man noble who him with that pride
atque intolerantia ferre potuisset? Quod eo loco fuit, ita
and intolerance to-bear could-have because in-that rank he-was so
tulerunt ut, si quid haberet a natura boni, prodesse ei
they-bore-him that if anything he-had from nature of-good to-benefit him
putarent oportere, superbiam autem atque adrogantiam eius
they-thought it-ought pride however and arrogance his
deridendam magis arbitrarentur propter humilitatem hominis
to-be-laughed-at rather they-thought on-account-of the-lowliness of-the-man
quam pertimescendam. Sed ut illuc revertar, quo tempore
than to-be-feared but that thither I-may-return at-what time
Fidiculanius est absolutus, tu qui iudicia facta commemoras quid
Fidiculanius was acquitted you who judgments made recall what
tum esse existimas iudicatum? Certe gratiis iudicasse.
then to-have-been do-you-think judged certainly for-nothing to-have-judged

If Fidiculanius was innocent, Oppianicus was condemned honestly. The bribery verdicts were under other laws. The assessment of damages against Scaevola is not a judgment, since judges attend to it carelessly after condemning. Then there is the censors' mark, which the ancestors never treated as a judgment; Cicero, a friend of both censors, will speak of it with care.

113 At condemnarat, at causam totam non audierat, at in
but he-had-condemned but the-case whole not he-had-heard but in
contionibus omnibus a L. Quinctio, tribuno plebis,
assemblies all by Lucius Quinctius tribune of-the-plebs
vehementer erat et saepe vexatus. Illa igitur omnia
vehemently he-had-been and often harassed those therefore all-things
Quinctiana iniqua, falsa, turbulenta, popularia, seditiosa iudices
Quinctian unfair false turbulent demagogic seditious the-judges
iudicaverunt. Esto, potuit esse innocens Falcula. Iam ergo
judged be-it-so could to-be innocent Falcula now therefore
aliquis Oppianicum gratiis condemnavit, iam non eos
someone Oppianicus for-nothing condemned now not those-men
Iunius subsortitus est qui pecunia accepta condemnarent,
Junius substitute-balloted has who with-money received would-condemn
iam potest aliquis ab initio non sedisse et tamen
now can someone from the-beginning not to-have-sat and still
Oppianicum gratiis condemnasse. Verum, si innocens Falcula,
Oppianicus for-nothing to-have-condemned but if innocent Falcula
quaero quis sit nocens; si hic gratiis condemnavit, quis
I-ask who is guilty if this-man for-nothing condemned who
accepit? Nego rem esse ullam cuiquam illorum obiectam
received I-deny a-thing to-be any to-any of-them cast-up

quae Fidiculanio non obiecta sit, aliquid fuisse in
which to-Fidiculanius not cast-up has-been anything to-have-been in
Fidiculani causa quod idem non esset in ceterorum.
Fidiculanius' case which the-same not was in the-others'
Aut hoc iudicium reprehendas tu cuius accusatio rebus 114
either this judgment you-must-censure you whose accusation on-things
iudicatis nitebatur necesse est aut, si hoc verum esse
judged relied necessary it-is or if this true to-be
concedis, Oppianicum gratiis condemnatum esse
you-grant Oppianicus for-nothing condemned to-have-been
fateare. Quamquam satis magno argumento esse debet
you-must-admit although sufficiently great as-an-argument to-be ought
quod ex tam multis iudicibus absoluto Falcula nemo reus
that from so many judges with-acquitted Falcula no-one defendant
factus est. Quid enim mihi damnatos ambitus conligitis
was made why for to-me the-condemned for-bribery do-you-gather
alia lege, certis criminibus, plurimis testibus? Cum
by-another law on-certain charges by-very-many witnesses since
primum illi ipsi debuerint potius accusari de pecuniis
first they themselves ought rather to-be-accused about monies
repetundis quam ambitus. Nam si in ambitus iudiciis hoc eis
to-be-recovered than of-bribery for if in of-bribery trials this to-them
obfuit, cum alia lege causam dicerent, certe, si propria
did-harm when by-another law their-case they-pleaded certainly if by-the-proper
lege huius peccati adducti essent, multo plus obfuisset.
law of-this offense brought they-had-been much more it-would-have-harmed
Deinde, si tanta vis fuit istius criminis ut, qua 115
then if so-great the-force was of-that charge that by-whatever
quisque lege ex illis iudicibus reus factus esset, tamen
each law out-of those judges defendant made had-been still
hac plaga periret, cur in tanta multitudine accusatorum,
by-this blow he-would-perish why in so-great a-multitude of-accusers

tantis praemiis, ceteri rei facti non sunt? Hic
with-so-great rewards the-others defendants made not were here
profertur id quod iudicium appellari non oportet,
is-brought-forward that which a-judgment to-be-called not ought
P. Septimio Scaevolae litem eo nomine esse
for-Publius Septimius Scaevola the-damages on-that account to-have-been
aestimatam. Cuius rei quae consuetudo sit, quoniam apud
assessed of-which thing what the-custom is since before
homines peritissimos dico, pluribus verbis docere non debeo.
men most-expert I-speak at-more words to-teach not I-ought
Numquam enim ea diligentia quae solet adhiberi in ceteris
never for that diligence which is-wont to-be-applied in other
iudiciis, eadem reo damnato adhibita est.
trials the-same with-the-defendant condemned has-been applied
116 In litibus aestimandis fere iudices aut, quod sibi eum
in damages being-assessed generally the-judges either because to-themselves him
quem semel condemnarunt inimicum putant esse, si qua
whom once they-condemned an-enemy they-think to-be if any
in eum lis capitis inlata est, non admittunt
against him a-claim affecting-his-status brought has-been not they-admit-it
aut, quod se perfunctos iam esse arbitrantur cum de
or because themselves discharged already to-be they-think when about
reo iudicarunt, neglegentius attendunt cetera. Itaque et
the-defendant they-have-judged more-carelessly they-attend-to the-rest and-so both
maiestatis absoluti sunt permulti quibus damnatis de
of-treason acquitted have-been very-many for-whom with-condemned about
pecuniis repetundis lites maiestatis essent aestimatae, et
monies to-be-recovered damages of-treason had-been assessed and
hoc cotidie fieri videmus ut reo damnato de
this daily to-happen we-see that with-the-defendant condemned about
pecuniis repetundis, ad quos pervenisse pecunias in litibus
monies to-be-recovered to whom to-have-come the-monies in damages

aestimandis statutum sit, eos idem iudices absolvant;
being-assessed established has-been them the-same judges acquit
quod cum fit, non iudicia rescinduntur sed hoc
which when it-happens not judgments are-rescinded but this
statuitur, aestimationem litium non esse iudicium. Scaevola
is-established the-assessment of-damages not to-be a-judgment Scaevola
condemnatus est aliis criminibus frequentissimis Apuliae
condemned was on-other charges with-very-numerous of-Apulia
testibus. Omni contentione pugnatum est uti lis haec
witnesses with-all effort fought it-was that the-claim this
capitis aestimaretur. Quae res si rei iudicatae
affecting-his-status should-be-assessed which thing if of-a-thing judged
pondus habuisset, ille postea vel isdem vel aliis inimicis
the-weight it-had-had he afterward either by-the-same or by-other enemies
reus hac lege ipsa factus esset.
defendant by-this law itself made would-have-been
Sequitur id quod illi iudicium appellant, maiores autem nostri 117
follows that which they a-judgment call ancestors however our
numquam neque iudicium nominarunt neque proinde ut rem
never neither a-judgment named nor accordingly as a-thing
iudicatam observarunt, animadversio atque auctoritas censoria.
judged regarded the-animadversion and authority censorian
Qua de re ante quam dicere incipio, perpauca mihi de
which about thing before that to-speak I-begin very-few for-me about
meo officio verba facienda sunt, ut a me cum huiusce
my duty words to-be-made are that by me both of-this-man's
periculi tum ceterorum quoque officiorum et amicitiarum
danger and of-the-other also duties and friendships
ratio conservata esse videatur. Nam mihi cum viris
the-account kept to-have-been may-seem for to-me with the-men
fortibus qui censores proxime fuerunt ambobus est amicitia;
brave who censors most-recently were with-both is friendship

cum altero vero, sicuti plerique vestrum sciunt, magnus
with the-one indeed as most of-you know great
usus et summa utriusque officiis constituta necessitudo est.
intercourse and the-closest by-each-one's services established connection is

XXI · THE CENSORIAL MARK

The censors noted some judges of the Junian court. But their notes have often been set aside by the people, by sworn judges, by praetors choosing jurors, and by later censors, who disagree even with each other. The ancestors wanted a man disgraced by the censors to be able to stand for office, and Geta, expelled from the senate, became censor himself.

118 Qua re quicquid de subscriptionibus eorum mihi dicendum
by-which thing whatever about the-annotations their by-me to-be-said
erit, eo dicam animo ut omnem orationem meam non de
will-be with-that I-shall-say mind that all speech my not about
illorum facto sed de ratione censoria habitam existimari velim;
their deed but about the-method censorian held to-be-thought I-wish
a Lentulo autem, familiari meo, qui a me pro eximia sua
from Lentulus however friend my who by me for extraordinary his
virtute summisque honoribus quos a populo Romano adeptus
virtue and-the-highest offices which from the-people Roman attained
est honoris causa nominatur, facile hoc, iudices, impetrabo
he-has of-honor for-the-sake is-named easily this judges I-shall-obtain
ut, quam ipse adhibere consuevit in amicorum periculis cum
that what himself to-apply is-accustomed in friends' dangers both
fidem et diligentiam tum vim animi libertatemque dicendi,
good-faith and diligence and force of-mind and-freedom of-speaking
ex hac mihi concedat ut tantum mihi sumam quantum
of this to-me he-grant that so-much for-me I-take as-much-as

sine huius periculo praeterire non possim. A me tamen,
without of-this-man danger to-pass-over not I-can by me still
ut aequum est, omnia caute pedetemptimque dicentur ut
as fair it-is all-things cautiously and-step-by-step will-be-said that
neque fides huius defensionis relicta neque cuiusquam
neither the-good-faith of-this defense abandoned nor anyone's
aut dignitas laesa aut amicitia violata esse videatur.
either dignity injured or friendship violated to-have-been may-seem
Video igitur, iudices, animadvertisse censores in iudices 119
I-see therefore judges to-have-punished the-censors on judges
quosdam illius consili Iuniani, cum istam ipsam causam
certain of-that panel Junian when that very case
subscriberent. Hic illud primum commune proponam,
they-annotated here that first common-point I-shall-put-forward
numquam animadversionibus censoriis hanc civitatem ita
never with-the-animadversions censorian this state so
contentam ut rebus iudicatis fuisse. Neque in re nota
content as with-things judged to-have-been nor on a-matter known
consumam tempus; exempli causa ponam illud unum,
shall-I-spend time of-example for-the-sake I-shall-set-down that one
C. Getam, cum a L. Metello et Cn. Domitio censoribus
Gaius Geta when by Lucius Metellus and Gnaeus Domitius as-censors
ex senatu eiectus esset, censorem esse ipsum postea factum
from the-senate expelled he-had-been censor to-be himself afterward made
et, cuius mores erant a censoribus reprehensi, hunc postea
and whose manners had-been by the-censors censured him afterward
et populi Romani et eorum qui in ipsum animadverterant
both of-the-people Roman and of-those who on him had-animadverted
moribus praefuisse. Quod si illud iudicium putaretur, ut
over-the-manners to-have-presided but if that a-judgment were-thought as
ceteri turpi iudicio damnati in perpetuum omni honore
the-others by-a-shameful judgment condemned in perpetuity of-all honor

ac dignitate privantur, sic hominibus ignominia notatis neque
and dignity are-deprived so to-men with-disgrace branded neither
ad honorem aditus neque in curiam reditus esset.
to honor approach nor into the-senate-house return would-be
120 Nunc si quem Cn. Lentuli aut L. Gelli libertus furti
now if anyone of-Gnaeus Lentulus or of-Lucius Gellius a-freedman for-theft
condemnarit, is omnibus ornamentis amissis numquam ullam
has-condemned he with-all distinctions lost never any
honestatis suae partem reciperabit; quos autem ipse
of-his-honor own part will-recover those-whom however themselves
L. Gellius et Cn. Lentulus, duo censores, clarissimi
Lucius Gellius and Gnaeus Lentulus two censors most-illustrious
viri sapientissimique homines, furti et captarum pecuniarum
men and-most-wise persons for-theft and of-seized monies
nomine notaverunt, ei non modo in senatum redierunt sed
on-account branded they not only into the-senate returned but
etiam illarum ipsarum rerum iudiciis absoluti sunt. Neminem
also of-those very things in-trials acquitted were no-one
voluerunt maiores nostri non modo de existimatione
wished ancestors our not only about the-reputation
cuiusquam sed ne pecuniaria quidem de re minima esse
of-anyone but not money even about matter the-smallest to-be
iudicem, nisi qui inter adversarios convenisset. Quapropter
judge except who between the-opponents had-been-agreed wherefore
in omnibus legibus quibus exceptum est de quibus causis
in all laws in-which excepted it-is for what reasons
aut magistratum capere non liceat aut iudicem legi
either a-magistracy to-take not it-be-allowed or a-judge to-be-chosen
aut alterum accusare, haec ignominiae causa praetermissa est.
or another to-accuse this of-disgrace cause passed-over is
Timoris enim causam, non vitae poenam in illa potestate esse
of-fear for a-cause not of-life a-penalty in that power to-be

voluerunt. Itaque non solum illud ostendam quod iam videtis,
they-wished and-so not only that I-shall-show which already you-see
populi Romani suffragiis saepenumero censorias subscriptiones
of-the-people Roman by-the-votes often censorian annotations
esse sublatas, verum etiam iudiciis eorum qui iurati
to-have-been removed but also by-the-judgments of-those who sworn
statuere maiore cum religione et diligentia debuerunt.
to-decide greater with scrupulousness and diligence ought
Primum iudices, senatores equitesque Romani, in compluribus 121
first judges senators and-knights Roman in several
iam reis quos contra leges pecunias accepisse subscriptum
already defendants who against the-laws monies to-have-received annotated
est suae potius religioni quam censorum opinioni paruerunt.
was their-own rather scrupulousness than of-the-censors the-opinion obeyed
Deinde praetores urbani qui iurati debent optimum quemque
then the-praetors urban who sworn ought the-best each
in lectos iudices referre numquam sibi ad eam rem
into the-chosen judges to-enter never for-themselves to that thing
censoriam ignominiam impedimento esse oportere duxerunt.
the-censorian disgrace for-a-hindrance to-be to-be-proper thought
Censores denique ipsi saepe numero superiorum censorum 122
the-censors finally themselves often times of-earlier censors
iudiciis, si ista iudicia appellare voltis, non steterunt. Atque
by-the-judgments if those judgments to-call you-wish not stood and
etiam ipsi inter se censores sua iudicia tanti esse
also themselves among themselves the-censors their judgments of-so-much to-be
arbitrantur ut alter alterius iudicium non modo reprehendat sed
think that the-one the-other's judgment not only criticizes but
etiam rescindat, ut alter de senatu movere velit, alter retineat
even rescinds that the-one from the-senate to-remove wishes the-other retains
et ordine amplissimo dignum existimet, ut alter in
and of-the-order most-distinguished worthy thinks that the-one among

aerarios referri aut tribu moveri iubeat, alter vetet.
the-aerarii to-be-entered or from-his-tribe to-be-removed orders the-other forbids
Qua re qui vobis in mentem venit haec appellare iudicia
by-which thing how to-you into mind has-it-come these to-call judgments
quae a populo Romano rescindi, ab iuratis iudicibus repudiari,
which by the-people Roman to-be-rescinded by sworn judges to-be-rejected
a magistratibus neglegi, ab eis qui eandem potestatem
by magistrates to-be-neglected by those who the-same power
adepti sunt commutari, inter conlegas discrepare videatis?
attained have to-be-changed among colleagues to-disagree you-see

XXII · THE CENSORS KNEW NOTHING

Whether the censors' notes are true must be asked, not taken on their authority; show where Cluentius' money went. As long as Oppianicus is shown to have forged records, killed kin, and bribed a judge, no censorial opinion helps the accuser or crushes Cluentius. The censors relied on rumor, examined nothing, and marked only two judges, as if the rest condemned without pay; they borrowed the soldier's lot, which does not suit a censor.

123 Quae cum ita sint, videamus quid tandem censores de
which-things since so they-are let-us-see what at-last the-censors about
illo iudicio corrupto iudicasse dicantur. Ac primum illud
that court corrupted to-have-judged are-said and first this
statuamus utrum, quia censores subscripserint, ita sit, an,
let-us-settle whether because the-censors annotated so it-be or
quia ita fuerit, illi subscripserint. Si quia subscripserint,
because so it-was they annotated if because they-annotated
videte quid agatis ne in unum quemque nostrum
see what you-are-doing lest over one each of-us
censoribus in posterum potestatem regiam permittatis, ne
to-the-censors for the-future a-power kingly you-allow lest

subscriptio censoria non minus calamitatis civibus quam illa
an-annotation censorian not less of-calamity to-citizens than that
acerbissima proscriptio possit adferre, ne censorium stilum
most-bitter proscription can to-bring lest the-censorian stylus
cuius mucronem multis remediis maiores nostri rettuderunt
whose point with-many remedies ancestors our blunted
aeque posthac atque illum dictatorium gladium pertimescamus.
equally hereafter as that dictatorial sword we-dread
Sin autem quod subscriptum est, quia verum est, idcirco
but-if however what annotated is because true it-is for-that-reason
grave debet esse, hoc quaeramus verum sit an falsum;
weighty ought to-be this let-us-ask true it-is or false
removeantur auctoritates censoriae, tollatur id ex causa
let-be-removed the-authorities censorian let-be-taken-away that from the-case
quod in causa non est; doce quam pecuniam Cluentius
which in the-case not is show what money Cluentius
dederit, unde dederit, quem ad modum dederit; unum denique
gave whence he-gave in-what to manner he-gave one finally
aliquod a Cluentio profectae pecuniae vestigium ostende.
some from Cluentius set-out of-money trace show
Vince deinde bonum virum fuisse Oppianicum, hominem 124
prove then a-good man to-have-been Oppianicus a-man
integrum, nihil de illo umquam secus esse existimatum,
upright nothing about him ever otherwise to-have-been thought
nihil denique praeiudicatum. Tum auctoritatem censoriam
nothing finally prejudged then the-authority censorian
amplexato, tum illorum iudicium cum re coniunctum
embrace then their judgment with the-facts joined
esse defendito.
to-be maintain

125 Dum vero eum fuisse Oppianicum constabit qui tabulas
while indeed him to-have-been Oppianicus it-will-be-agreed who the-records
publicas municipi manu sua corrupisse iudicatus sit,
public of-his-town with-hand his-own to-have-corrupted judged was
qui testamentum interleverit, qui supposita persona falsum
who a-will erased who with-substituted person a-false
testamentum obsignandum curaverit, qui eum cuius nomine
will to-be-sealed arranged who him whose in-name
id obsignatum est interfecerit, qui avunculum fili sui
it sealed was killed who the-uncle of-son his
in servitute ac vinculis necaverit, qui municipes suos
in slavery and chains killed who townsmen his
proscribendos occidendosque curaverit, qui eius uxorem quem
to-be-proscribed and-to-be-killed arranged who of-him the-wife whom
occiderat in matrimonium duxerit, qui pecuniam pro abortione
he-had-killed in marriage took who money for an-abortion
dederit, qui socrum, qui uxores, qui uno tempore
gave who his-mother-in-law who his-wives who at-one time
fratris uxorem speratosque liberos fratremque ipsum, qui
of-his-brother the-wife and-the-hoped-for children and-his-brother himself who
denique suos liberos interfecerit, qui, cum venenum privigno
finally his-own children killed who when poison to-stepson
suo dare vellet, manifesto deprehensus sit, cuius ministris
his to-give he-wished manifestly caught was whose agents
consciisque damnatis ipse adductus in iudicium pecuniam
and-accomplices condemned himself brought into court money
iudici dederit ad sententias iudicum corrumpendas, dum
to-a-judge gave for the-votes of-the-judges to-be-corrupted while
haec, inquam, de Oppianico constabunt neque ullo
these-things I-say about Oppianicus will-be-agreed and-not by-any
argumento Cluentianae pecuniae crimen tenebitur, quid
argument of-Cluentian money the-charge will-be-sustained what

est quod te ista censoria sive voluntas sive opinio fuit
is-there that you that censorian whether wish or opinion it-was
adiuvare aut hunc innocentem opprimere posse videatur?
to-help or this innocent-man to-crush to-be-able may-seem
Quid igitur censores secuti sunt? Ne ipsi quidem, ut 126
what therefore the-censors followed have not themselves even that
gravissime dicam, quicquam aliud dicent praeter sermonem
most-severely I-may-say anything else will-say except talk
atque famam. Nihil se testibus, nihil tabulis, nihil
and rumor nothing themselves by-witnesses nothing by-records nothing
aliquo gravi argumento comperisse, nihil denique causa
by-some weighty argument to-have-discovered nothing finally with-the-case
cognita statuisse dicent. Quod si ita fecissent, tamen id
examined to-have-decided they-will-say but if so they-had-done still that
non ita fixum esse deberet ut convelli non liceret. Non
not so fixed to-be ought that to-be-uprooted not it-be-allowed not
utar exemplorum copia quae summa est, non rem
I-shall-use of-examples the-supply which very-great is not a-matter
veterem, non hominem potentem aliquem aut gratiosum
old not a-man powerful some or influential
proferam. Nuper hominem tenuem, scribam aedilicium,
I-shall-bring-forward lately a-man of-small-means a-clerk aedilician
D. Matrinium, cum defendissem apud M. Iunium
Decimus Matrinius when I-had-defended before Marcus Junius
Q. Publicium praetores et M. Plaetorium C. Flaminium
Quintus Publicius praetors and Marcus Plaetorius Gaius Flaminius
aedilis curulis, persuasi ut scribam iurati legerent eum
aediles curule I-persuaded that as-clerk sworn they-should-choose him
quem idem isti censores aerarium reliquissent. Cum enim
whom the-same those censors an-aerarius had-left since for

in homine nulla culpa inveniretur, quid ille meruisset, non
in the-man no fault was-found what he had-deserved not
quid de eo statutum esset, quaerendum esse duxerunt.
what about him decided had-been to-be-sought to-be they-thought
127 Nam haec quidem quae de iudicio corrupto subscripserint
for these-things indeed which about the-court corrupted they-annotated
quis est qui ab illis satis cognita et diligenter iudicata
who is-there who by them sufficiently learned and diligently judged
arbitretur? In M'. Aquilium et in Ti. Guttam video
may-think against Manius Aquilius and against Tiberius Gutta I-see
esse subscriptum. Quid est hoc? duos esse corruptos
to-have-been annotated what is this two to-have-been corrupted
solos pecunia iudicant; ceteri videlicet gratiis condemnarunt.
alone by-money they-judge the-others no-doubt for-nothing condemned
Non est igitur circumventus, non oppressus pecunia, non, ut
not was therefore entrapped not crushed by-money not as
in illa Quinctiana contione habebatur, omnes qui Oppianicum
in that Quinctian assembly it-was-held all who Oppianicus
condemnarunt in culpa sunt ac suspicione ponendi. Duos
condemned in guilt are and in-suspicion to-be-placed two
solos video auctoritate censorum adfinis ei turpitudini
alone I-see by-the-authority of-the-censors implicated in-that disgrace
iudicari. Aut illud adferant, aliquid eos quod de his
to-be-judged or this let-them-bring something them which about these
duobus habuerint compertum de ceteris comperisse.
two they-had found-out about the-others to-have-found-out
128 Nam illud quidem minime probandum est, ad notationes
for that indeed least to-be-approved is to the-notes
auctoritatemque censoriam exemplum illos e consuetudine
and-authority censorian the-precedent them from custom
militari transtulisse. Statuerunt enim ita maiores nostri ut,
military to-have-transferred they-decided for so ancestors our that

si a multis esset flagitium rei militaris admissum,
if by many had-been an-outrage of-the-thing military committed
sortito in quosdam animadverteretur, ut metus videlicet
by-lot upon certain-men it-should-be-punished so-that fear no-doubt
ad omnis, poena ad paucos perveniret. Quod idem facere
to all the-penalty to few should-come which same to-do
censores in delectu dignitatis et in iudicio civium et
the-censors in the-selection of-rank and in the-judgment of-citizens and
in animadversione vitiorum qui convenit? Nam miles qui
in the-punishment of-vices how is-it-fitting for the-soldier who
locum non tenuit, qui hostium impetum vimque pertimuit,
his-post not held who of-the-enemy the-attack and-force dreaded
potest idem postea et miles esse melior et vir bonus et
can the-same afterward both a-soldier to-be better and a-man good and
civis utilis. Qua re ne quis in bello propter hostium
a-citizen useful by-which thing lest anyone in war on-account-of of-the-enemy
metum delinqueret, amplior ei mortis et supplici metus
fear should-offend a-greater for-him of-death and of-punishment fear
est a maioribus constitutus; ne autem nimium multi poenam
was by the-ancestors established lest however too many the-penalty
capitis subirent, idcirco illa sortitio comparata est.
of-life should-undergo for-that-reason that drawing-of-lots arranged was

A censor who leaves bribed senators in the senate and picks a few for disgrace is not severe; the notes followed the popular wind the tribune had raised. Gellius marked Popilius, but Lentulus left him out of the senate only as a freedman's son, kept his seat at the games, and later praised him; censors who disagree cannot make their notes fixed. They marked Habitus only because they had marked the judges, and Africanus would not disgrace a knight on his own knowledge. Egnatius' will proves nothing, since the censors expelled the father and kept the son.

129 Hoc tu idem facies censor in senatu legendo? Si erunt plures
this you the-same will-do as-censor in the-senate being-chosen if there-will-be more
qui ob innocentem condemnandum pecuniam acceperint, tu
who for an-innocent-man to-be-condemned money have-received you
non animadvertes in omnis, sed carpes, ut velis, et paucos
not will-punish upon all but will-pick-out as you-wish and few
ex multis ad ignominiam sortiere? Habebit igitur te
of many to disgrace will-draw-by-lot will-have therefore with-you
sciente et vidente curia senatorem, populus Romanus
knowing and seeing the-senate-house a-senator the-people Roman
iudicem, res publica civem sine ignominia quemquam qui
a-judge the-thing public a-citizen without disgrace anyone who
ad perniciem innocentis fidem suam et religionem pecunia
for the-ruin of-an-innocent-man good-faith his and scrupulousness for-money
commutarit, et qui pretio adductus eripuerit patriam, fortunas,
exchanged and who by-a-price led snatched country fortunes
liberos civi innocenti, is censoriae severitatis nota
children from-a-citizen innocent he of-censorian severity with-the-brand
non inuretur? Tu es praefectus moribus, tu magister veteris
not will-be-burned you are set-over manners you the-master of-old
disciplinae ac severitatis, si aut retines quemquam sciens
discipline and severity if either you-retain anyone knowingly

in senatu scelere tanto contaminatum aut statuis qui in
in the-senate by-crime so-great defiled or you-decide that-he-who in
eadem culpa sit non eadem poena adfici convenire? Aut
the-same guilt is not with-the-same penalty to-be-visited it-is-fitting or
quam condicionem supplici maiores in bello timiditati
what condition of-punishment the-ancestors in war for-the-cowardice
militis propositam esse voluerunt, eandem tu in pace
of-a-soldier set-up to-be wished that-same you in peace
constitues improbitati senatoris? Quod si hoc exemplum ex
will-establish for-the-wickedness of-a-senator but if this precedent from
re militari ad animadversionem censoriam transferendum
the-thing military to the-punishment censorian to-be-transferred
fuit, sortito id ipsum factum esse oportuit. Sin autem
it-was by-lot that very-thing done to-have-been it-was-proper but-if however
sortiri ad poenam et hominum delictum fortunae iudicio
to-draw-lots for punishment and of-men the-offense to-fortune's judgment
committere minime censorium est, certe in multorum peccato
to-commit least censorian is certainly in many-men's wrongdoing
carpi paucos ad ignominiam et turpitudinem non oportet.
to-be-picked-out few for disgrace and shame not it-is-proper
Verum omnes intellegimus in istis subscriptionibus ventum 130
but all we-understand in those annotations a-breeze
quendam popularem esse quaesitum. Iactata res erat
a-certain popular to-have-been sought tossed-about the-matter had-been
in contione a tribuno seditioso; incognita causa probatum
in an-assembly by a-tribune seditious with-unexamined case approved
erat illud multitudini; nemini licitum est contra dicere,
had-been that to-the-multitude to-no-one allowed was against to-speak
nemo denique ut defenderet contrariam partem laborabat. In
no-one finally that he-might-defend the-opposite side took-trouble into
invidiam porro magnam illa iudicia venerant. Etenim paucis
ill-will moreover great those courts had-come for-indeed few

postea mensibus alia vehemens erat in iudiciis ex notatione
later months another vehement had in the-courts from the-marking
tabellarum invidia versata. Praetermitti ab censoribus et
of-the-ballots ill-will been-engaged to-be-passed-over by the-censors and
neglegi macula iudiciorum posse non videbatur. Homines,
to-be-neglected the-stain of-the-courts to-be-able not seemed men
quos ceteris vitiis atque omni dedecore infamis videbant, eos
whom by-the-other vices and by-every disgrace infamous they-saw them
hac quoque subscriptione notare voluerunt, et eo magis
with-this also annotation to-brand they-wished and by-this the-more
quod illo ipso tempore illis censoribus erant iudicia cum
because at-that very time with-those censors were the-courts with
equestri ordine communicata, ut viderentur per hominum
the-equestrian order shared that they-might-seem through of-men
idoneorum ignominiam sua auctoritate rem reprendisse.
suitable the-disgrace by-their-own authority the-matter to-have-censured
131 Quod si hanc apud eosdem ipsos censores mihi aut alii
but if this before the-same very censors to-me or another
causam agere licuisset, hominibus tali prudentia praeditis
the-case to-plead had-been-allowed to-men with-such wisdom endowed
certe probavissem; res enim indicat nihil ipsos habuisse
certainly I-would-have-proved-it the-thing for shows nothing them to-have-had
cogniti, nihil comperti; ex tota ista subscriptione rumorem
of-examined nothing of-found-out in the-whole that annotation a-rumor
quendam et plausum popularem esse quaesitum. Nam
a-certain and applause popular to-have-been sought for
in P. Popilium qui Oppianicum condemnarat subscripsit
against Publius Popilius who Oppianicus had-condemned annotated
L. Gellius, quod is pecuniam accepisset quo innocentem
Lucius Gellius that he money had-received that an-innocent-man
condemnaret. Iam id ipsum quantae divinationis est, scire
he-might-condemn now that itself of-how-great divination is to-know

innocentem fuisse reum quem fortasse numquam viderat,
innocent to-have-been a-defendant whom perhaps never he-had-seen
cum homines sapientissimi, iudices, ut nihil dicam de eis qui
when men most-wise judges that nothing I-may-say about those who
condemnarunt, causa cognita sibi dixerint non liquere!
condemned with-the-case examined to-themselves said not to-be-clear
Verum esto; condemnat Popilium Gellius, iudicat eum 132
but be-it-so condemns Popilius Gellius judges him
accepisse a Cluentio pecuniam. Negat hoc Lentulus;
to-have-received from Cluentius money denies this Lentulus
nam Popilium, quod erat libertini filius, in senatum
for Popilius because he-was of-a-freedman the-son into the-senate
non legit, locum quidem senatorium ludis et cetera
not he-chose the-place indeed senatorial at-the-games and the-other
ornamenta relinquit et eum omni ignominia liberat. Quod
distinctions he-leaves and him from-all disgrace frees which
cum facit, iudicat eius sententia gratiis esse Oppianicum
when he-does he-judges by-his verdict for-nothing to-have-been Oppianicus
condemnatum. Et eundem Popilium postea Lentulus in
condemned and the-same Popilius afterward Lentulus in
ambitus iudicio pro testimonio diligentissime laudat. Qua re
a-bribery trial for testimony most-diligently praises by-which thing
si neque L. Gelli iudicio stetit Lentulus neque Lentuli
if neither Lucius Gellius' by-judgment stood Lentulus nor with-Lentulus'
existimatione contentus fuit Gellius, et si uterque censor
estimate content was Gellius and if each censor
censoris opinione standum non putavit, quid est quam
by-the-censor's opinion to-be-abided not thought what is-there what
ob rem quisquam nostrum censorias subscriptiones
on-account-of thing anyone of-us censorian annotations
omnis fixas et in perpetuum ratas putet esse oportere?
all fixed and in perpetuity valid may-think to-be ought

133 At in ipsum Habitum animadverterunt. Nullam quidem ob
but on himself Habitus they-punished none indeed for
turpitudinem, nullum ob totius vitae non dicam vitium
disgrace none for of-the-whole of-life not I-shall-say vice
sed erratum. Neque enim hoc homine sanctior neque
but slip nor for than-this man more-upright nor
probior neque in omnibus officiis retinendis diligentior esse
more-honest nor in all duties being-maintained more-diligent to-be
quisquam potest; neque illi aliter dicunt, sed eandem illam
anyone can nor they otherwise say but the-same that
famam iudici corrupti secuti sunt; neque ipsi secus
rumor of-the-court corrupted followed have nor themselves otherwise
existimant quam nos existimari volumus de huius pudore,
think than we to-be-thought wish about of-this-man modesty
integritate, virtute, sed putarunt praetermitti accusatorem
integrity virtue but they-thought to-be-passed-over the-accuser
non potuisse, cum animadversum esset in iudices.
not to-have-been-able when punished it-had-been upon the-judges
Qua de re tota si unum factum ex omni antiquitate
which about thing whole if one deed from all antiquity
protulero, plura non dicam.
I-shall-have-brought-forward more not I-shall-say

134 Non enim mihi exemplum summi et clarissimi viri,
not for to-me the-example of-the-highest and most-illustrious man
P. Africani, praetereundum videtur; qui cum esset censor
Publius Africanus to-be-passed-over seems who when he-was censor
et in equitum censu C. Licinius Sacerdos prodisset,
and at of-the-knights the-census Gaius Licinius Sacerdos had-come-forward
clara voce ut omnis contio audire posset dixit se
with-a-clear voice so-that the-whole assembly to-hear could said that-he
scire illum verbis conceptis peierasse; si qui contra
to-know him in-words formal to-have-perjured-himself if anyone against

vellet dicere, usurum esse eum suo testimonio. Deinde cum
wished to-speak going-to-use to-be him his-own testimony then when
nemo contra diceret, iussit equum traducere. Ita is cuius
no-one against spoke he-ordered his-horse to-lead-on so he whose
arbitrio et populus Romanus et exterae gentes contentae
by-judgment both the-people Roman and foreign nations satisfied
esse consuerunt ipse sua scientia ad ignominiam
to-be have-been-accustomed himself by-his-own knowledge for the-disgrace
alterius contentus non fuit. Quod si hoc Habito facere
of-another content not was but if this for-Habitus to-do
licuisset, facile illis ipsis iudicibus et falsae suspicioni
had-been-allowed easily to-those very judges both false suspicion
et invidiae populariter excitatae restitisset.
and ill-will demagogically stirred he-would-have-resisted
Unum etiam est quod me maxime perturbat, cui 135
one-thing also there-is which me most disturbs to-which
loco respondere vix videor posse, quod elogium recitasti
point to-reply scarcely I-seem to-be-able that the-clause you-read
de testamento Cn. Egnati patris, hominis honestissimi
from the-will of-Gnaeus Egnatius the-father a-man most-honorable
videlicet et sapientissimi, idcirco se exheredasse filium
no-doubt and most-wise for-this-reason himself to-have-disinherited his-son
quod is ob Oppianici condemnationem pecuniam accepisset.
because he for Oppianicus' condemnation money had-received
De cuius hominis levitate et inconstantia plura non dicam;
about whose man lightness and inconstancy more not I-shall-say
hoc testamentum ipsum quod recitas eius modi est ut ille,
this will itself which you-read of-such kind is that he
cum eum filium exheredaret quem oderat, ei filio coheredes
when that son he-disinherited whom he-hated to-that son as-co-heirs
homines alienissimos adiungeret quem diligebat. Sed tu, Atti,
men most-alien he-joined whom he-loved but you Attius

considéres censeo diligenter utrum censorium iudicium grave
should-consider I-think diligently whether the-censorian judgment weighty
velis esse an Egnati. Si Egnati, leve est quod censores de
you-wish to-be or Egnatius' if Egnatius' light is what the-censors about
ceteris subscripserunt; ipsum enim Cn. Egnatium quem tu
the-others annotated the-very for Gnaeus Egnatius whom you
gravem esse vis ex senatu eiecerunt; sin autem censorium,
weighty to-be wish from the-senate they-expelled but-if however the-censorian
hunc Egnatium quem pater censoria subscriptione exheredavit
this Egnatius whom his-father by-censorian annotation disinherited
censores in senatu, cum patrem eicerent, retinuerunt.
the-censors in the-senate when the-father they-expelled retained

XXIV · THE SENATE'S DECREE

The senate's decree did not find the court corrupt: it ordered an inquiry only if anyone had corrupted it, the consuls never proposed a law on it, and the people rejected it, moved by the tears of Junius' little son. The Roman people is calm by nature, stirred like the sea by seditious voices. Attius read out a passage of Cicero's own speech about the Junian court, but an advocate's speech belongs to the case and the occasion, not to his recorded opinion.

136 At enim senatus universus iudicavit illud corruptum esse
but indeed the-senate whole judged that corrupted to-have-been
iudicium. Quo modo? Suscepit causam. An potuit rem
court in-what manner it-took-up the-matter or could-it the-matter
delatam eius modi repudiare? Cum tribunus plebis, populi
reported of-such kind to-reject when a-tribune of-the-plebs of-the-people
concitator, rem paene ad manus revocasset, cum vir
the-agitator the-thing almost to blows had-brought-back when a-man
optimus et homo innocentissimus pecunia circumventus
the-best and a-person most-innocent by-money entrapped

diceretur, cum invidia flagraret ordo senatorius, potuit
was-said when with-ill-will was-blazing the-order senatorial could
nihil decerni, potuit illa concitatio multitudinis sine summo
nothing to-be-decreed could that agitation of-the-multitude without the-greatest
periculo rei publicae repudiari? At quid est decretum?
danger to-the-thing public to-be-rejected but what was decreed
Quam iuste, quam sapienter, quam diligenter! Si qui sunt
how justly how wisely how diligently if any there-are
quorum opera factum sit ut iudicium publicum corrumperetur.
whose by-work done it-was that a-court public was-corrupted
Utrum videtur id senatus factum iudicare an, si factum sit,
whether seems that the-senate done to-judge or if done it-was
moleste graviterque ferre? Si ipse A. Cluentius sententiam
resentfully and-seriously to-bear if himself Aulus Cluentius his-view
de iudiciis rogaretur, aliam non diceret atque ei dixerunt
about the-courts were-asked other not he-would-say than they said
quorum sententiis Cluentium condemnatum esse dicitis.
whose by-votes Cluentius condemned to-have-been you-say
Sed quaero a vobis num istam legem ex isto senatus 137
but I-ask from you whether that law from that of-the-senate
consulto L. Lucullus consul, homo sapientissimus, tulerit,
decree Lucius Lucullus the-consul a-man most-wise proposed
num anno post M. Lucullus et C. Cassius, in quos
whether a-year after Marcus Lucullus and Gaius Cassius on whom
tum consules designatos idem illud senatus decreverat. Non
then as-consuls elect the-same that the-senate had-decreed not
tulerunt; et quod tu Habiti pecunia factum esse
they-proposed-it and what you Habitus' by-money done to-have-been
arguis neque id ulla tenuissima suspicione confirmas,
allege nor that by-any slightest suspicion you-confirm
factum est primum illorum aequitate et sapientia consulum,
done it-was first by-their fairness and wisdom of-the-consuls

ut, quod senatus decreverat ad illud invidiae praesens
that what the-senate had-decreed for that of-ill-will present
incendium restinguendum, id postea referendum ad populum
fire to-be-quenched that afterward to-be-referred to the-people
non arbitrarentur. Ipse deinde populus Romanus qui
not they-thought itself then the-people Roman which
L. Quincti fictis querimoniis antea concitatus rem illam
Lucius Quinctius' by-feigned complaints before stirred matter that
et rogationem flagitarat, idem C. Iuni fili, pueri parvoli,
and bill had-demanded the-same Gaius Junius' son a-boy very-little
lacrimis commotus maximo clamore et concursu totam
by-the-tears moved with-the-greatest shouting and concourse the-whole
quaestionem illam et legem repudiavit.
inquiry that and law rejected

138 Ex quo intellegi potuit, id quod saepe dictum est,
from which to-be-understood it-could that which often said has-been
ut mare quod sua natura tranquillum sit ventorum vi
as the-sea which by-its-own nature calm is of-the-winds by-force
agitari atque turbari, sic populum Romanum sua sponte
to-be-stirred and to-be-troubled so the-people Roman of-its-own accord
esse placatum, hominum seditiosorum vocibus ut violentissimis
to-be appeased of-men seditious by-the-voices as by-most-violent
tempestatibus concitari. Est etiam reliqua permagna
storms to-be-stirred-up there-is also a-remaining very-great
auctoritas quam ego turpiter paene praeterii; mea enim esse
authority which I shamefully almost passed-over mine for to-be
dicitur. Recitavit ex oratione nescio qua Attius quam meam
it-is-said read-out from a-speech I-know-not what Attius which mine
esse dicebat cohortationem quandam iudicum ad honeste
to-be he-said an-exhortation a-certain of-the-judges to honorably
iudicandum et commemorationem cum aliorum iudiciorum quae
judging and a-recollection both of-other trials which

probata non essent tum illius ipsius iudici Iuniani; proinde quasi
approved not were and of-that very trial Junian just as-if
ego non ab initio huius defensionis dixerim invidiosum illud
I not from the-beginning of-this defense had-said invidious that
iudicium fuisse aut, cum de infamia iudiciorum disputarem,
trial to-have-been or when about the-infamy of-the-courts I-was-discussing
potuerim illud quod tam populare esset illo tempore praeterire.
I-could that which so popular was at-that time to-pass-over
Ego vero si quid eius modi dixi, neque cognitum 139
I indeed if anything of-that kind I-said neither known
commemoravi neque pro testimonio dixi, et illa oratio
did-I-recall nor as testimony did-I-say-it and that speech
potius temporis mei quam iudici et auctoritatis fuit. Cum
rather of-occasion my than of-judgment and of-authority was when
enim accusarem et mihi initio proposuissem ut animos
for I-was-accusing and to-myself at-the-start had-proposed that the-minds
et populi Romani et iudicum commoverem, cumque
both of-the-people Roman and of-the-judges I-should-move and-when
omnis offensiones iudiciorum non ex mea opinione sed
all the-offenses of-the-courts not from my opinion but
ex hominum rumore proferrem, istam rem quae tam
from men's rumor I-was-bringing-forward that thing which so
populariter esset agitata praeterire non potui. Sed errat
demagogically had-been stirred to-pass-over not I-could but he-errs
vehementer, si quis in orationibus nostris quas in iudiciis
vehemently if anyone in speeches our which in courts
habuimus auctoritates nostras consignatas se habere
we-have-delivered authorities our sealed himself to-have
arbitratur. Omnes enim illae causarum ac temporum sunt,
thinks all for those of-cases and of-occasions are
non hominum ipsorum aut patronorum. Nam si causae ipsae
not of-the-men themselves or of-the-advocates for if the-cases themselves

pro se loqui possent, nemo adhiberet oratorem. Nunc
for themselves to-speak could no-one would-employ an-orator now
adhibemur ut ea dicamus, non quae auctoritate nostra
we-are-employed that those-things we-may-say not which by-authority our
constituantur sed quae ex re ipsa causaque ducantur.
be-established but which from the-thing itself and-the-case are-drawn

XXV · CRASSUS AND THE ELDER BRUTUS

Antonius never published his speeches so that he could deny anything he had said. Crassus, when Brutus had two readers recite contrary passages from his speeches, answered with three readers of Brutus' father's books on civil law, mocking the son who had squandered the estates they named. Cicero does not mind his old words being read: they suited their time and case, and no one could blame him for learning the case better; he asks the judges to lay aside their prejudice.

140 Hominem ingeniosum, M. Antonium, aiunt solitum esse
a-man ingenious Marcus Antonius they-say accustomed to-have-been
dicere 'idcirco se nullam umquam orationem scripsisse
to-say for-this-reason himself no ever speech to-have-written
ut, si quid aliquando non opus esset ab se esse
that if anything at-some-time not needful were by himself to-have-been
dictum, posset negare dixisse'; proinde quasi, si quid a
said he-could to-deny to-have-said-it just as-if if anything by
nobis dictum aut actum sit, id nisi litteris mandarimus,
us said or done has-been that unless to-writing we-have-committed
hominum memoria non comprehendatur. Ego vero in isto
by-men's memory not be-grasped I indeed in that
genere libentius cum multorum tum hominis eloquentissimi
kind more-gladly both of-many and of-the-man most-eloquent
et sapientissimi, L. Crassi, auctoritatem sequor qui, cum
and most-wise Lucius Crassus the-authority follow who when

Cn. Plancum defenderet accusante M. Bruto, homine in
Gnaeus Plancus he-was-defending with-accusing Marcus Brutus a-man in
dicendo vehementi et callido, cum Brutus duobus recitatoribus
speaking vehement and shrewd when Brutus with-two readers
constitutis ex duabus eius orationibus capita alterna inter
set-up from two of-his speeches passages alternate among
se contraria recitanda curasset, quod in dissuasione
themselves contrary to-be-read had-arranged that in the-speech-against
rogationis eius quae contra coloniam Narbonensem ferebatur
of-the-bill that which against the-colony of-Narbo was-being-proposed
quantum potest de auctoritate senatus detrahit, in suasione
as-much-as he-can from the-authority of-the-senate he-detracts in the-speech-for
legis Serviliae summis ornat senatum laudibus, et
of-the-law Servilian with-the-highest he-adorns the-senate praises and
multa in equites Romanos cum ex ea oratione
many-things against the-knights Roman when from that speech
asperius dicta recitasset quo animi illorum iudicum in
rather-harshly said he-had-read that the-minds of-those judges against
Crassum incenderentur, aliquantum esse commotus dicitur.
Crassus might-be-inflamed somewhat to-have-been moved he-is-said
Itaque in respondendo primum exposuit utriusque rationem 141
and-so in answering first he-set-out of-each the-situation
temporis ut oratio ex re et ex causa habita videretur,
of-the-time so-that the-speech from the-matter and from the-case delivered might-seem
deinde ut intellegere posset Brutus quem hominem et
then so-that to-understand could Brutus what-sort-of man and
non solum qua eloquentia verum etiam quo lepore
not only with-what eloquence but also with-what charm
et quibus facetiis praeditum lacessisset, tris ipse excitavit
and with-what wit endowed he-had-provoked three himself he-roused
recitatores cum singulis libellis quos M. Brutus, pater illius
readers with single books which Marcus Brutus father of-that

accusatoris, de iure civili reliquit. Eorum initia cum
accuser about law civil left of-them the-beginnings when
recitarentur, ea quae vobis nota esse arbitror: 'Forte evenit
they-were-read those which to-you known to-be I-think by-chance it-happened
ut ruri in Privernati essemus ego et Brutus
that in-the-country in the-Privernate-district we-were I and Brutus
filius,' fundum Privernatem flagitabat; 'In Albano eramus ego
my-son the-farm Privernate demanded in the-Alban we-were I
et Brutus filius,' Albanum poscebat; 'In Tiburti forte
and Brutus my-son the-Alban demanded in the-Tiburtine by-chance
cum adsedissemus ego et Brutus filius,' Tiburtem fundum
when we-had-sat-down I and Brutus my-son the-Tiburtine farm
requirebat; Brutum autem, hominem sapientem, quod fili
asked-for Brutus however a-man wise because of-his-son
nequitiam videret, quae praedia ei relinqueret testificari
the-worthlessness he-saw what estates to-him he-was-leaving to-attest
voluisse dicebat. Quod si potuisset honeste scribere se in
to-have-wished he-said but if he-could-have honorably to-write himself in
balneis cum id aetatis filio fuisse, non praeterisset;
the-baths with of-that age a-son to-have-been not he-would-have-passed-over-it
eas se tamen ab eo balneas non ex libris patris sed
those himself still from him baths not from the-books of-his-father but
ex tabulis et ex censu quaerere. Crassus tum ita Brutum
from the-accounts and from the-census to-seek Crassus then so Brutus
ultus est ut illum recitationis suae paeniteret; moleste enim
avenged has that him of-reading his-own repented vexedly for
fortasse tulerat se in eis orationibus reprehensum quas de
perhaps he-had-borne himself in those speeches criticized which about
re publica habuisset, in quibus forsitan magis requiratur
the-thing public he-had-delivered in which perhaps more is-required
constantia. Ego autem illa recitata esse non moleste fero.
consistency I however that read-out to-have-been not vexedly bear

Neque enim ab illo tempore quod tum erat, neque ab ea 142
nor for from that time which then was nor from that
causa quae tum agebatur aliena fuerunt; neque mihi
case which then was-being-pleaded alien they-were nor on-myself
quicquam oneris suscepi, cum ita dixi, quo minus honeste
any burden I-took when so I-spoke by-which the-less honorably
hanc causam et libere possem defendere. Quod si velim
this case and freely I-could to-defend but if I-should-wish
confiteri me causam A. Cluenti nunc cognosse, antea
to-confess that-I the-case of-Aulus Cluentius now to-have-learned before
fuisse in ea opinione populari, quis tandem id possit
to-have-been in that opinion popular who pray that could
reprehendere? Praesertim, iudices, cum a vobis quoque
to-censure especially judges when from you also
ipsis hoc impetrari sit aequissimum quod ego et ab
yourselves this to-be-obtained be most-fair which I both from
initio petivi et nunc peto ut, si quam huc graviorem
the-beginning asked and now ask that if any hither more-serious
de illo iudicio opinionem attulistis, hanc causa
about that court opinion you-have-brought this with-the-case
perspecta atque omni veritate cognita deponatis.
seen-through and with-all truth learned you-lay-aside

Attius thought Cicero would defend Cluentius on the letter of the law, which binds senators but not knights. Cicero had told Cluentius so at once, but Cluentius begged to be defended on the facts, valuing his good name above his safety, and Cicero obeyed. Still, it is more outrageous to depart from the laws than to see a knight go free; the laws are the bond of the state, and we are their servants so that we may be free.

143 Nunc, quoniam ad omnia quae abs te dicta sunt, T. Atti,
now since to all-things which by you said were Titus Attius
de Oppianici damnatione respondi, confiteare necesse
about Oppianicus' condemnation I-have-answered you-confess necessary
est te opinionem multum fefellisse, quod existimaris
it-is you the-opinion much to-have-deceived that you-thought
me causam A. Cluenti non facto eius sed lege
that-I the-case of-Aulus Cluentius not by-the-deed his but by-the-law
defensurum. Nam hoc persaepe dixisti tibi sic renuntiari,
going-to-defend for this very-often you-said to-you thus to-be-reported
me habere in animo causam hanc praesidio legis
that-I to-have in mind the-case this with-the-protection of-the-law
defendere. Itane est? ab amicis imprudentes videlicet
to-defend so-whether is-it by friends unaware no-doubt
prodimur, et est nescio quis de eis quos amicos nobis
we-are-betrayed and there-is I-know-not who of those whom friends to-us
arbitramur qui nostra consilia ad adversarios deferat. Quisnam
we-think who our plans to the-opponents reports who
hoc tibi renuntiavit, quis tam improbus fuit? Cui ego
this to-you reported who so wicked was to-whom I
autem narravi? Nemo, ut opinor, in culpa est; nimirum tibi
however told-it no-one as I-think in fault is no-doubt to-you
istud lex ipsa renuntiavit. Sed num tibi ita defendisse
that the-law itself reported but surely-not to-you so to-have-defended

videor ut tota in causa mentionem ullam legis fecerim,
do-I-seem that the-whole in case mention any of-the-law I-made
num secus hanc causam defendisse ac si lege Habitus
surely-not otherwise this case to-have-defended than if by-the-law Habitus
teneretur? Certe, ut hominem confirmare oportet, nullus est
were-held certainly as a-man to-assert it-is-proper no is
locus a me purgandi istius invidiosi criminis praetermissus.
point by me of-clearing of-that invidious charge passed-over
Quid ergo est? quaeret fortasse quispiam displiceatne 144
what therefore is-it will-ask perhaps someone whether-it-displeases
mihi legum praesidio capitis periculum propulsare. Mihi
me of-the-laws by-the-protection of-life the-danger to-ward-off to-me
vero, iudices, non displicet, sed utor instituto meo. In
indeed judges not it-displeases but I-follow practice my in
hominis honesti prudentisque iudicio non solum meo consilio
of-a-man honorable and-wise trial not only my counsel
uti consuevi sed multum etiam eius quem defendo
to-use I-am-accustomed but much also of-him whom I-defend
et consilio et voluntati obtempero. Nam ut haec ad
both to-the-counsel and to-the-wish I-defer for as this to
me causa delata est, qui leges eas ad quas adhibemur et
me case brought was who the-laws those to which we-are-employed and
in quibus versamur nosse deberem, dixi Habito statim eo:
in which we-move to-know ought I-said to-Habitus at-once that
'Qui coisset quo quis condemnaretur' illum esse liberum,
who conspired so-that anyone should-be-condemned him to-be free
teneri autem nostrum ordinem. Atque ille me orare atque
to-be-held however our order and he me to-beg and
obsecrare coepit ne sese lege defenderem. Cum ego
beseech began that-not himself by-law I-should-defend when I
quae mihi videbantur dicerem, traduxit me ad suam
what-things to-me seemed I-said he-brought-over me to his-own

sententiam; adfirmabat enim lacrimans non se cupidiorem
view he-affirmed for weeping not himself more-desirous
esse civitatis retinendae quam existimationis.
to-be of-citizenship being-retained than of-reputation
145 Morem homini gessi et tamen idcirco feci — neque
indulgence to-the-man I-showed and still for-this-reason I-did-it nor
enim id semper facere debemus — quod videbam per se
for that always to-do we-ought because I-saw by itself
ipsam causam sine lege copiosissime posse defendi.
itself the-case without the-law most-fully to-be-able to-be-defended
Videbam in hac defensione qua iam sum usus plus
I-saw in this defense which already I-have used more
dignitatis, in illa qua me hic uti noluit minus laboris
of-dignity in that which me he to-use refused less of-labor
futurum. Quod si nihil aliud esset actum nisi ut hanc
going-to-be but if nothing else had-been aimed-at except that this
causam obtineremus, lege recitata perorassem. Neque
case we-should-win with-the-law read-out I-would-have-concluded nor
me illa oratio commovet, quod ait Attius indignum esse
me that speech moves that says Attius outrageous to-be
facinus, si senator iudicio quempiam circumvenerit, legibus
a-deed if a-senator by-a-court someone has-entrapped by-the-laws
eum teneri; si eques Romanus hoc idem fecerit, non teneri.
him to-be-held if a-knight Roman this same has-done not to-be-held
146 Ut tibi concedam hoc indignum esse quod cuius modi sit iam
that to-you I-may-grant this outrageous to-be which of-what kind it-is presently
videro, tu mihi concedas necesse est multo esse indignius in
I-shall-see you to-me you-grant necessary it-is much to-be more-outrageous in
ea civitate quae legibus contineatur discedi ab legibus. Hoc
a state which by-laws is-held-together to-depart from the-laws this
enim vinculum est huius dignitatis qua fruimur in re
for the-bond is of-this dignity which we-enjoy in the-thing

publica, hoc fundamentum libertatis, hic fons aequitatis;
public this the-foundation of-liberty this the-spring of-fairness
mens et animus et consilium et sententia civitatis posita est
the-mind and spirit and counsel and judgment of-the-state placed is
in legibus. Ut corpora nostra sine mente, sic civitas sine lege
in the-laws as bodies our without mind so the-state without law
suis partibus ut nervis ac sanguine et membris uti non potest.
its parts as sinews and blood and limbs to-use not can
Legum ministri magistratus, legum interpretes iudices, legum
of-the-laws the-ministers the-magistrates of-the-laws the-interpreters the-judges of-the-laws
denique idcirco omnes servi sumus ut liberi esse possimus.
finally for-this-reason all slaves we-are that free to-be we-may-be-able

XXVII · WHAT THE LAW SAYS

Every court in Rome is governed by its law. The law on poison binds everyone who has made, sold, or given poison; but the clause on conspiracy to condemn by a court names only military tribunes, quaestors, tribunes of the plebs, the other magistrates, and senators, not knights. Cluentius is not among them. He refused to be defended by the law, and Cicero respects that wish, but will not let Attius' reading of the law stand unanswered.

Quid est, Q. Naso, cur tu in isto loco sedeas? quae 147
what is-it Quintus Naso why you in that place sit what
vis est qua abs te hi iudices tali dignitate praediti
force is-it by-which by you these judges with-such rank endowed
coerceantur? Vos autem, iudices, quam ob rem ex
are-restrained you however judges what on-account-of thing out-of
tanta multitudine civium tam pauci de hominum fortunis
so-great a-multitude of-citizens so few about men's fortunes
sententiam fertis? Quo iure Attius quae voluit dixit?
a-verdict bring by-what right Attius what-things he-wished did-he-say

Cur mihi tam diu potestas dicendi datur? Quid sibi
why to-me so long the-power of-speaking is-given what for-themselves
autem illi scribae, quid lictores, quid ceteri quos apparere
however those clerks what the-lictors what the-others whom to-attend
huic quaestioni video volunt? Opinor haec omnia lege
on-this court I-see do-they-want I-think these-things all by-law
fieri totumque hoc iudicium, ut ante dixi, quasi mente
to-be-done and-the-whole this trial as before I-said as-if by-a-mind
quadam regi legis et administrari. Quid ergo? haec
a-certain to-be-ruled of-the-law and administered what therefore this
quaestio sola ita gubernatur? Quid M. Plaetori et
court alone so is-governed what of-Marcus Plaetorius and
C. Flamini inter sicarios, quid C. Orchivi peculatus,
of-Gaius Flaminius on assassins what of-Gaius Orchivius of-embezzlement
quid mea de pecuniis repetundis, quid C. Aquili
what mine about monies to-be-recovered what of-Gaius Aquilius
apud quem nunc de ambitu causa dicitur, quid reliquae
before whom now about bribery a-case is-pleaded what the-remaining
quaestiones? Circumspicite omnis rei publicae partis;
courts look-round all of-the-thing public parts
omnia legum imperio et praescripto fieri videbitis.
all-things of-the-laws by-the-command and prescription to-be-done you-will-see
148 Si quis apud me, T. Atti, te reum velit facere,
if anyone before me Titus Attius you defendant should-wish to-make
clames te lege pecuniarum repetundarum non
you-would-cry-out that-you by-the-law of-monies to-be-recovered not
teneri; neque haec tua recusatio confessio sit captae
to-be-held nor this your refusal a-confession would-be of-taken
pecuniae sed laboris et periculi non legitimi declinatio. Nunc
money but of-labor and of-danger not lawful an-avoidance now
quid agatur et quid abs te iuris constituatur vide. Iubet
what is-being-done and what by you of-right is-being-established see orders

lex ea, qua lege haec quaestio constituta est, iudicem
the-law that by-which law this court established was the-judge
quaestionis, hoc est Q. Voconium, cum eis iudicibus qui
of-the-court that is Quintus Voconius with those judges who
ei obvenerint — vos appellat, iudices — quaerere de veneno.
to-him have-fallen-by-lot you it-calls judges to-inquire about poison
In quem quaerere? Infinitum est. Quicumque fecerit,
against whom to-inquire unlimited it-is whoever will-have-made
vendiderit, emerit, habuerit, dederit. Quid eadem lex statim
sold bought held given what the-same law at-once
adiungit? recita. Deque eius capite quaerito. Cuius? qui
adds read and-about his life let-him-inquire whose who
coierit, convenerit? Non ita est. Quid ergo est? dic. Qui
will-have-conspired combined not so it-is what therefore is-it say who
tribunus militum legionibus quattuor primis, quive quaestor,
tribune of-the-soldiers in-the-legions four first or-who quaestor
tribunus plebis — deinceps omnis magistratus nominavit —
tribune of-the-plebs in-order all magistracies it-named
quive in senatu sententiam dixit, dixerit. Quid tum? Qui
or-who in the-senate an-opinion gave will-have-given what then who
eorum coiit, coierit, convenit, convenerit quo quis
of-them conspired will-have-conspired combined will-have-combined so-that anyone
iudicio publico condemnaretur. 'Qui eorum'? Quorum? Videlicet
by-a-court public should-be-condemned who of-them of-whom no-doubt
qui supra scripti sunt. Quid intersit utro modo scriptum
who above written are what difference-it-makes in-which way written
sit, etsi est apertum, ipsa tamen lex nos docet. Ubi enim
it-be although it-is plain the-very still law us teaches where for
omnis mortalis adligat, ita loquitur: 'Qui venenum malum
all mortals it-binds so it-speaks whoever poison harmful
fecit, fecerit.' Omnes viri, mulieres, liberi, servi in iudicium
made will-have-made all men women free slaves into court

vocantur. Si idem de coitione voluisset, adiunxisset: 'Quive
are-summoned if the-same about conspiracy it-had-wished it-would-have-added or-who
coierit.' Nunc ita est: Deque eius capite quaerito qui
will-have-conspired now so it-is and-about his life let-him-inquire who
magistratum habuerit quive in senatu sententiam dixerit,
a-magistracy will-have-held or-who in the-senate an-opinion will-have-given
qui eorum coiit, coierit. Num is est Cluentius?
who of-them conspired will-have-conspired surely-not he is Cluentius
149 Certe non est. Quis ergo est Cluentius? Qui tamen
certainly not he-is who therefore is Cluentius one-who still
defendi causam suam lege noluit. Itaque abicio legem,
to-be-defended case his by-law refused and-so I-cast-aside the-law
morem Cluentio gero. Tibi tamen, Atti, pauca quae ab
indulgence to-Cluentius I-show to-you still Attius a-few-things which from
huius causa seiuncta sunt respondebo. Est enim quiddam
of-this-man case separate are I-shall-answer there-is for something
in hac causa quod Cluentius ad se, est aliquid quod
in this case which Cluentius to himself there-is something which
ego ad me putem pertinere. Hic sua putat interesse se
I to me think to-pertain he his-own thinks to-matter himself
re ipsa et gesto negotio, non lege defendi; ego
by-the-fact itself and by-the-transacted business not by-law to-be-defended I
autem mea existimo interesse me nulla in disputatione ab
however my I-think to-matter myself no in argument by
Attio videri esse superatum. Non enim mihi haec causa
Attius to-seem to-have-been beaten not for by-me this case
sola dicenda est; omnibus hic labor meus propositus est
alone to-be-pleaded is to-all here labor my proposed is
quicumque hac facultate defensionis contenti esse possunt.
whoever with-this faculty of-defense content to-be can
Nolo quemquam eorum qui adsunt existimare me
I-am-unwilling anyone of-those who are-present to-think that-I

quae de lege ab Attio dicta sunt, si reticuerim,
the-things-which about the-law by Attius said were if I-have-kept-silent
comprobare. Quam ob rem, Cluenti, de te tibi
approve-them which on-account-of thing Cluentius about you to-you
obsequor; neque ego legem recito neque hoc loco pro te dico,
I-yield nor I the-law read-out nor in-this place for you speak
sed ea quae a me desiderari arbitror non relinquam.
but those-things which by me to-be-wanted I-think not I-shall-leave

XXVIII · THE EQUESTRIAN ORDER

Attius thinks it unfair that all are not bound by the same laws, but those who take higher rank accept harsher conditions with its honors. Gracchus' law was made for the people, not against it, and even Sulla did not dare to bind the people by it. A few men want to bring the knights under it to cow them, as Drusus once tried, and the knights resisted, preferring their quiet life to office. Habitus never refused to answer even under a law that does not bind him; meanwhile the judges must keep to the laws.

Iniquum tibi videtur, Atti, esse non isdem legibus omnis 150
unfair to-you it-seems Attius to-be not by-the-same laws all
teneri. Primum, ut id iniquissimum esse confitear, eius
to-be-held first that it most-unfair to-be I-may-confess of-such
modi est ut commutatis eis opus sit legibus, non
kind it-is that with-changed them need there-be laws not
ut his quae sunt non pareamus. Deinde quis umquam
that to-these which are not we-should-obey then what ever
hoc senator recusavit ne, cum altiorem gradum dignitatis
this senator refused that-not when a-higher rank of-dignity
beneficio populi Romani esset consecutus, eo se
by-the-favor of-the-people Roman be-had attained by-that himself

putaret durioribus legum condicionibus uti oportere?
he-should-think harsher of-the-laws conditions to-use to-be-proper
Quam multa sunt commoda quibus caremus, quam multa
how many there-are advantages which we-lack how many
molesta et difficilia quae subimus! Atque haec omnia
troublesome and difficult-things which we-undergo and these all
tamen honoris et amplitudinis commodo compensantur.
still of-honor and of-eminence by-the-advantage are-compensated
Converte nunc ad equestrem ordinem atque in ceteros
turn now to the-equestrian order and to the-other
ordines easdem vitae condiciones; non perferent. Putant
orders the-same of-life conditions not they-will-bear they-think
enim minus multos sibi laqueos legum et condicionum
for less many for-themselves snares of-laws and of-conditions
ac iudiciorum propositos esse oportere qui summum locum
and of-trials set-up to-be ought who the-highest place
civitatis aut non potuerunt ascendere aut non petiverunt.
of-the-state either not could to-climb or not sought
151 Atque ut omittam leges alias omnis quibus nos tenemur,
and that I-may-pass-over the-laws other all by-which we are-held
ceteri autem sunt ordines liberati, hanc ipsam legem: 'Ne
the-others however are orders freed this very law that-not
quis iudicio circumveniretur,' C. Gracchus tulit; eam legem
anyone by-a-court should-be-entrapped Gaius Gracchus proposed that law
pro plebe, non in plebem tulit. Postea L. Sulla,
for the-plebs not against the-plebs he-proposed afterward Lucius Sulla
homo a populi causa remotissimus, tamen, cum eius rei
a-man from the-people's cause most-remote still when of-that thing
quaestionem hac ipsa lege constitueret qua vos hoc tempore
an-inquiry by-this very law he-was-establishing by-which you at-this time
iudicatis, populum Romanum quem ab hoc genere liberum
judge the-people Roman which from this kind free

acceperat adligare novo quaestionis genere ausus non est.
he-had-received to-bind with-a-new of-inquiry kind dared not he-has
Quod si fieri posse existimasset, pro illo odio quod habuit
but if to-be-done to-be-able he-had-thought for that hatred which he-had
in equestrem ordinem nihil fecisset libentius quam
toward the-equestrian order nothing he-would-have-done more-gladly than
omnem illam acerbitatem proscriptionis suae qua est usus
all that bitterness of-proscription his-own which has used
in veteres iudices in hanc unam quaestionem contulisset.
against the-old judges into this one inquiry he-would-have-brought
Nec nunc quicquam agitur — mihi credite, iudices, et 152
nor now anything is-aimed-at me believe judges and
prospicite id quod providendum est — nisi ut equites
foresee that which to-be-foreseen is except that the-knights
Romani in huiusce legis periculum concludantur; neque
Roman into of-this law the-danger be-shut nor
hoc agitur ab omnibus sed a paucis. Nam ei senatores
this is-aimed-at by all but by few for those senators
qui se facile tuentur integritate et innocentia, quales,
who themselves easily protect by-integrity and innocence such-as
ut vere dicam, vos estis et ceteri qui sine cupiditate
that truly I-may-say you are and the-others who without greed
vixerunt, equites ordini senatorio dignitate proximos,
have-lived the-knights to-the-order senatorial in-dignity next
concordia coniunctissimos esse cupiunt; sed ei qui sese
in-concord most-closely-joined to-be wish but those who themselves
volunt posse omnia neque praeterea quicquam esse
wish to-be-able-to-do all-things nor besides anything to-be
aut in homine ullo aut in ordine, hoc uno metu se
either in man any or in order by-this one fear themselves
putant equites Romanos in potestatem suam redacturos, si
think the-knights Roman into power their-own going-to-bring if

constitutum sit ut de eis qui rem iudicarint huiusce modi
established it-be that about those who a-matter have-judged of-this kind
iudicia fieri possint. Vident enim auctoritatem huius ordinis
trials to-be-held can they-see for the-authority of-this order
confirmari, vident iudicia comprobari; hoc metu proposito
to-be-strengthened they-see the-courts to-be-approved with-this fear held-out
evellere se aculeum severitatis vestrae posse confidunt.
to-pluck-out themselves the-sting of-severity your to-be-able they-trust
153 Quis enim de homine audeat paulo maioribus opibus
who for about a-man may-dare a-little greater with-resources
praedito vere et fortiter iudicare, cum videat sibi de
endowed truly and bravely to-judge when he-sees for-himself about
eo quod coierit aut consenserit causam esse dicendam?
that that he-has-conspired or agreed a-case to-be to-be-pleaded
O viros fortis, equites Romanos, qui homini clarissimo ac
O men brave knights Roman who to-a-man most-illustrious and
potentissimo, M. Druso, tribuno plebis, restiterunt, cum ille
most-powerful Marcus Drusus tribune of-the-plebs resisted when he
nihil aliud ageret cum illa cuncta quae tum erat nobilitate,
nothing else was-aiming-at with that whole which then was nobility
nisi ut ei qui rem iudicassent huiusce modi quaestionibus
except that those who a-matter had-judged of-this kind by-inquiries
in iudicium vocarentur! Tum C. Flavius Pusio,
into court should-be-summoned then Gaius Flavius Pusio
Cn. Titinius, C. Maecenas, illa robora populi Romani,
Gnaeus Titinius Gaius Maecenas those the-strength of-the-people Roman
ceterique eiusdem ordinis non fecerunt idem quod nunc
and-the-others of-the-same order not did the-same that now
Cluentius, ut aliquid culpae suscipere se putarent
Cluentius so-that some guilt to-incur themselves they-might-think
recusando, sed apertissime repugnarunt, cum et recusarent
by-refusing but most-openly they-fought when both they-refused

et palam fortissime atque honestissime dicerent, se
and openly most-bravely and most-honorably said themselves
potuisse iudicio populi Romani in amplissimum
to-have-been-able by-the-judgment of-the-people Roman to the-most-distinguished
locum pervenire, si sua studia ad honores petendos conferre
place to-arrive if their pursuits to honors being-sought to-apply
voluissent. Sese vidisse in ea vita qualis splendor inesset,
they-had-wished themselves to-have-seen in that life what splendor was-therein
quanta ornamenta, quae dignitas; quae se non contempsisse
how-great distinctions what dignity which themselves not to-have-despised
sed ordine suo patrumque suorum contentos fuisse et
but with-order their-own and-of-fathers their-own content to-have-been and
vitam illam tranquillam et quietam, remotam a procellis
life that calm and quiet removed from the-squalls
invidiarum et huiusce modi iudiciorum sequi maluisse.
of-ill-will and of-this kind of-trials to-follow to-have-preferred
Aut sibi ad honores petendos aetatem integram restitui 154
either for-themselves to honors being-sought the-age whole to-be-restored
oportere aut, quoniam id non posset, eam condicionem vitae
ought or since that not could that condition of-life
quam secuti petitionem reliquissent manere. Iniquum
which having-followed the-candidacy they-had-abandoned to-remain unfair
esse eos qui honorum ornamenta propter periculorum
to-be those who of-honors the-distinctions on-account-of of-dangers
multitudinem praetermisissent populi beneficiis esse privatos,
the-multitude had-passed-over of-the-people of-the-favors to-be deprived
iudiciorum novorum periculis non carere. Senatorem hoc
of-trials new from-the-dangers not to-be-free a-senator this
queri non posse, propterea quod ea condicione proposita
to-complain not to-be-able for-this-reason that with-that condition proposed
petere coepisset quodque permulta essent ornamenta quibus
to-seek-office he-had-begun and-because very-many were distinctions by-which

eam mitigare molestiam posset, locus, auctoritas, domi splendor,
that to-soften vexation he-could rank authority at-home splendor
apud exteras nationes nomen et gratia, toga praetexta, sella
among foreign nations name and influence the-toga bordered the-seat
curulis, insignia, fasces, exercitus, imperia, provinciae; quibus
curule the-insignia the-fasces armies commands provinces which
in rebus cum summa recte factis maiores nostri praemia
in things both the-greatest for-right deeds ancestors our rewards
tum plura peccatis pericula proposita esse voluerunt. Illi
and more for-wrongdoings dangers set-up to-be wished they
non hoc recusabant ne ea lege accusarentur qua
not this were-refusing that-not by-that law they-should-be-accused by-which
nunc Habitus accusatur, quae tunc erat Sempronia, nunc est
now Habitus is-accused which then was Sempronian now is
Cornelia — intellegebant enim ea lege equestrem ordinem
Cornelian they-understood for by-that law the-equestrian order
non teneri — sed ne nova lege adligarentur laborabant.
not to-be-held but that-not by-a-new law they-should-be-bound they-were-striving
155 Habitus ne hoc quidem umquam recusavit quo minus
Habitus not this even ever refused by-which the-less
vel ea lege rationem vitae suae redderet qua non
even by-that law an-account of-life his-own he-should-render by-which not
teneretur. Quae si vobis condicio placet, omnes id agamus
he-was-held which if to-you the-condition pleases all that let-us-aim-at
ut haec quam primum in omnis ordines quaestio perferatur.
that this as first to all orders the-inquiry be-extended
Interea quidem, per deos immortalis! quoniam omnia
meanwhile indeed by the-gods immortal since all
commoda nostra, iura, libertatem, salutem denique legibus
advantages our rights liberty safety finally by-the-laws
obtinemus, a legibus non recedamus, simul et illud
we-hold from the-laws not let-us-withdraw at-the-same-time also this

quam sit iniquum cogitemus, populum Romanum aliud
how it-is unfair let-us-consider the-people Roman another-thing
nunc agere, vobis rem publicam et fortunas suas
now to-be-doing to-you the-thing public and fortunes its-own
commisisse, sine cura esse, non metuere ne lege ea quam
to-have-entrusted without care to-be not to-fear lest by-a-law that which
numquam ipse iusserit et quaestione qua se solutum
never itself has-ordered and by-an-inquiry from-which itself loosed
liberumque esse arbitretur per paucos iudices astringatur.
and-free to-be it-thinks through few judges it-be-bound

XXIX · THE DUTY OF A JUDGE

The accusers would stretch the law to the whole people, and Cicero promises to defend by it anyone it does not bind. A wise judge remembers that his power is a trust, that he must follow the law and his conscience, not his wish, and must keep in counsel law, scruple, fairness, and good faith, putting aside hatred, envy, and fear. Had Attius known this, he would not have said that a judge may decide as he thinks fit.

Agit enim sic causam T. Attius, adulescens bonus et disertus, 156
pleads for so the-case Titus Attius a-young-man good and eloquent
omnis civis legibus teneri omnibus; vos auditis et attenditis
all citizens by-the-laws to-be-held all you hear and attend
silentio, sicut facere debetis. A. Cluentius, eques Romanus,
in-silence as to-do you-ought Aulus Cluentius a-knight Roman
causam dicit ea lege, qua lege senatores et ei qui
his-case pleads under-that law by-which law senators and those who
magistratum habuerunt soli tenentur; mihi per eum recusare
a-magistracy have-held alone are-held to-me through him to-refuse
et in arce legis praesidia constituere defensionis meae
and in the-citadel of-the-law the-defenses to-set-up of-defense my

non licet. Si obtinuerit causam Cluentius, sicuti vestra
not it-is-allowed if he-will-have-won his-case Cluentius as on-your
aequitate nixi confidimus, omnes existimabunt, id quod erit,
fairness relying we-trust all will-think that which will-be
obtinuisse propter innocentiam, quoniam ita defensus sit;
him-to-have-won on-account-of innocence since so defended he-was
in lege autem quam attingere noluerit praesidi nil fuisse.
in the-law however which to-touch he-refused of-protection nothing to-have-been
157 Hic nunc est quiddam quod ad me pertineat, de quo
here now is something which to me pertains about which
ante dixi, quod ego populo Romano praestare debeam,
before I-spoke which I to-the-people Roman to-make-good ought
quoniam is meae vitae status est ut omnis mihi cura
since this of-my life the-standing is that all my care
et opera posita sit in hominum periculis defendendis.
and effort placed be in of-men dangers being-warded-off
Video quanta et quam periculosa et quam infinita quaestio
I-see how-great and how dangerous and how unlimited an-inquiry
temptetur ab accusatoribus, cum eam legem quae in
is-attempted by the-accusers when that law which against
nostrum ordinem scripta sit in populum Romanum transferre
our order written is to the-people Roman to-transfer
conentur. Qua in lege est: 'qui coierit,' quod quam late
they-try which in law it-is who will-have-conspired which how widely
pateat videtis. 'Convenerit'; aeque incertum et infinitum
it-extends you-see will-have-combined equally uncertain and unlimited
est. 'Consenserit'; hoc vero cum infinitum tum obscurum
it-is will-have-agreed this indeed both unlimited and obscure
et occultum. 'Falsumve testimonium dixerit'; quis de
and hidden or-false testimony will-have-given who of
plebe Romana testimonium dixit umquam cui non hoc
the-plebs Roman testimony gave ever for-whom not this

periculum T. Attio auctore paratum esse videatis?
danger with-Titus Attius as-author prepared to-have-been you-may-see
nam dicturum quidem certe, si hoc iudicium plebi
for going-to-give indeed certainly if this trial for-the-plebs
Romanae propositum sit, neminem umquam esse confirmo.
Roman set-up be no-one ever to-be I-affirm
Sed hoc polliceor omnibus, si cui forte hac lege negotium 158
but this I-promise to-all if for-anyone perhaps by-this law trouble
facessetur qui lege non teneatur, si is uti me defensore
will-be-made who by-the-law not is-held if he to-use me as-defender
voluerit, me eius causam legis praesidio defensurum et
will-wish that-I his case with-the-law's protection going-to-defend and
vel his iudicibus vel horum similibus facillime probaturum,
either before-these judges or before-their likes most-easily going-to-prove
et omni me defensione usurum esse legis, qua nunc ut
and every me defense going-to-use to-be of-the-law which now that
utar ab eo cuius voluntati mihi obtemperandum est non
I-should-use by him whose to-wish by-me to-be-deferred it-is not
conceditur. Non enim debeo dubitare, iudices, quin, si qua ad
is-granted not for I-ought to-doubt judges that if any to
vos causa eius modi delata sit eius qui lege non teneatur,
you case of-such kind brought be of-him who by-the-law not is-held
etiam si is invidiosus aut multis offensus esse videatur, etiam
even if he invidious or to-many offensive to-be may-seem even
si eum oderitis, etiam si inviti absoluturi sitis, tamen
if him you-should-hate even if unwilling going-to-acquit you-should-be still
absolvatis et religioni potius vestrae quam odio pareatis.
you-would-acquit and scrupulousness rather your than hatred obey
Est enim sapientis iudicis cogitare tantum sibi a populo 159
it-is for of-a-wise judge to-reflect so-much to-himself by the-people
Romano esse permissum quantum commissum sit et
Roman to-have-been allowed as-much-as entrusted has-been and

creditum, et non solum sibi potestatem datam verum
committed and not only to-himself power given but
etiam fidem habitam esse meminisse; posse quem oderit
also trust placed to-have-been to-remember to-be-able whom he-hates
absolvere, quem non oderit condemnare, et semper non
to-acquit whom not he-hates to-condemn and always not
quid ipse velit sed quid lex et religio cogat cogitare;
what himself he-wishes but what the-law and scrupulousness compel to-reflect
animadvertere qua lege reus citetur, de quo reo
to-notice by-what law the-defendant is-summoned about what defendant
cognoscat, quae res in quaestione versetur. Cum haec
he-is-inquiring what matter in the-inquiry is-at-issue while these-things
sunt videnda, tum vero illud est hominis magni, iudices, atque
are to-be-seen then indeed that is of-a-man great judges and
sapientis, cum illam iudicandi causa tabellam sumpserit,
wise when that of-judging for-the-sake tablet he-has-taken
non se reputare solum esse nec sibi quodcumque
not himself to-reckon alone to-be nor to-himself whatever
concupierit licere, sed habere in consilio legem, religionem,
he-has-desired to-be-allowed but to-have in council the-law scrupulousness
aequitatem, fidem; libidinem autem, odium, invidiam,
fairness good-faith lust however hatred ill-will
metum cupiditatesque omnis amovere maximique aestimare
fear and-desires all to-remove and-at-the-highest to-value
conscientiam mentis suae quam ab dis immortalibus
the-conscience of-mind his which from the-gods immortal
accepimus, quae a nobis divelli non potest; quae si
we-have-received which from us to-be-torn not can which if
optimorum consiliorum atque factorum testis in omni vita
of-the-best counsels and deeds the-witness in all life
nobis erit, sine ullo metu et summa cum honestate vivemus.
to-us will-be without any fear and the-highest with honor we-shall-live

Haec si T. Attius aut cognovisset aut cogitasset, profecto 160
these-things if Titus Attius either had-known or had-reflected-on surely
ne conatus quidem esset dicere, id quod multis
not tried even he-would-have to-say that which with-many
verbis egit, iudicem quod ei videatur statuere et non
words he-pleaded the-judge what to-him may-seem to-decide and not
devinctum legibus esse oportere. Quibus de rebus mihi
bound by-the-laws to-be ought which about things to-me
pro Cluenti voluntate nimium, pro rei dignitate parum,
for Cluentius' wish too-much for the-thing's dignity too-little
pro vestra prudentia satis dixisse videor. Reliqua
for your wisdom enough to-have-said I-seem the-remaining-things
perpauca sunt; quae quia vestrae quaestionis erant, idcirco
very-few are which because to-your court belonged for-that-reason
illi statuerunt fingenda esse sibi et proferenda ne
they decided to-be-invented to-be by-themselves and brought-forward lest
omnium turpissimi reperirentur, si in iudicium nihil praeter
of-all most-shameful they-be-found if into court nothing besides
invidiam attulissent. Atque ut existimetis me necessario
prejudice they-had-brought and that you-may-think that-I of-necessity
de his rebus de quibus iam dixerim pluribus egisse
about these things about which already I-have-spoken with-more pleaded
verbis, attendite reliqua; profecto intellegetis ea quae
words attend the-rest surely you-will-understand those-things which
paucis demonstrari potuerint brevissime esse defensa.
in-few to-be-shown could most-briefly to-have-been defended

The other charges on Cluentius' life are slight. He was generous to the proscribed Decidius; the quarrel of shepherds was settled without a suit; Aelius disinherited a kinsman of his own accord; the legacy to Florus was paid; the wife of Ceius was returned as soon as Cluentius learned she was free; Ennius is a hired false accuser. Cicero turns to the charges of poisoning, which alone belong to the court.

161 Cn. Decidio Samniti, ei qui proscriptus est, iniuriam in
to-Gnaeus Decidius the-Samnite him who proscribed was a-wrong in
calamitate eius ab huius familia factam esse dixit. Ab
calamity his by of-this-man household done to-have-been he-said by
nullo ille liberalius quam a Cluentio tractatus est. Huius
no-one he more-generously than by Cluentius treated was of-this-man
illum opes in rebus eius incommodissimis sublevarunt,
him resources in affairs his most-unfortunate relieved
atque hoc cum ipse tum omnes eius amici necessariique
and this both himself and all his friends and-connections
cognorunt. Anchari et Paceni pastoribus huius vilicos
learned of-Ancharius and of-Pacenus to-the-shepherds of-this-man stewards
vim et manus attulisse. Cum quaedam in callibus,
violence and hands to-have-brought when a-certain in the-hill-pastures
ut solet, controversia pastorum esset orta, Habiti vilici
as is-usual dispute of-shepherds had arisen Habitus' stewards
rem domini et privatam possessionem defenderunt.
the-property of-their-master and private possession defended
Cum esset expostulatio facta, causa illis demonstrata sine
when had-been a-complaint made the-case to-them shown without
iudicio controversiaque discessum est.
trial and-dispute parted it-was

P. Aeli testamento propinquus exheredatus cum esset, 162
by-Publius Aelius' will a-relative disinherited since was
heres hic alienior institutus est. P. Aelius Habiti
heir this-man more-distant appointed was Publius Aelius for-Habitus'
merito fecit, neque hic in testamento faciendo interfuit,
deserving did nor this-man in the-will being-made took-part
idque testamentum ab huius inimico Oppianico est
and-that will by of-this-man enemy Oppianicus was
obsignatum. Floro legatum ex testamento infitiatum esse.
sealed to-Florus a-legacy from the-will denied to-have-been
Non est ita; sed cum HS xxx scripta essent pro
not it-is so but since sesterces thirty-thousand written were for
HS xxxx neque ei cautum satis videretur, voluit
sesterces forty-thousand nor to-him secured sufficiently it-seemed he-wished
eum aliquid acceptum referre liberalitati suae. Primo deberi
him something received to-credit to-generosity his-own at-first to-be-owed
negavit, post sine controversia solvit. Cei cuiusdam
he-denied afterward without dispute he-paid of-Ceius a-certain
Samnitis uxorem post bellum ab hoc esse repetitam.
Samnite the-wife after the-war from this-man to-have-been reclaimed
Mulierem cum emisset a sectoribus, quo tempore eam
the-woman when he-had-bought from the-buyers at-what time her
primum liberam esse audivit, sine iudicio reddidit Ceio.
first free to-be he-heard without trial he-returned to-Ceius
Ennium esse quendam cuius bona teneat Habitus. Est hic 163
Ennius to-be a-certain whose goods holds Habitus there-is this
Ennius egens quidam calumniator, mercennarius Oppianici,
Ennius a-needy certain-man a-false-accuser the-hireling of-Oppianicus
qui permultos annos quievit; deinde aliquando cum servis
who very-many years was-quiet then at-last with the-slaves
Habiti furti egit, nuper ab ipso Habito petere coepit.
of-Habitus for-theft he-sued lately from himself Habitus to-claim he-began

Hic illo privato iudicio, mihi credite, vobis isdem
this-man in-that private trial me believe with-you the-same
fortasse patronis calumniam non effugiet. Atque etiam, ut
perhaps as-advocates the-false-accusation not will-escape and also as
nobis renuntiatur, hominem multorum hospitum, A. Bivium
to-us it-is-reported a-man of-many guests Aulus Bivius
quendam, coponem de via Latina, subornatis qui sibi a
a-certain innkeeper from the-road Latin you-suborn who to-himself by
Cluentio servisque eius in taberna sua manus adlatas esse
Cluentius and-slaves his in tavern his-own hands brought to-have-been
dicat. Quo de homine nihil etiam nunc dicere nobis
should-say which about man nothing even now to-say to-us
est necesse. Si invitaverit, id quod solet, sic hominem
is necessary if he-will-have-invited that which he-is-wont so the-man
accipiemus ut moleste ferat se de via decessisse.
we-shall-receive that resentfully he-bear himself from the-road to-have-departed
164 Habetis, iudices, quae in totam causam de moribus
you-have judges what-things over the-whole case about the-manners
A. Cluenti quem illi invidiosum esse reum volunt annos
of-Aulus Cluentius whom they invidious to-be the-defendant wish years
octo meditati accusatores conlegerint, quam levia genere
eight having-pondered the-accusers have-collected how trivial in-kind
ipso, quam falsa re, quam brevia responsu! Cognoscite
itself how false in-fact how brief in-answer learn
nunc id quod ad vestrum ius iurandum pertinet, quod
now that which to your oath sworn pertains what
vestri iudici est, quod vobis oneris imposuit ea lex qua
of-your judgment is what on-you of-burden has-imposed that law by-which
coacti huc convenistis, de criminibus veneni, ut omnes
compelled hither you-have-assembled about the-charges of-poison that all
intellegant quam paucis verbis haec causa perorari potuerit,
may-understand in-how few words this case to-be-concluded could-have

et quam multa a me dicta sint quae ad huius
and how many-things by me said have-been which to of-this-man
voluntatem maxime, ad vestrum iudicium minime pertinerent.
wish most to your judgment least pertained

XXXI · THE CHARGES OF POISON

Vibius Capax died intestate in the house of the senator Plaetorius, and Cluentius did not inherit. The young Oppianicus' friend Balbutius did not die of a cup at his wedding: his own father testifies that he died of illness days later. And why would Habitus poison the elder Oppianicus, already condemned and exiled, when death could only end his misery?

Obiectum est C. Vibium Capacem ab hoc A. Cluentio 165
cast-up it-has-been Gaius Vibius Capax by this Aulus Cluentius
veneno esse sublatum. Opportune adest homo summa
by-poison to-have-been removed opportunely is-present a-man of-the-highest
fide et omni virtute praeditus, L. Plaetorius, senator
good-faith and with-every virtue endowed Lucius Plaetorius a-senator
qui illius Vibi hospes fuit et familiaris. Apud hunc ille Romae
who of-that Vibius the-host was and intimate with him he at-Rome
habitavit, apud hunc aegrotavit, huius domi est mortuus.
lived with him fell-ill in-his house he-has died
At heres est Cluentius. Intestatum dico esse mortuum
but the-heir is Cluentius intestate I-say him-to-have died
possessionemque eius bonorum ex edicto praetoris huic
and-the-possession of-his goods by the-edict of-the-praetor to-this-man
illius sororis filio, adulescenti pudentissimo et in primis
of-his sister's son a-young-man most-modest and among the-first
honesto, equiti Romano, datam, N. Cluentio quem videtis.
honorable a-knight Roman given to-Numerius Cluentius whom you-see

166 Alterum venefici crimen Oppianico huic adulescenti, cum eius
the-second of-poisoning charge for-Oppianicus this young-man when his
in nuptiis more Larinatium multitudo hominum pranderet,
at wedding by-the-custom of-the-Larinates a-crowd of-men was-lunching
venenum Habiti consilio paratum; id cum daretur
poison on-Habitus' plan prepared that when it-was-being-given
in mulso, Balbutium quendam, eius familiarem, intercepisse,
in mead Balbutius a-certain his intimate to-have-intercepted
bibisse, statimque esse mortuum. Hoc ego si sic agerem
to-have-drunk and-at-once to-have died this I if so I-were-pleading
tamquam mihi crimen esset diluendum, haec pluribus
as-if by-me the-charge were to-be-washed-away these-things with-more
verbis dicerem per quae nunc paucis percurrit oratio mea.
words I-would-say through which now in-few runs speech my
167 Quid umquam Habitus in se admisit ut hoc tantum
what ever Habitus on himself admitted that this so-great
ab eo facinus non abhorrere videatur? quid autem magno
from him a-deed not to-be-foreign may-seem why however in-great
opere Oppianicum metuebat, cum ille verbum omnino in
measure Oppianicus did-he-fear when he a-word at-all in
hac ipsa causa nullum facere potuerit, huic autem
this very case none to-make could to-this-man however
accusatores viva matre deesse non possint? id quod
accusers with-living mother to-be-lacking not could that which
iam intellegetis. An ut de causa eius periculi nihil
presently you-will-understand or that from the-cause of-his danger nothing
decederet, ad causam novum crimen accederet? Quod
should-be-withdrawn to the-case a-new charge should-be-added what
autem tempus veneni dandi illo die, illa frequentia? Per
however time of-poison being-given on-that day in-that crowd through
quem porro datum? Unde sumptum? quae deinde interceptio
whom moreover given whence taken what then the-interception

poculi? Cur non de integro autem datum? Multa sunt
of-the-cup why not from the-start however given many-things there-are
quae dici possunt, sed non committam ut videar non
which to-be-said can but not I-shall-commit that I-seem by-not
dicendo voluisse dicere; res enim se ipsa defendit.
speaking to-have-wished to-speak the-thing for itself it-itself defends
Nego illum adulescentem quem statim epoto poculo 168
I-deny that young-man whom at-once with-drained cup
mortuum esse dixistis omnino illo die esse mortuum.
dead to-have-been you-said at-all on-that day to-have died
Magnum crimen et impudens mendacium! Perspicite cetera.
a-great charge and shameless lie look-into the-rest
Dico illum, cum ad illud prandium crudior venisset
I-say him when to that lunch rather-undigested he-had-come
et, ut aetas illa fert, sibi tamen non pepercisset, aliquot
and as age that brings himself still not had-spared several
dies aegrotasse et ita esse mortuum. Quis huic rei testis
days to-have-been-ill and so to-have died who to-this thing a-witness
est? Idem qui sui luctus, pater; pater, inquam, illius
is the-same who of-his-own grief the-father the-father I-say of-that
adulescentis, quem propter animi dolorem pertenuis suspicio
young-man whom on-account-of of-mind pain the-slightest suspicion
potuisset ex illo loco testem in A. Cluentium constituere,
could-have from that place as-witness against Aulus Cluentius set-up
is hunc suo testimonio sublevat; quod recita. Tu autem,
he this-man by-his-own testimony relieves which read-out you however
nisi molestum est, paulisper exsurge; perfer hunc dolorem
unless troublesome it-is for-a-little-while rise-up bear this pain
commemorationis necessariae, in qua ego diutius non morabor
of-recollection necessary in which I longer not shall-linger

quoniam, quod fuit viri optimi, fecisti ut ne cui
since what was of-a-man the-best you-have-done that not to-anyone
innocenti maeror tuus calamitatem et falsum crimen adferret.
innocent grief your calamity and a-false charge should-bring
169 Unum etiam mihi reliquum eius modi crimen est, iudices,
one also to-me remaining of-that kind charge is judges
ex quo illud perspicere possitis quod a me initio
from which that to-see you-may-be-able which by me at-the-beginning
orationis meae dictum est, quicquid mali per hosce
of-speech my said was whatever of-evil through these
annos A. Cluentius viderit, quicquid hoc tempore habeat
years Aulus Cluentius has-seen whatever at-this time he-has
sollicitudinis ac negoti, id omne a matre esse
of-anxiety and of-trouble that all by his-mother to-have-been
conflatum. Oppianicum veneno necatum esse quod ei
contrived Oppianicus by-poison killed to-have-been which to-him
datum sit in pane per M. Asellium quendam, familiarem
given was in bread through Marcus Asellius a-certain intimate
illius, idque Habiti consilio factum esse dicitis. In
of-his and-that on-Habitus' plan done to-have-been you-say in
quo primum illud quaero quae causa Habito fuerit cur
which first this I-ask what reason for-Habitus there-was why
interficere Oppianicum vellet. Inimicitias enim fuisse
to-kill Oppianicus he-should-wish enmities for to-have-been
confiteor; sed homines inimicos suos morte adfici volunt
I-admit but men enemies their with-death to-be-afflicted wish
aut quod eos metuunt aut quod oderunt.
either because them they-fear or because they-hate
170 Quo tandem igitur Habitus metu adductus tantum in
by-what pray therefore Habitus fear led so-great upon
se facinus suscipere conatus est? quid erat quod
himself a-deed to-undertake tried has what was-there that

iam Oppianicum poena adfectum pro maleficiis et
now Oppianicus with-punishment visited for his-crimes and
eiectum e civitate quisquam timeret? quid metuebat? Ne
cast-out from the-state anyone should-fear what did-he-fear lest
oppugnaretur a perdito, an ne accusaretur a damnato,
he-be-attacked by a-ruined-man or lest he-be-accused by a-condemned-man
an ne exsulis testimonio laederetur? Si autem quod oderat
or lest by-an-exile's testimony he-be-harmed if however because he-hated
Habitus inimicum, idcirco illum vita frui noluit,
Habitus his-enemy for-that-reason him life to-enjoy he-did-not-wish
adeone erat stultus ut illam quam tum ille vivebat vitam
so-whether was-he stupid that that which then he was-living life
esse arbitraretur, damnati, exsulis, deserti ab omnibus,
to-be he-should-think of-one-condemned of-an-exile of-one-deserted by all
quem propter animi importunitatem nemo recipere tecto,
whom on-account-of of-mind the-surliness no-one to-receive under-roof
nemo adire, nemo adloqui, nemo aspicere vellet?
no-one to-approach no-one to-speak-to no-one to-look-at wished
Huius igitur Habitus vitae invidebat? Hunc si acerbe 171
of-this-man therefore Habitus life did-he-begrudge this-man if bitterly
et penitus oderat, non eum quam diutissime vivere velle
and deeply he-hated not him as longest-possible to-live to-wish
debebat? huic mortem maturabat inimicus, quod illi
ought to-this-man death would-hasten an-enemy because to-him
unum in malis erat perfugium calamitatis? Qui si quid animi
the-one in evils was refuge from-calamity who if any of-spirit
et virtutis habuisset, ut multi saepe fortes viri in eius modi
and of-courage he-had-had as many often brave men in of-that kind
dolore, mortem sibi ipse conscisset, huic quam
pain death on-himself he-himself would-have-inflicted to-this-man what
ob rem id vellet inimicus offerre quod ipse sibi
on-account-of thing that should-wish an-enemy to-offer which himself for-himself

optare deberet? Nam nunc quidem quid tandem illi mali
to-wish ought for now indeed what pray to-him of-evil
mors attulit? nisi forte ineptiis ac fabulis ducimur ut
death has-brought unless perhaps by-silly-tales and fables we-are-led so-that
existimemus illum ad inferos impiorum supplicia perferre
we-think him in the-underworld of-the-impious the-punishments to-endure
ac pluris illic offendisse inimicos quam hic reliquisse, a
and more there to-have-met enemies than here to-have-left by
socrus, ab uxorum, a fratris, a liberum Poenis actum
of-his-mother-in-law by of-his-wives by of-his-brother by of-his-children Furies driven
esse praecipitem in sceleratorum sedem atque regionem.
to-have-been headlong into of-the-wicked the-seat and region
Quae si falsa sunt, id quod omnes intellegunt, quid ei
which-things if false are that which all understand what from-him
tandem aliud eripuit mors praeter sensum doloris?
pray else has-snatched-away death except the-feeling of-pain

XXXII · THE DEATH OF OPPIANICUS

Poison in bread is improbable, and Asellius, who is said to have given it, was Oppianicus' friend. Oppianicus, wandering in exile, fell ill in the Falernian district while Sassia lived openly with a tenant farmer; setting out for Rome, he fell from his horse and died there of fever a few days later. Sassia then bought the physician's slave Strato and had Nicostratus and others tortured, but the slaves, before her witnesses, said they knew nothing.

172 Age vero, per quem venenum datum? Per M. Asellium.
come indeed through whom was-the-poison given through Marcus Asellius
Quid huic cum Habito? Nihil, atque adeo, quod ille
what to-this-man with Habitus nothing and indeed because he
Oppianico familiarissime est usus, potius etiam simultas.
with-Oppianicus most-intimately has been-associated rather even a-quarrel

Eine igitur quem sibi offensiorem, Oppianico
to-him-whether therefore whom to-himself more-hostile with-Oppianicus
familiarissimum sciebat esse, potissimum et scelus suum et
most-intimate he-knew to-be above-all both crime his-own and
illius periculum committebat? Cur igitur tu qui pietate
that-man's danger he-entrusted why therefore you who by-filial-love
ad accusandum excitatus es hunc Asellium esse inultum
to accusing roused you-were this Asellius to-be unpunished
tam diu sinis? Cur non Habiti exemplo usus es ut
so long do-you-allow why not Habitus' example used have-you that
per illum qui attulisset venenum de hoc praeiudicaretur?
through him who had-brought the-poison about this-man it-should-be-prejudged
Iam vero illud quam non probabile, quam inusitatum, 173
now indeed that how not probable how unusual
iudices, quam novum, in pane datum venenum! Faciliusne
judges how new in bread given poison more-easily-whether
potuit quam in poculo, latentius potuit abditum aliqua in
could-it than in a-cup more-secretly could-it hidden some in
parte panis quam si totum conliquefactum in potione
part of-the-bread than if wholly dissolved in the-drink
esset, celerius potuit comestum quam epotum in venas
it-were more-quickly could-it eaten than drunk into the-veins
atque in omnis partis corporis permanare, facilius fallere
and into all parts of-the-body spread more-easily deceive
in pane, si esset animadversum, quam in poculo, cum ita
in bread if it-were noticed than in a-cup when so
confusum esset ut secerni nullo modo posset?
mixed it-were that to-be-separated in-no way could-it
At repentina morte periit. Quod si esset ita factum, tamen 174
but by-a-sudden death he-perished but if it-had so happened still
ea res propter multorum eius modi casum minime firmam
that thing on-account-of of-many of-that kind fate least firm

veneni suspicionem haberet; si esset suspiciosum, tamen potius
of-poison suspicion would-have if it-were suspicious still rather
ad alios quam ad Habitum pertineret. Verum in eo ipso
to others than to Habitus it-would-pertain but in that very-point
homines impudentissime mentiuntur. Id ut intellegatis
men most-shamelessly lie that that you-may-understand
et mortem eius et quem ad modum post mortem in
both the-death his and in-what to manner after his-death against
Habitum sit crimen a matre quaesitum cognoscite.
Habitus was the-charge by his-mother sought learn
175 Cum vagus et exsul erraret atque undique exclusus
when a-wanderer and an-exile he-roamed and on-all-sides shut-out
Oppianicus in Falernum se ad L. Quinctium
Oppianicus into the-Falernian-district himself to Lucius Quinctius
contulisset, ibi primum in morbum incidit ac satis
had-betaken there first into illness he-fell and quite
vehementer diuque aegrotavit. Cum esset una Sassia
vehemently and-long was-ill when was with-him Sassia
eaque Sex. Albio quodam colono, homine valenti, qui
and-she Sextus Albius a-certain tenant-farmer a-man vigorous who
simul esse solebat familiarius uteretur quam vir
with-them to-be was-accustomed more-intimately treated than a-husband
dissolutissimus incolumi fortuna pati posset, et ius illud
most-dissolute with-safe fortune to-bear could and right that
matrimoni castum atque legitimum damnatione viri
of-matrimony chaste and lawful by-the-condemnation of-her-husband
sublatum arbitraretur, Nicostratus quidam, fidelis Oppianici
removed thought Nicostratus a-certain faithful of-Oppianicus
servolus, percuriosus et minime mendax, multa dicitur
little-slave very-inquisitive and least lying many-things is-said
domino renuntiare solitus esse. Interea Oppianicus cum
to-his-master to-report accustomed to-have-been meanwhile Oppianicus when

iam convalesceret neque improbitatem coloni in Falerno
now he-was-recovering nor the-wickedness of-the-tenant in the-Falernian
diutius ferre posset et huc ad urbem profectus esset —
longer to-bear could and hither to the-city set-out had
solebat enim extra portam aliquid habere conducti —
he-was-wont for outside the-gate something to-have of-hired
cecidisse de equo dicitur et homo infirma valetudine latus
to-have-fallen from his-horse he-is-said and a-man of-weak health his-side
offendisse vehementer et, postea quam ad urbem cum febri
to-have-struck vehemently and after that to the-city with fever
venerit, paucis diebus esse mortuus. Mortis ratio, iudices,
he-came in-few days to-have died of-the-death the-account judges
eius modi est ut aut nihil habeat suspicionis aut, si
of-such kind is that either nothing it-has of-suspicion or if
quid habet, id intra parietes in domestico scelere versetur.
anything it-has that within the-walls in domestic crime is-engaged
Post mortem eius Sassia moliri statim, nefaria mulier, coepit 176
after the-death his Sassia to-contrive at-once the-wicked woman began
insidias filio; quaestionem habere de viri morte
plots for-her-son an-examination to-hold about her-husband's death
constituit. Emit de A. Rupilio quo erat usus Oppianicus
she-decided she-bought from Aulus Rupilius whom had used Oppianicus
medico Stratonem quendam, quasi ut idem faceret quod
as-physician Strato a-certain as-if that the-same she-might-do which
Habitus in emendo Diogene fecerat. De hoc Stratone et de
Habitus in buying Diogenes had-done about this Strato and about
Ascla quodam servo suo quaesituram esse dixit. Praeterea
Ascla a-certain slave her-own going-to-examine to-be she-said besides
servum illum Nicostratum quem nimium loquacem fuisse
slave that Nicostratus whom too talkative to-have-been
ac nimium domino fidelem arbitrabatur ab hoc adulescente
and too to-his-master faithful she-thought from this young-man

Oppianico in quaestionem postulavit. Hic cum esset illo
Oppianicus for examination she-demanded he when he-was at-that
tempore puer et illa quaestio de patris sui morte constitui
time a-boy and that examination about of-father his death to-be-set-up
diceretur, etsi illum servum et sibi benivolum esse et
was-said although that slave both to-himself well-disposed to-be and
patri fuisse arbitrabatur, nihil tamen est ausus recusare.
to-his-father to-have-been he-thought nothing still has dared to-refuse
Advocantur amici et hospites Oppianici et ipsius mulieris
are-summoned friends and guest-friends of-Oppianicus and of-the-very woman
multi, homines honesti atque omnibus rebus ornati. Tormentis
many men honorable and in-all things distinguished with-tortures
omnibus vehementissimis quaeritur. Cum essent animi
all most-violent it-is-examined when were the-minds
servorum et spe et metu temptati ut aliquid in quaestione
of-the-slaves both by-hope and by-fear tempted that something in the-examination
dicerent, tamen, ut arbitror, auctoritate advocatorum adducti
they-should-say still as I-think by-the-authority of-the-witnesses led
in veritate manserunt neque se quicquam scire dixerunt.
in the-truth they-remained nor themselves anything to-know said
177 Quaestio illo die de amicorum sententia dimissa est.
the-examination on-that day on of-the-friends the-advice dismissed was
Satis longo intervallo post iterum advocantur. Habetur
at-a-sufficiently long interval after again they-are-summoned there-is-held
de integro quaestio; nulla vis tormentorum acerrimorum
from the-start the-examination no force of-tortures most-severe
praetermittitur; aversari advocati et iam vix ferre posse,
is-omitted to-turn-away the-witnesses and now scarcely to-bear to-be-able
furere crudelis atque importuna mulier sibi nequaquam
to-rage the-cruel and relentless woman to-herself by-no-means
ut sperasset ea quae cogitasset procedere. Cum iam
as she-had-hoped those-things which she-had-planned to-go-forward when now

tortor atque essent tormenta ipsa defessa neque tamen
the-torturer and were the-tortures themselves exhausted nor still
illa finem facere vellet, quidam ex advocatis, homo et
she an-end to-make wished a-certain-one of the-witnesses a-man both
honoribus populi ornatus et summa virtute praeditus,
with-the-honors of-the-people adorned and with-the-highest virtue endowed
intellegere se dixit non id agi ut verum inveniretur
to-understand himself said not that to-be-aimed-at that the-truth be-found
sed ut aliquid falsi dicere cogerentur. Hoc postquam ceteri
but that something false to-say they-be-compelled this after the-others
comprobarunt, ex omnium sententia constitutum est satis
approved by of-all the-judgment decided it-was enough
videri esse quaesitum.
to-seem to-have-been examined

XXXIII · STRATO'S THEFT

Three years later Sassia betrothed her daughter to the young Oppianicus to bind him to the prosecution. Strato, to whom she had given a shop in Larinum, killed two fellow slaves in her house, cut open a cupboard, and stole money; he was caught by a saw bought at auction. Sassia, examining him for the theft, claimed he spoke of poison, and had Nicostratus surrendered to torture again.

Redditur Oppianico Nicostratus, Larinum ipsa proficiscitur 178
is-returned to-Oppianicus Nicostratus to-Larinum she-herself sets-out
cum suis maerens quod iam certe incolumem filium
with her-people grieving because now certainly safe her-son
fore putabat, ad quem non modo verum crimen sed ne
going-to-be she-thought to whom not only a-true charge but not
ficta quidem suspicio perveniret, et cui non modo aperta
invented even suspicion would-reach and whom not only the-open

inimicorum oppugnatio sed ne occultae quidem matris
of-enemies attack but not secret even of-a-mother
insidiae nocere potuissent. Larinum postquam venit, quae
plots to-harm could to-Larinum after she-came she-who
a Stratone illo venenum antea viro suo datum sibi
by Strato that poison before to-husband her given to-herself
persuasum esse simulasset, instructam ei continuo
persuaded to-have-been had-pretended equipped for-him at-once
et ornatam Larini medicinae exercendae causa tabernam
and furnished at-Larinum of-medicine to-be-practiced for-the-sake a-shop
dedit. Unum, alterum, tertium annum Sassia quiescebat,
gave one a-second third year Sassia was-quiet
ut velle atque optare aliquid calamitatis filio potius
so-that to-wish and to-long-for some calamity for-her-son rather
quam id struere et moliri videretur.
than it to-build and to-contrive she-might-seem
179 Tum interim Q. Hortensio Q. Metello consulibus
then meanwhile with-Quintus Hortensius and-Quintus Metellus as-consuls
ut hunc Oppianicum aliud agentem ac nihil eius modi
that this Oppianicus another-thing doing and nothing of-that kind
cogitantem ad hanc accusationem detraheret invito despondit
thinking-of to this accusation she-might-drag to-unwilling she-betrothed
ei filiam suam, illam quam ex genero susceperat,
to-him daughter her that whom from her-son-in-law she-had-borne
ut eum nuptiis adligatum simul et testamenti
so-that him by-the-marriage bound at-the-same-time and of-the-will
spe devinctum posset habere in potestate. Hoc ipso fere
by-hope tied she-could to-have in her-power at-this very almost
tempore Strato ille medicus domi furtum fecit et caedem
time Strato that physician at-home a-theft committed and a-murder
eius modi. Cum esset in aedibus armarium in quo sciret
of-such kind when there-was in the-house a-cupboard in which he-knew

esse nummorum aliquantum et auri, noctu duos conservos
to-be of-cash a-good-deal and of-gold by-night two fellow-slaves
dormientis occidit in piscinamque deiecit; ipse armari
sleeping be-killed into and-the-fishpond threw himself of-the-cupboard
fundum exsecuit et HS x et auri quinque pondo
the-bottom cut-out and sesterces ten-thousand and of-gold five pounds
abstulit uno ex servis puero non grandi conscio.
carried-off one of the-slaves a-boy not grown in-the-secret
Furto postridie cognito omnis suspicio in eos servos qui 180
with-the-theft the-next-day discovered all suspicion upon those slaves who
non comparebant commovebatur. Cum exsectio illa fundi
not were-to-be-seen was-moved when the-cutting that of-the-bottom
in armario animadverteretur, homines quonam modo fieri
in the-cupboard was-noticed men by-what manner to-be-done
potuisset requirebant. Quidam ex amicis Sassiae recordatus
it-could-have asked a-certain-one of the-friends of-Sassia remembered
est se nuper in auctione quadam vidisse in rebus
has himself lately at an-auction certain to-have-seen among things
minutis aduncam ex omni parte dentatam et tortuosam
small hooked on every side toothed and twisted
venire serrulam qua illud potuisse ita circumsecari
to-be-sold a-little-saw with-which that could so to-be-cut-round
videretur. Ne multa, perquiritur a coactoribus, invenitur
it-seemed not-to-be long it-is-searched-out by the-auction-collectors it-is-found
ea serrula ad Stratonem pervenisse. Hoc initio suspicionis
that little-saw to Strato to-have-come with-this beginning of-suspicion
orto et aperte insimulato Stratone puer ille conscius
arisen and openly with-accused Strato the-boy that accomplice
pertimuit, rem omnem dominae indicavit; homines in
took-fright the-matter whole to-his-mistress he-revealed the-men in

piscina inventi sunt, Strato in vincula coniectus est, atque
the-fishpond found were Strato into chains thrown was and
etiam in taberna eius nummi, nequaquam omnes, reperiuntur.
also in the-shop his the-coins by-no-means all are-found
181 Constituitur quaestio de furto. Nam quid quisquam
is-set-up an-examination about the-theft for what anyone
suspicari aliud potest? An hoc dicitis, armario expilato,
to-suspect else can or this do-you-say with-the-cupboard plundered
pecunia ablata, non omni reciperata, occisis hominibus
the-money carried-off not all recovered with-men killed
institutam esse quaestionem de morte Oppianici? Cui
set-up to-have-been an-examination about the-death of-Oppianicus to-whom
probatis? quid est quod minus veri simile proferre
do-you-prove-it what is-there that less of-the-truth like to-bring-forward
potuistis? deinde, ut omittam cetera, triennio post mortem
you-could then that I-may-pass-over the-rest three-years after the-death
Oppianici de eius morte quaerebatur? Atque etiam incensa
of-Oppianicus about his death it-was-being-inquired and also inflamed
odio pristino Nicostratum eundem illum tum sine causa in
by-hatred old Nicostratus the-same that then without cause for
quaestionem postulavit. Oppianicus primo recusavit. Postea cum
examination she-demanded Oppianicus at-first refused afterward when
illa abducturam se filiam, mutaturam esse testamentum
she to-take-away herself the-daughter to-change to-be the-will
minaretur, mulieri crudelissimae servum fidelissimum non
threatened to-the-woman most-cruel the-slave most-faithful not
in quaestionem detulit sed plane ad supplicium dedidit.
to examination he-handed-over but plainly to punishment surrendered
182 Post triennium igitur agitata denuo quaestio de viri
after three-years therefore stirred anew an-examination about her-husband's
morte habebatur. At de quibus servis? nova, credo, res
death was-held but about what slaves new I-suppose a-thing

obiecta, novi quidam homines in suspicionem vocati sunt.
cast-up new some men into suspicion called were
De Stratone et de Nicostrato. Quid? Romae quaesitum
about Strato and about Nicostratus what at-Rome examined
de istis hominibus non erat? Itane tandem, mulier iam
about those men not had-it-been so-whether pray woman now
non morbo sed scelere furiosa, cum quaestionem habuisses
not by-disease but by-crime mad when an-examination you-had-held
Romae, cum de T. Anni, L. Rutili, P. Saturi,
at-Rome when on of-Titus Annius of-Lucius Rutilius of-Publius Saturius
ceterorum honestissimorum virorum sententia constitutum
of-the-other most-honorable men the-judgment decided
esset satis quaesitum videri, eadem de re triennio post
had-been enough examined to-seem the-same about matter three-years after
isdem de hominibus nullo adhibito non dicam viro, ne
the-same about men with-no summoned not I-shall-say man lest
colonum forte adfuisse dicatis, sed bono viro, in
the-tenant perhaps to-have-been-present you-say but good man against
fili caput quaestionem habere conata es?
of-your-son the-life an-examination to-hold tried you-have
An hoc dicitis — mihi enim venit in mentem quid dici 183
or this do-you-say to-me for comes into mind what to-be-said
possit, tametsi adhuc non esse hoc dictum mementote —
can although so-far not to-have-been this said remember
cum haberetur de furto quaestio, Stratonem aliquid de
when was-being-held about the-theft the-examination Strato something about
veneno esse confessum? Hoc uno modo, iudices, saepe
the-poison to-have confessed in-this one way judges often
multorum improbitate depressa veritas emergit et innocentiae
of-many by-the-wickedness held-down the-truth emerges and of-innocence
defensio interclusa respirat, quod aut ei qui in fraude callidi
the-defense shut-off breathes-again because either those who in fraud cunning

sunt non tantum audent quantum excogitant, aut ei quorum
are not so-much dare as-much-as they-devise or those whose
eminet audacia atque proiecta est a consiliis malitiae deseruntur.
stands-out audacity and reckless is by the-counsels of-malice are-deserted
Quod si aut confidens astutia aut callida esset audacia, vix
but if either bold cunning or crafty were audacity scarcely
ullo obsisti modo posset. Utrum furtum factum non est?
in-any to-be-resisted way could whether a-theft done not was
At nihil clarius Larini. An ad Stratonem suspicio non
but nothing more-notorious at-Larinum or to Strato suspicion not
pertinuit? At is et ex serrula insimulatus et a puero conscio
pertained but he both from the-little-saw accused and by the-boy accomplice
est indicatus. An id actum non est in quaerendo? Quae fuit
was informed-against or that aimed-at not was in the-examining what was
igitur alia causa quaerendi? An id quod vobis dicendum est,
therefore other reason for-examining or that which by-you to-be-said is
et quod tum Sassia dictitavit: cum de furto quaereretur,
and which then Sassia kept-saying when about the-theft it-was-being-inquired
tum Stratonem isdem in tormentis dixisse de veneno?
then Strato the-same in tortures to-have-spoken about the-poison

The record of that examination contains not a word on the theft, which Strato certainly committed, and speaks only of the poison: Sassia forged it. No witness who sealed it is named. Strato was crucified with his tongue cut out, so that he could say nothing more. Cicero recalls Sassia's crimes from the beginning, her marriage to her son-in-law and to Oppianicus, and her part in the Fabrician poison.

Hem hoc illud est quod ante dixi: mulier abundat audacia, 184
ha this that is which before I-said the-woman abounds in-audacity
consilio et ratione deficitur. Nam tabellae quaestionis plures
in-counsel and reason she-fails for the-tablets of-the-examination several
proferuntur quae recitatae vobisque editae sunt, illae ipsae
are-produced which read-out and-to-you issued were those very
quas tum obsignatas esse dixit; in quibus tabellis de
which then sealed to-have-been she-said in which tablets about
furto nulla littera invenitur. Non venit in mentem primum
the-theft no letter is-found not did-it-come into mind first
orationem Stratonis conscribere de furto, post aliquod dictum
the-statement of-Strato to-write-up about the-theft after some saying
adiungere de veneno quod non percontatione quaesitum sed
to-add about the-poison which not by-questioning sought but
per dolorem expressum videretur? Quaestio de furto est,
through pain wrung-out might-seem the-examination about the-theft is
veneni iam suspicio superiore quaestione sublata; quod ipsum
of-poison now the-suspicion by-the-earlier examination removed which itself
haec eadem mulier iudicarat quae, ut Romae de amicorum
this same woman had-judged who as at-Rome on of-friends
sententia statuerat satis esse quaesitum, postea per
the-advice she-had-decided enough to-have-been examined afterward for

triennium maxime ex omnibus servis Stratonem illum
three-years most of all slaves Strato that
dilexerat, in honore habuerat, commodis omnibus adfecerat.
she-had-esteemed in honor had-held with-advantages all had-furnished
185 Cum igitur de furto quaereretur, et eo furto quod ille
when therefore about the-theft it-was-being-inquired and that theft which he
sine controversia fecerat, tum ille de eo quod quaerebatur
without dispute had-done then he about that which was-being-inquired
verbum nullum fecit? de veneno statim dixit, de furto si
a-word none made about poison at-once he-spoke about the-theft if
non eo loco quo debuit, ne in extrema quidem aut media
not in-that place which it-ought not in the-last even or the-middle
aut aliqua denique parte quaestionis verbum fecit ullum?
or any finally part of-the-examination a-word made any
Iam videtis illam nefariam mulierem, iudices, eadem
now you-see that wicked woman judges with-the-same
manu qua, si detur potestas, interficere filium cupiat,
hand with-which if be-given the-power to-kill her-son she-desires
hanc fictam quaestionem conscripsisse. Atque istam ipsam
this invented examination to-have-written-up and that very
quaestionem dicite qui obsignarit unum aliquem nominatim.
examination say who sealed-it one someone by-name
Neminem reperietis, nisi forte eius modi hominem quem
no-one you-will-find unless perhaps of-such kind a-man whom
ego proferri malim quam neminem nominari.
I to-be-produced would-prefer than no-one to-be-named
186 Quid ais, T. Atti? tu periculum capitis, tu indicium
what do-you-say Titus Attius you a-danger of-life you an-information
sceleris, tu fortunas alterius litteris conscriptas in iudicium
of-crime you the-fortunes of-another in-letters written into court
adferes neque earum auctorem litterarum neque obsignatorem
will-bring and-not of-them the-author of-the-letters nor the-sealer

neque testem ullum nominabis? et quam tu pestem
nor witness any will-name and what you plague
innocentissimo filio de matris sinu deprompseris, hanc
for-a-most-innocent son from of-the-mother the-bosom have-drawn-out this
hi tales viri comprobabunt? Esto, in tabellis nihil est
these such men will-approve be-it-so in the-tablets nothing there-is
auctoritatis; quid? ipsa quaestio iudicibus, quid? amicis
of-authority what itself the-examination to-the-judges what to-the-friends
hospitibusque Oppianici quos adhibuerat antea, quid? huic
and-guest-friends of-Oppianicus whom she-had-summoned before what for-this
tandem ipsi tempori cur non reservata est? Quid istis
pray very occasion why not reserved was-it what to-those
hominibus factum est, Stratone et Nicostrato?
men done has-been to-Strato and Nicostratus
Quaero abs te, Oppianice, servo tuo Nicostrato quid factum 187
I-ask from you Oppianicus with-slave your Nicostratus what done
esse dicas, quem tu, cum hunc brevi tempore accusaturus
to-have-been you-say whom you when this-man in-a-short time going-to-accuse
esses, Romam deducere, dare potestatem indicandi, incolumem
you-were to-Rome to-bring to-give the-power of-informing safe
denique servare quaestioni, servare his iudicibus, servare
finally to-keep for-the-examination to-keep for-these judges to-keep
huic tempori debuisti. Nam Stratonem quidem, iudices, in
for-this occasion you-ought for Strato indeed judges on
crucem esse actum exsecta scitote lingua; quod nemo
the-cross to-have-been put with-cut-out know his-tongue which no-one
Larinatium est qui nesciat. Timuit mulier amens non suam
of-the-Larinates there-is who does-not-know feared the-woman mad not her-own
conscientiam, non odium municipum, non famam omnium,
conscience not the-hatred of-the-townsmen not the-talk of-all

sed, quasi non omnes eius sceleris testes essent futuri, sic
but as-if not all of-her crime witnesses were going-to-be so
metuit ne condemnaretur extrema servoli voce morientis.
she-feared lest she-be-condemned by-the-last of-the-little-slave voice dying
188 Quod hoc portentum, di immortales! quod tantum monstrum
what this portent gods immortal what so-great monster
in ullis locis, quod tam infestum scelus et immane aut unde
in any places what so hostile crime and monstrous or whence
natum esse dicamus? Iam enim videtis profecto, iudices,
born to-have-been shall-we-say now for you-see surely judges
non sine necessariis me ac maximis causis principio
not without necessary me and very-great reasons at-the-beginning
orationis meae de matre dixisse. Nihil est enim mali,
of-speech my about the-mother to-have-spoken nothing there-is for of-evil
nihil sceleris quod illa non ab initio filio voluerit,
nothing of-crime which she not from the-beginning for-her-son wished
optaverit, cogitaverit, effecerit. Mitto illam primam libidinis
longed-for planned brought-about I-pass-over that first of-lust
iniuriam, mitto nefarias generi nuptias, mitto
wrong I-pass-over the-wicked with-her-son-in-law marriage I-pass-over
cupiditate matris expulsam ex matrimonio filiam,
by-the-desire of-her-mother driven from marriage the-daughter
quae nondum ad huiusce vitae periculum sed ad
which-things not-yet to of-this-man's life the-danger but to
commune familiae dedecus pertinebant. Nihil de alteris
the-common of-the-family disgrace pertained nothing about the-second
Oppianici nuptiis queror, quarum illa cum obsides filios ab
of-Oppianicus marriage I-complain of-which she when as-hostages his-sons from
eo mortuos accepisset, tum denique in familiae luctum atque
him dead she-had-received then finally into the-family's mourning and
in privignorum funus nupsit. Praetereo quod A. Aurium
into of-the-stepsons the-funeral she-married I-pass-by that Aulus Aurius

cuius illa quondam socrus, paulo ante uxor fuisset, cum
whose she once mother-in-law a-little before wife had-been when
Oppianici esse opera proscriptum occisumque cognosset, eam
by-Oppianicus' to-be effort proscribed and-killed she-had-learned that
sibi domum sedemque delegit in qua cotidie superioris
for-herself house and-seat she-chose in which daily of-her-former
viri mortis indicia et spolia fortunarum videret.
husband's death the-tokens and the-spoils of-his-fortunes she-would-see
Illud primum queror de illo scelere quod nunc denique 189
that first I-complain-of about that crime which now finally
patefactum est, Fabriciani veneni, quod iam tum recens
laid-open has-been of-the-Fabrician poison which already then fresh
suspiciosum ceteris, huic incredibile, nunc vero apertum
suspicious to-the-others to-this-man incredible now indeed open
iam omnibus ac manifestum videtur. Non est profecto de
now to-all and manifest seems not was surely about
illo veneno celata mater; nihil est ab Oppianico sine
that poison kept-in-the-dark the-mother nothing was by Oppianicus without
consilio mulieris cogitatum; quod si esset, certe postea
the-counsel of-the-woman planned which if it-had-been certainly afterward
deprehensa re non illa ut a viro improbo discessisset
with-detected matter not she as from a-husband wicked would-have-departed
sed ut a crudelissimo hoste fugisset domumque illam
but as from a-most-cruel enemy would-have-fled and-house that
in perpetuum scelere omni adfluentem reliquisset.
in perpetuity with-crime every overflowing would-have-left

Sassia married her daughter to the accuser to bind him, tortured slaves, forged records, and came to Rome with money to buy witnesses. On her journey the towns shunned her as a pollution, and no host would receive her. Even now her prayers and nightly sacrifices ask the gods for her son's ruin, but the gods are not moved by sacrifices to crime.

190 Non modo id non fecit sed ab illo tempore nullum locum
not only that not she-did but from that time no occasion
praetermisit in quo non strueret insidias aliquas ac dies
she-passed-over in which not she-was-building plots some and days
omnis atque noctes tota mente mater de pernicie fili
all and nights with-whole mind the-mother about the-ruin of-her-son
cogitaret. Quae primum ut illum confirmaret accusatorem
was-thinking who first that him she-might-make-firm as-accuser
filio suo, donis, muneribus, conlocatione filiae, spe
for-son her with-gifts with-presents with-the-giving of-her-daughter with-hope
hereditatis obstrinxit. Ita quod apud ceteros novis inter
of-inheritance bound so what among the-others with-new among
propinquos susceptis inimicitiis saepe fieri divortia atque
relatives undertaken enmities often to-be-done divorces and
adfinitatum discidia vidimus, haec mulier satis firmum
of-connections ruptures we-have-seen this woman sufficiently firm
accusatorem filio suo fore neminem putavit, nisi qui
an-accuser for-son her going-to-be no-one thought except one-who
in matrimonium sororem eius ante duxisset. Ceteri novis
in marriage the-sister his before had-taken the-others by-new
adfinitatibus adducti veteres inimicitias saepe deponunt; illa
connections led old enmities often lay-aside she

sibi ad confirmandas inimicitias adfinitatis coniunctionem
for-herself for confirming enmities of-connection the-bond
pignori fore putavit.
as-a-pledge going-to-be thought
Neque in eo solum diligens fuit ut accusatorem filio suo 191
nor in that alone diligent was-she that an-accuser for-son her
compararet sed etiam cogitavit quibus eum rebus armaret.
she-might-procure but also she-thought with-what him things she-might-arm
Hinc enim illae sollicitationes servorum et minis et
from-here for those temptings of-slaves both by-threats and
promissis, hinc illae infinitae crudelissimaeque de morte
by-promises from-here those endless and-most-cruel about the-death
Oppianici quaestiones, quibus finem aliquando non mulieris
of-Oppianicus examinations to-which an-end at-last not the-woman's
modus sed amicorum auctoritas fecit. Ab eodem scelere illae
limit but of-friends the-authority made from the-same crime those
triennio post habitae Larini quaestiones, eiusdem amentiae
three-years after held at-Larinum examinations of-the-same madness
falsae conscriptiones quaestionum; ex eodem furore etiam
the-false writings-up of-examinations from the-same frenzy even
illa conscelerata exsectio linguae; totius denique huius
that criminal cutting-out of-the-tongue of-the-whole finally of-this
ab illa est et inventa et adornata comparatio criminis.
by her has-been both devised and furnished the-preparation of-the-charge
Atque his rebus cum instructum accusatorem filio suo 192
and with-these things when equipped the-accuser for-son her
Romam misisset, ipsa paulisper conquirendorum et
to-Rome she-had-sent she-herself for-a-little-while of-being-sought-out and
conducendorum testium causa Larini est commorata; postea
of-being-hired of-witnesses for-the-sake at-Larinum has stayed afterward
autem quam appropinquare huius iudicium ei nuntiatum
however that to-approach of-this-man trial to-her reported

est, confestim huc advolavit ne aut accusatoribus diligentia
was at-once hither she-flew lest either to-the-accusers diligence
aut pecunia testibus deesset, aut ne forte mater hoc
or money to-the-witnesses should-be-wanting or lest perhaps the-mother this
sibi optatissimum spectaculum huius sordium atque
to-herself most-longed-for spectacle of-this-man's mourning-dress and
luctus et tanti squaloris amitteret. Iam vero quod iter
grief and of-so-great squalor should-lose now indeed what journey
Romam eius mulieris fuisse existimatis? quod ego propter
to-Rome of-this woman to-have-been do-you-think which I on-account-of
vicinitatem Aquinatium et Fabraternorum ex multis audivi
the-neighborhood of-the-Aquinates and the-Fabraterni from many have-heard
et comperi; quos concursus in his oppidis, quantos et
and have-found what concourses in these towns how-great both
virorum et mulierum gemitus esse factos? Mulierem
of-men and of-women groans to-have-been made a-woman
quandam Larino advolare, usque a mari supero Romam
certain from-Larinum to-fly-in right from the-sea upper to-Rome
proficisci cum magno comitatu et pecunia quo facilius
to-set-out with a-great retinue and money so-that more-easily
circumvenire iudicio capitis atque opprimere filium posset?
to-entrap in-a-trial of-life and to-crush her-son she-might-be-able
193 Nemo erat illorum, paene dicam, quin expiandum illum locum
no-one was of-them almost I-should-say but to-be-purified that place
esse arbitraretur quacumque illa iter fecisset, nemo quin
to-be thought wherever she a-journey had-made no-one but
terram ipsam violari quae mater est omnium vestigiis
the-earth itself to-be-violated which the-mother is of-all by-the-footsteps
conscelerataे matris putaret. Itaque nullo in oppido consistendi
of-a-criminal mother thought and-so no in town of-stopping
potestas ei fuit, nemo ex tot hospitibus inventus est
the-power for-her was no-one of so-many hosts found was

qui non contagionem aspectus fugeret; nocti se potius
who not the-contagion of-her-sight fled to-the-night herself rather
ac solitudini quam ulli aut urbi aut hospiti committebat.
and to-solitude than to-any either city or host she-entrusted
Nunc vero quid agat, quid moliatur, quid denique 194
now indeed what she-is-doing what she-is-contriving what finally
cotidie cogitet quem ignorare nostrum putat? Quos
daily she-is-thinking whom to-be-ignorant-of us she-thinks whom
appellarit, quibus pecuniam promiserit, quorum fidem
she-has-approached to-whom money she-has-promised whose good-faith
pretio labefactare conata sit tenemus. Quin etiam
with-a-price to-shake tried she-has we-know-it nay even
nocturna sacrificia quae putat occultiora esse sceleratasque
the-nightly sacrifices which she-thinks more-hidden to-be and-the-wicked
eius preces et nefaria vota cognovimus; quibus illa etiam
her prayers and unholy vows we-have-learned by-which she even
deos immortalis de suo scelere testatur neque
the-gods immortal about her-own crime calls-to-witness nor
intellegit pietate et religione et iustis precibus
does-she-understand by-filial-love and scrupulousness and just prayers
deorum mentis, non contaminata superstitione neque ad
of-the-gods the-minds not by-polluted superstition nor for
scelus perficiendum caesis hostiis posse placari.
crime being-accomplished with-slaughtered victims to-be-able to-be-appeased
Cuius ego furorem atque crudelitatem deos immortalis a
whose I frenzy and cruelty the-gods immortal from
suis aris atque templis aspernatos esse confido.
their-own altars and temples spurned to-have I-trust

The judges should deliver Cluentius from his mother. All of Larinum has come to Rome, leaving the town to women and children, and its council has sent its eulogy; the Frentani, Marrucini, Teanum, Luceria, Bovianum, and Samnium send their best men. Senators and knights stand with him. Against all of them, and against the judges' fairness, stands one mother, who has changed even the names of kinship. Habitus begs not to be surrendered to prejudice or to his mother; long enough has he suffered, and the judges should restore him to his town and friends.

195 Vos, iudices, quos huic A. Cluentio quosdam alios
you judges whom for-this Aulus Cluentius as-certain other
deos ad omne vitae tempus fortuna esse voluit, huius
gods for every of-life time fortune to-be wished of-this
importunitatem matris a fili capite depellite. Multi
the-relentlessness of-the-mother from the-son's life drive-off many
saepe in iudicando peccata liberum parentum misericordiae
often in judging the-faults of-children to-the-parents' pity
concesserunt; vos ne huius honestissime actam vitam
have-granted you that-not of-this-man most-honorably passed life
matris crudelitati condonetis rogamus, praesertim cum
to-the-mother's cruelty you-surrender we-ask especially when
ex altera parte totum municipium videre possitis. Omnis
on the-other side the-whole town to-see you-can all
scitote, iudices — incredibile dictu est, sed a me verissime
know judges incredible to-say it-is but by me most-truly
dicetur — omnis Larinatis qui valuerunt venisse Romam
will-be-said all the-Larinates who were-able to-have-come to-Rome
ut hunc studio frequentiaque sua quantum possent in
that this-man with-their-zeal and-numbers own as-much-as they-could in
tanto eius periculo sublevarent. Pueris illud hoc tempore
so-great his danger they-might-relieve to-boys that at-this time

et mulieribus oppidum scitote esse traditum, idque
and to-women the-town know to-have-been handed-over and-it
in praesentia communi Italiae pace, non domesticis copiis
at present by-the-common of-Italy peace not by-domestic forces
esse tutum. Quos tamen ipsos aeque et eos quos
to-be safe whom still themselves equally and those whom
praesentis videtis huius exspectatio iudici dies noctesque
present you-see of-this the-expectation trial days and-nights
sollicitat.
troubles
Non illi vos de unius municipis fortunis arbitrantur 196
not they you about of-one townsman the-fortunes think
sed de totius municipi statu dignitate commodisque
but about of-the-whole town the-standing dignity and-advantages
omnibus sententias esse laturos. Summa est enim,
all verdicts to-be going-to-bring the-highest is for
iudices, hominis in communem municipi rem diligentia,
judges of-the-man toward the-common of-the-town affairs diligence
in singulos municipes benignitas, in omnis homines
toward single townsmen kindness toward all men
iustitia et fides. Praeterea nobilitatem illam inter
justice and good-faith besides the-nobility that among
suos locumque a maioribus traditum sic tuetur ut
his-own and-the-place from his-ancestors handed-down so he-maintains that
maiorum gravitatem, constantiam, gratiam, liberalitatem
of-his-ancestors the-gravity steadiness influence generosity
adsequatur. Itaque eis eum verbis publice laudant ut
he-attains and-so in-those him words publicly they-praise that
non solum testimonium suum iudiciumque significent
not only testimony their and-judgment they-signify
verum etiam curam animi ac dolorem. Quae dum
but also the-care of-mind and grief which while

laudatio recitatur, vos, quaeso, qui eam detulistis
the-eulogy is-read-out you I-ask who it brought
adsurgite.
rise

197 Ex lacrimis horum, iudices, existimare potestis omnis
from the-tears of-these-men judges to-judge you-can all
haec decuriones decrevisse lacrimantis. Age vero, vicinorum
these-things the-councilors to-have-decreed weeping come indeed of-the-neighbors
quantum studium, quam incredibilis benivolentia, quanta
how-great the-zeal how incredible the-goodwill how-great
cura est! Non illi in libellis laudationem decretam miserunt,
the-care is not they in documents a-eulogy decreed sent
sed homines honestissimos, quos nossemus omnes, huc
but men most-honorable whom we-might-know all hither
frequentis adesse et hunc praesentis laudare voluerunt.
in-numbers to-be-present and this-man present to-praise wished
Adsunt Ferentani, homines nobilissimi, Marrucini item pari
are-present the-Frentani men most-noble the-Marrucini likewise of-equal
dignitate; Teano Apulo atque Luceria equites Romanos,
dignity from-Teanum Apulian and from-Luceria knights Roman
homines honestissimos, laudatores videtis; Boviano
men most-honorable as-character-witnesses you-see from-Bovianum
totoque ex Samnio cum laudationes honestissimae
and-the-whole from Samnium both eulogies most-honorable
missae sunt, tum homines amplissimi nobilissimique
sent were and men most-distinguished and-most-noble
venerunt.
came

198 Iam qui in agro Larinati praedia, qui negotia, qui
now those-who in the-district Larinate estates who businesses who
res pecuarias habent, honesti homines et summo
property in-livestock have honorable men and with-the-highest

splendore praediti, difficile dictu est quam sint solliciti,
splendor endowed difficult to-say it-is how they-are anxious
quam laborent. Non multi mihi ab uno sic diligi
how they-are-troubled not many to-me by one so to-be-loved
videntur ut hic ab his universis. Quam doleo abesse
seem as this-man by these all how I-grieve to-be-absent
ab huius iudicio L. Volusenum, summo splendore
from of-this-man trial Lucius Volusenus with-the-highest splendor
hominem ac virtute praeditum! Vellem praesentem possem
a-man and virtue endowed I-would-wish present I-could
P. Helvidium Rufum, equitem Romanum omnium
Publius Helvidius Rufus a-knight Roman of-all
ornatissimum, nominare. Qui cum huius causa dies
the-most-distinguished name who when for-this-man's cause days
noctesque vigilaret et cum me hanc causam doceret,
and-nights he-was-keeping-watch and when me this case he-was-instructing
in morbum gravem periculosumque incidit; in quo tamen
into an-illness serious and-dangerous fell in which still
non minus de capite huius quam de sua vita laborat.
not less about the-life of-this-man than about his-own life he-is-troubled
Cn. Tudici senatoris, viri optimi et honestissimi,
of-Gnaeus Tudicius a-senator a-man the-best and most-honorable
par studium ex testimonio et laudatione cognoscetis.
equal zeal from his-testimony and eulogy you-will-learn
Eadem spe sed maiore verecundia de te, P. Volumni,
with-the-same hope but with-greater modesty about you Publius Volumnius
quoniam iudex es in A. Cluentium, dicimus. Et
since judge you-are on Aulus Cluentius we-speak and
ne longum sit, omnium vicinorum summam esse in
lest long it-be of-all the-neighbors the-highest to-be toward
hunc benivolentiam confirmamus. Horum omnium studium,
this-man goodwill we-affirm of-these all the-zeal

curam, diligentiam meumque una laborem, qui totam
care diligence and-my along-with labor who the-whole
hanc causam vetere instituto solus peroravi, vestramque
this case by-old custom alone have-concluded and-your
simul, iudices, aequitatem et mansuetudinem una mater
at-the-same-time judges fairness and mildness one mother
oppugnat.
attacks

199 At quae mater! Quam caecam crudelitate et scelere
but what-a mother how blind with-cruelty and with-crime
ferri videtis, cuius cupiditatem nulla umquam turpitudo
to-be-carried you-see whose desire no ever shame
retardavit, quae vitiis animi in deterrimas partis
has-checked who by-the-vices of-her-mind to the-worst sides
iura hominum convertit omnia, cuius ea stultitia est
the-laws of-men has-turned all whose such folly is
ut eam nemo hominem, ea vis ut nemo feminam,
that her no-one a-human-being such violence that no-one a-woman
ea crudelitas ut nemo matrem appellare possit. Atque
such cruelty that no-one a-mother to-call can and
etiam nomina necessitudinum, non solum naturae nomen
even the-names of-the-relationships not only of-nature the-name
et iura mutavit, uxor generi, noverca fili,
and laws she-has-changed the-wife of-her-son-in-law the-stepmother of-her-son
filiae paelex; eo iam denique adducta est uti
of-her-daughter the-rival to-that-point now finally brought she-is that
sibi praeter formam nihil ad similitudinem hominis
for-herself besides the-shape nothing for the-likeness of-a-human-being
reservarit.
she-has-kept

Qua re, iudices, si scelus odistis, prohibete aditum 200
by-which thing judges if crime you-hate bar the-approach
matris a fili sanguine, date parenti hunc incredibilem
of-the-mother from the-son's blood give to-the-parent this incredible
dolorem ex salute, ex victoria liberum, patimini matrem,
pain from the-safety from the-victory of-her-children allow the-mother
ne orbata filio laetetur, victam potius vestra aequitate
lest bereft of-her-son she-may-rejoice beaten rather by-your fairness
discedere. Sin autem, id quod vestra natura postulat,
to-depart but-if however that which your nature demands
pudorem bonitatem virtutemque diligitis, levate hunc
modesty goodness and-virtue you-love raise this-man
aliquando supplicem vestrum, iudices, tot annos in
at-last suppliant your judges for-so-many years in
falsa invidia periculisque versatum, qui nunc primum post
false ill-will and-dangers engaged who now first after
illam flammam aliorum facto et cupiditate excitatam spe
that flame by-others' deed and greed kindled with-hope
vestrae aequitatis erigere animum et paulum respirare
of-your fairness to-raise his-mind and a-little to-breathe
a metu coepit, cui posita sunt in vobis omnia,
from fear has-begun for-whom placed are in you all-things
quem servatum esse plurimi cupiunt, servare soli vos
whom saved to-be very-many desire to-save alone you
potestis.
can

Orat vos Habitus, iudices, et flens obsecrat ne 201
begs you Habitus judges and weeping beseeches that-not
se invidiae quae in iudiciis valere non debet, ne
him to-the-ill-will which in courts to-prevail not ought not
matri cuius vota et preces a vestris mentibus
to-the-mother whose vows and prayers from your minds

repudiare debetis, ne Oppianico, homini nefario, condemnato
to-reject you-ought not to-Oppianicus a-man wicked condemned
iam et mortuo condonetis. Quod si qua calamitas
already and dead you-surrender but if any calamity
hunc in hoc iudicio adflixerit innocentem, ne
this-man in this trial will-have-struck-down innocent truly
iste miser, si, id quod difficile factu est, in vita
this wretch if that which difficult to-do is in life
remanebit, saepe et multum queretur deprehensum esse
he-will-remain often and much will-complain detected to-have-been
illud quondam Fabricianum venenum. Quod si tum
that once Fabrician poison which if then
indicatum non esset, non huic aerumnosissimo venenum
revealed not had-been not to-this most-afflicted-man a-poison
illud fuisset sed multorum medicamentum maerorum;
that would-have-been but of-many a-medicine for-griefs
postremo etiam fortasse mater exsequias illius funeris
finally even perhaps his-mother the-obsequies of-that funeral
prosecuta mortem se fili lugere simulasset.
having-attended the-death that-she of-her-son to-mourn would-have-pretended
Nunc vero quid erit profectum nisi ut huius
now indeed what will-have-been gained except that of-this-man
ex mediis mortis insidiis vita ad luctum conservata,
from the-midst of-death's plots life for grief saved
mors sepulcro patris privata esse videatur? Satis diu
death of-the-tomb of-his-father deprived to-be may-seem enough long
fuit in miseriis, iudices, satis multos annos ex invidia
he-has-been in miseries judges enough many years from ill-will
laboravit.
he-has-suffered

Nemo huic tam iniquus praeter parentem fuit cuius 202
no-one to-this-man so unfair except his-parent has-been whose
animum non iam expletum putemus. Vos qui aequi
mind not now satisfied we-should-think you who fair
estis omnibus, qui ut quisque crudelissime oppugnatur
are to-all who as each most-cruelly is-attacked
eum lenissime sublevatis, conservate A. Cluentium,
him most-gently relieve preserve Aulus Cluentius
restituite incolumem municipio; amicis, vicinis, hospitibus
restore him-safe to-the-town to-friends neighbors guest-friends
quorum studia videtis reddite, vobis in perpetuum
whose zeal you-see give-back to-yourselves in perpetuity
liberisque vestris obstringite. Vestrum est hoc,
and-to-children your bind-him yours is this
iudices, vestrae dignitatis, vestrae clementiae; recte
judges of-your dignity of-your clemency rightly
hoc repetitur a vobis ut virum optimum atque
this is-asked from you that a-man the-best and
innocentissimum plurimisque mortalibus carum atque
most-innocent and-to-very-many mortals dear and
iucundum his aliquando calamitatibus liberetis, ut omnes
pleasing from-these at-last calamities you-free that all
intellegant in contionibus esse invidiae locum, in iudiciis
may-understand in assemblies to-be for-ill-will a-place in courts
veritati.
for-truth

CICERO

Pro Rabirio

In Defense of Rabirius

PRO RABIRIO

I · WHY THE CONSUL DEFENDS

Cicero, against his custom, explains why he defends Gaius Rabirius. Friendship, the man's dignity, and his own habit urged him, but above all the safety of the state: Rabirius is accused so that the senate's authority and the consul's power against sedition may be abolished, and the attack falls on one old, infirm, and friendless man. Cicero prays to Jupiter and the gods and begs the people to save both the man and the state.

Etsi, Quirites, non est meae consuetudinis initio 1
although citizens not it-is of-my custom at-the-beginning
dicendi rationem reddere qua de causa quemque defendam,
of-speaking an-account to-render what for reason each-man I-defend
propterea quod cum omnibus civibus in eorum periculis
for-this-reason that with all citizens in their dangers
semper satis iustam mihi causam necessitudinis esse
always sufficiently just to-me a-reason of-connection to-be
duxi, tamen in hac defensione capitis, famae
I-have-thought still in this defense of-the-life of-the-reputation
fortunarumque omnium C. Rabiri proponenda ratio
and-of-fortunes all of-Gaius Rabirius to-be-set-out the-account
videtur esse offici mei, propterea quod, quae iustissima mihi
seems to-be of-duty my for-this-reason that what most-just to-me
causa ad hunc defendendum esse visa est, eadem vobis
a-reason for this-man being-defended to-be seemed has the-same to-you
ad absolvendum debet videri.
for acquitting ought to-seem
Nam me cum amicitiae vetustas, cum dignitas hominis, cum 2
for me both of-friendship the-age and the-dignity of-the-man and
ratio humanitatis, cum meae vitae perpetua consuetudo
the-claim of-humanity and of-my life the-unbroken custom

ad C. Rabirium defendendum est adhortata, tum vero, ut
to Gaius Rabirius being-defended has urged and indeed that
id studiosissime facerem, salus rei publicae, consulare
it most-zealously I-should-do the-safety of-the-thing public consular
officium, consulatus denique ipse mihi una a vobis cum salute
duty the-consulship finally itself to-me together by you with the-safety
rei publicae commendatus coegit. Non enim C. Rabirium
of-the-thing public entrusted compelled not for Gaius Rabirius
culpa delicti, non invidia vitae, Quirites, non denique
the-guilt of-an-offense not the-ill-will of-his-life citizens not finally
veteres iustae gravesque inimicitiae civium in discrimen capitis
old just and-weighty enmities of-citizens into hazard of-life
vocaverunt, sed ut illud summum auxilium maiestatis atque
have-called but that that highest support of-majesty and
imperi quod nobis a maioribus est traditum de re
of-command which to-us from the-ancestors has-been handed-down from the-thing
publica tolleretur, ut nihil posthac auctoritas senatus, nihil
public might-be-removed that nothing hereafter the-authority of-the-senate nothing
consulare imperium, nihil consensio bonorum contra pestem ac
the-consular command nothing the-agreement of-the-good against the-plague and
perniciem civitatis valeret, idcirco in his rebus evertendis
ruin of-the-state might-avail for-this-reason in these things being-overturned
unius hominis senectus, infirmitas solitudoque temptata est.
of-one man the-old-age infirmity and-loneliness attacked has-been
3 Quam ob rem si est boni consulis, cum cuncta auxilia
which on-account-of thing if it-is of-a-good consul when all supports
rei publicae labefactari convellique videat, ferre opem
of-the-thing public to-be-shaken and-uprooted he-sees to-bring aid
patriae, succurrere saluti fortunisque communibus,
to-the-country to-come-to-the-help to-the-safety and-fortunes common
implorare civium fidem, suam salutem posteriorem salute
to-implore of-the-citizens the-good-faith his-own safety secondary to-the-safety

communi ducere, est etiam bonorum et fortium civium,
common to-reckon it-is also of-good and brave citizens
quales vos omnibus rei publicae temporibus exstitistis,
such-as you in-all of-the-thing public crises have-shown-yourselves
intercludere omnis seditionum vias, munire praesidia rei
to-shut-off all of-seditions the-roads to-fortify the-defenses of-the-thing
publicae, summum in consulibus imperium, summum in senatu
public the-highest in the-consuls command the-highest in the-senate
consilium putare; ea qui secutus sit, laude potius
counsel to-think these-things who followed has with-praise rather
et honore quam poena et supplicio dignum iudicare.
and honor than with-punishment and execution worthy to-judge
Quam ob rem labor in hoc defendendo praecipue 4
which on-account-of thing the-labor in this-man being-defended chiefly
meus est, studium vero conservandi hominis commune mihi
mine is the-zeal indeed of-preserving the-man common to-me
vobiscum esse debebit. Sic enim existimare debetis, Quirites,
with-you to-be will-be-obliged so for to-think you-ought citizens
post hominum memoriam rem nullam maiorem, magis
since of-men the-memory a-thing none greater more
periculosam, magis ab omnibus vobis providendam neque a
dangerous more by all you to-be-guarded-against neither by
tribuno pl. susceptam neque a consule defensam neque
a-tribune of-the-plebs undertaken nor by a-consul defended nor
ad populum Romanum esse delatam. Agitur enim nihil
to the-people Roman to-have-been brought is-at-stake for nothing
aliud in hac causa, Quirites, nisi ut nullum sit posthac in
else in this case citizens except that no there-be hereafter in
re publica publicum consilium, nulla bonorum consensio
the-thing public public counsel no of-the-good agreement

contra improborum furorem et audaciam, nullum extremis
against of-the-wicked the-frenzy and audacity no in-extreme
rei publicae temporibus perfugium et praesidium salutis.
of-the-thing public crises refuge and protection of-safety
Quae cum ita sint, primum, quod in tanta dimicatione
which-things since so they-are first as in so-great a-struggle
capitis, famae fortunarumque omnium fieri necesse
of-life of-reputation and-of-fortunes all to-be-done necessary
est, ab Iove Optimo Maximo ceterisque dis deabusque
it-is from Jupiter Best Greatest and-the-other gods and-goddesses
immortalibus, quorum ope et auxilio multo magis haec
immortal whose by-power and help much more this
res publica quam ratione hominum et consilio gubernatur,
thing public than by-the-reason of-men and counsel is-governed
pacem ac veniam peto precorque ab eis ut hodiernum diem
peace and pardon I-ask and-I-pray from them that today's day
et ad huius salutem conservandam et ad rem publicam
both for of-this-man safety being-preserved and for the-thing public
constituendam inluxisse patiantur. Deinde vos, Quirites,
being-settled to-have-dawned they-allow then you citizens
quorum potestas proxime ad deorum immortalium numen
whose power nearest to of-the-gods immortal the-divinity
accedit, oro atque obsecro, quoniam uno tempore vita
approaches I-beg and beseech since at-one time the-life
C. Rabiri, hominis miserrimi atque innocentissimi, salus
of-Gaius Rabirius a-man most-wretched and most-innocent the-safety
rei publicae vestris manibus suffragiisque permittitur,
of-the-thing public to-your hands and-votes is-entrusted
adhibeatis in hominis fortunis misericordiam, in rei
that-you-apply in the-man's fortunes mercy in of-the-thing
publicae salute sapientiam quam soletis.
public the-safety wisdom which you-are-accustomed

Labienus has cut the defense to half an hour, leaving Cicero the advocate's part but taking away the consul's. The charges of violating sacred groves, of embezzlement, of killing his sister's son, of abusing slaves and citizens, and of unchastity were judged long ago, never brought, or need no long answer. Cicero owns the end of the treason trial as his deed, wishes he had cleared the executioner from the forum and the cross from the Campus, and asks which of them is the people's friend.

Nunc quoniam, T. Labiene, diligentiae meae temporis angustiis 6
now since Titus Labienus to-diligence my by-the-time's narrowness
obstitisti meque ex comparato et constituto spatio
you-have-stood-in-the-way and-me from the-prepared and settled space
defensionis in semihorae articulum coegisti, parebitur
of-defense into of-a-half-hour the-moment you-have-forced it-will-be-obeyed
et, quod iniquissimum est, accusatoris condicioni et, quod
both what most-unfair is the-accuser's condition and what
miserrimum, inimici potestati. Quamquam in hac praescriptione
most-wretched an-enemy's power although in this prescription
semihorae patroni mihi partis reliquisti, consulis
of-a-half-hour of-the-advocate to-me the-part you-have-left of-the-consul
ademisti, propterea quod ad defendendum prope modum
you-have-taken-away for-this-reason that for defending almost in-measure
satis erit hoc mihi temporis, ad conquerendum vero parum.
enough will-be this for-me of-time for complaining indeed too-little
Nisi forte de locis religiosis ac de lucis quos ab hoc 7
unless perhaps about places sacred and about the-groves which by this-man
violatos esse dixisti pluribus verbis tibi respondendum
violated to-have-been you-said with-more words by-you to-be-answered
putas; quo in crimine nihil est umquam abs te
you-think which in charge nothing has-been ever by you
dictum, nisi a C. Macro obiectum esse crimen id
said except by Gaius Macer cast-up to-have-been charge that

C. Rabirio. In quo ego demiror meminisse te quid
on-Gaius Rabirius in which I wonder to-remember you what
obiecerit C. Rabirio Macer inimicus, oblitum esse quid
cast-up on-Gaius Rabirius Macer an-enemy forgotten to-have what
aequi et iurati iudices iudicarint.
fair and sworn judges judged
8 An de peculatu facto aut de tabulario incenso
or about embezzlement done or about the-record-office burned
longa oratio est expromenda? quo in crimine propinquus
a-long speech is to-be-brought-out which in charge a-relative
C. Rabiri iudicio clarissimo, C. Curtius, pro virtute
of-Gaius Rabirius by-a-verdict most-illustrious Gaius Curtius according-to virtue
sua est honestissime liberatus, ipse vero Rabirius non modo
his was most-honorably freed himself indeed Rabirius not only
in iudicium horum criminum, sed ne in tenuissimam quidem
into court of-these charges but not into the-slightest even
suspicionem verbo est umquam vocatus. An de sororis
suspicion by-a-word was ever called or about his-sister's
filio diligentius respondendum est? quem ab hoc necatum
son more-diligently to-be-answered is-it whom by this-man killed
esse dixisti, cum ad iudici moram familiaris funeris
to-have-been you-said when for of-the-trial delay of-a-family funeral
excusatio quaereretur. Quid enim est tam veri simile quam
an-excuse was-sought what for is so of-the-truth like as
cariorem huic sororis maritum quam sororis filium fuisse,
dearer to-this-man his-sister's husband than his-sister's son to-have-been
atque ita cariorem ut alter vita crudelissime privaretur, cum
and so dearer that the-one of-life most-cruelly was-deprived when
alteri ad prolationem iudici biduum quaereretur? An de
for-the-other for postponement of-the-trial two-days was-sought or about
servis alienis contra legem Fabiam retentis, aut de civibus
slaves of-others against the-law Fabian retained or about citizens

Romanis contra legem Porciam verberatis aut necatis plura
Roman against the-law Porcian flogged or killed more
dicenda sunt, cum tanto studio C. Rabirius totius
to-be-said are when with-so-great zeal Gaius Rabirius of-the-whole
Apuliae, singulari voluntate Campaniae ornetur, cumque ad
of-Apulia with-unparalleled goodwill of-Campania he-is-honored and-when for
eius propulsandum periculum non modo homines sed prope
his to-be-warded-off danger not only men but almost
regiones ipsae convenerint, aliquanto etiam latius excitatae
the-regions themselves have-gathered somewhat even more-widely roused
quam ipsius vicinitatis nomen ac termini postulabant? Nam
than of-his-own neighborhood the-name and boundaries demanded for
quid ego ad id longam orationem comparem quod est in
why I for that a-long speech should-prepare which is in
eadem multae inrogatione praescriptum, hunc nec suae
the-same of-the-fine proposal prescribed this-man neither his-own
nec alienae pudicitiae pepercisse?
nor another's chastity to-have-spared
Quin etiam suspicor eo mihi semihoram ab Labieno 9
nay even I-suspect for-this-reason to-me a-half-hour by Labienus
praestitutam esse ut ne plura de pudicitia dicerem.
allotted to-have-been that not more about chastity I-might-say
Ergo ad haec crimina quae patroni diligentiam desiderant
therefore for these charges which of-an-advocate the-diligence require
intellegis mihi semihoram istam nimium longam fuisse.
you-understand to-me half-hour that too long to-have-been
Illam alteram partem de nece Saturnini nimis exiguam
that other part about the-killing of-Saturninus too scanty
atque angustam esse voluisti; quae non oratoris ingenium
and narrow to-be you-wished which not of-an-orator the-talent
sed consulis auxilium implorat et flagitat.
but of-a-consul the-help implores and demands

10 Nam de perduellionis iudicio, quod a me sublatum esse
for about of-treason trial which by me abolished to-have-been
criminari soles, meum crimen est, non Rabiri. Quod
to-charge you-are-wont my charge it-is not Rabirius' which
utinam, Quirites, ego id aut primus aut solus ex hac
would-that citizens I it either first or alone from this
re publica sustulissem! Utinam hoc, quod ille crimen esse
thing public had-removed would-that this which he a-charge to-be
volt, proprium testimonium meae laudis esset. Quid enim
wishes the-proper testimony of-my praise were what for
optari potest quod ego mallem quam me in consulatu
to-be-wished can which I would-prefer than that-I in consulship
meo carnificem de foro, crucem de campo sustulisse?
my the-executioner from the-forum the-cross from the-Campus to-have-removed
Sed ista laus primum est maiorum nostrorum, Quirites,
but that praise first is of-ancestors our citizens
qui expulsis regibus nullum in libero populo vestigium
who with-expelled kings no in a-free people trace
crudelitatis regiae retinuerunt, deinde multorum virorum
of-cruelty kingly retained then of-many men
fortium qui vestram libertatem non acerbitate suppliciorum
brave who your liberty not by-the-harshness of-punishments
infestam sed lenitate legum munitam esse voluerunt.
threatened but by-the-mildness of-the-laws fortified to-be wished

11 Quam ob rem uter nostrum tandem, Labiene,
which on-account-of thing which-of-the-two of-us pray Labienus
popularis est, tune qui civibus Romanis in contione
popular is you-whether who for-citizens Roman in the-assembly
ipsa carnificem, qui vincla adhiberi putas oportere, qui
itself an-executioner who chains to-be-applied think to-be-proper who
in campo Martio comitiis centuriatis auspicato in loco
in the-Campus of-Mars at-the-assembly centuriate auspicated in place

crucem ad civium supplicium defigi et constitui iubes, an
a-cross for of-citizens punishment to-be-fixed and set-up order or
ego qui funestari contionem contagione carnificis veto,
I who to-be-defiled the-assembly by-the-contagion of-the-executioner forbid
qui expiandum forum populi Romani ab illis nefarii
who to-be-purified the-forum of-the-people Roman from those of-wicked
sceleris vestigiis esse dico, qui castam contionem, sanctum
crime traces to-be say who the-chaste assembly the-sacred
campum, inviolatum corpus omnium civium Romanorum,
Campus the-inviolate body of-all citizens Roman
integrum ius libertatis defendo servari oportere?
the-untouched right of-liberty I-defend to-be-preserved to-be-proper
Popularis vero tribunus pl. custos defensorque iuris et 12
popular indeed a-tribune of-the-plebs guardian and-defender of-right and
libertatis! Porcia lex virgas ab omnium civium Romanorum
of-liberty the-Porcian law the-rods from of-all citizens Roman
corpore amovit, hic misericors flagella rettulit; Porcia
the-body removed this merciful-man the-scourges has-brought-back the-Porcian
lex libertatem civium lictori eripuit, Labienus, homo
law the-liberty of-the-citizens from-the-lictor snatched Labienus a-man
popularis, carnifici tradidit; C. Gracchus legem tulit
popular to-the-executioner has-handed-over Gaius Gracchus a-law proposed
ne de capite civium Romanorum iniussu vestro
that-not about the-life of-citizens Roman without-the-order your
iudicaretur, hic popularis a iiviris iniussu vestro
it-be-judged this popular-man by the-two-commissioners without-the-order your
non iudicari de cive Romano sed indicta causa civem
not to-be-judged about a-citizen Roman but with-unpleaded case a-citizen
Romanum capitis condemnari coegit.
Roman of-life to-be-condemned compelled

Labienus invokes the Porcian law and Gaius Gracchus while reviving the hangman's formula of Tarquin, "go, lictor, bind his hands," "veil his head, hang him on the barren tree." Gracchus, who had more cause to avenge a brother than Labienus an uncle he never saw, would have died before letting an executioner into his assembly. Disgrace, fines, and exile leave a free man something; the cross and the hood are unworthy even to be named. Cicero proclaims that his counsel drove Labienus from that kingly prosecution.

13 Tu mihi etiam legis Porciae, tu C. Gracchi, tu
you to-me even of-the-law Porcian you of-Gaius Gracchus you
horum libertatis, tu cuiusquam denique hominis popularis
of-these-men's liberty you of-any finally man popular
mentionem facis, qui non modo suppliciis invisitatis sed
mention make who not only by-punishments unseen but
etiam verborum crudelitate inaudita violare libertatem huius
also of-words by-cruelty unheard-of to-violate the-liberty of-this
populi, temptare mansuetudinem, commutare disciplinam
people to-try the-gentleness to-change the-discipline
conatus es? Namque haec tua, quae te, hominem
tried have for these your-things which you a-man
clementem popularemque, delectant, 'I, lictor, conliga manus,'
merciful and-popular delight go lictor bind the-hands
non modo huius libertatis mansuetudinisque non sunt sed ne
not only of-this liberty and-gentleness not are but not
Romuli quidem aut Numae Pompili; Tarquini, superbissimi
of-Romulus even or of-Numa Pompilius of-Tarquin the-most-arrogant
atque crudelissimi regis, ista sunt cruciatus carmina quae tu,
and most-cruel king those are of-torture the-chants which you
homo lenis ac popularis, libentissime commemoras: 'Caput
a-man gentle and popular most-gladly recall the-head

obnubito, arbori infelici suspendito,' quae verba, Quirites, iam
veil to-a-tree unlucky hang which words citizens now
pridem in hac re publica non solum tenebris vetustatis
long-ago in this thing public not only by-the-darkness of-antiquity
verum etiam luce libertatis oppressa sunt.
but also by-the-light of-liberty overwhelmed have-been
An vero, si actio ista popularis esset et si ullam partem 14
or indeed if action that popular were and if any part
aequitatis haberet aut iuris, C. Gracchus eam reliquisset?
of-fairness it-had or of-right Gaius Gracchus it would-have-left
Scilicet tibi graviorem dolorem patrui tui mors attulit quam
no-doubt to-you heavier grief of-uncle your the-death brought than
C. Graccho fratris, et tibi acerbior eius patrui mors
to-Gaius Gracchus of-his-brother and to-you more-bitter of-that uncle the-death
est quem numquam vidisti quam illi eius fratris quicum
is whom never you-saw than to-him of-that brother with-whom
concordissime vixerat, et simili iure tu ulcisceris patrui
most-harmoniously he-had-lived and with-like right you avenge your-uncle's
mortem atque ille persequeretur fratris, si ista ratione
death as he would-have-pursued his-brother's if in-that way
agere voluisset, et par desiderium sui reliquit apud
to-act he-had-wished and equal longing for-himself left among
populum Romanum Labienus iste, patruus vester, quisquis
the-people Roman Labienus that uncle your whoever
fuit, ac Ti. Gracchus reliquerat. An pietas tua maior
he-was as Tiberius Gracchus had-left or filial-love your greater
quam C. Gracchi, an animus, an consilium, an opes, an
than Gaius Gracchus' or spirit or counsel or resources or
auctoritas, an eloquentia? quae si in illo minima fuissent,
authority or eloquence which-things if in him the-least had-been
tamen prae tuis facultatibus maxima putarentur.
still compared-with your abilities the-greatest would-be-thought

15 Cum vero his rebus omnibus C. Gracchus omnis vicerit,
when indeed in-these things all Gaius Gracchus all surpassed
quantum intervallum tandem inter te atque illum interiectum
how-great an-interval pray between you and him set
putas? Sed moreretur prius acerbissima morte miliens
do-you-think but he-would-die sooner by-a-most-bitter death a-thousand-times
C. Gracchus quam in eius contione carnifex consisteret;
Gaius Gracchus than at his assembly an-executioner should-stand
quem non modo foro sed etiam caelo hoc ac spiritu censoriae
whom not only the-forum but also the-sky this and breath censorian
leges atque urbis domicilio carere voluerunt. Hic se
laws and of-the-city the-dwelling to-be-without wished this-man himself
popularem dicere audet, me alienum a commodis vestris,
popular to-call dares me alien from advantages your
cum iste omnis et suppliciorum et verborum acerbitates non
when he all both of-punishments and of-words the-harshnesses not
ex memoria vestra ac patrum vestrorum sed ex annalium
from memory your and of-fathers your but from of-the-annals
monumentis atque ex regum commentariis conquisierit,
the-records and from of-the-kings the-commentaries has-searched-out
ego omnibus meis opibus, omnibus consiliis, omnibus dictis
I with-all my resources with-all counsels with-all words
atque factis repugnarim et restiterim crudelitati? nisi forte
and deeds have-fought and have-resisted cruelty unless perhaps
hanc condicionem vobis esse voltis quam servi, si libertatis
this condition to-you to-be you-wish which slaves if of-liberty
spem propositam non haberent, ferre nullo modo possent.
hope set-before not they-had to-bear in-no way could
16 Misera est ignominia iudiciorum publicorum, misera multatio
wretched is the-disgrace of-courts public wretched the-fining
bonorum, miserum exsilium; sed tamen in omni calamitate
of-goods wretched exile but still in every calamity

retinetur aliquod vestigium libertatis. Mors denique si
is-retained some trace of-liberty death finally if
proponitur, in libertate moriamur, carnifex vero et obductio
it-is-set-before in liberty let-us-die the-executioner indeed and the-veiling
capitis et nomen ipsum crucis absit non modo a
of-the-head and the-name itself of-the-cross be-far not only from
corpore civium Romanorum sed etiam a cogitatione, oculis,
the-body of-citizens Roman but even from their-thought eyes
auribus. Harum enim omnium rerum non solum eventus
ears of-these for all things not only the-event
atque perpessio sed etiam condicio, exspectatio, mentio ipsa
and the-enduring but even the-condition expectation the-mention itself
denique indigna cive Romano atque homine libero est.
finally unworthy of-a-citizen Roman and a-man free is
An vero servos nostros horum suppliciorum omnium metu
or indeed slaves our of-these punishments all from-fear
dominorum benignitas vindicta una liberat; nos a
of-masters the-kindness by-the-freedman's-rod alone frees us from
verberibus, ab unco, a crucis denique terrore neque res
floggings from the-hook from of-the-cross finally the-terror neither deeds
gestae neque acta aetas neque vestri honores vindicabunt?
done nor passed life nor your honors will-free
Quam ob rem fateor atque etiam, Labiene, profiteor et 17
which on-account-of thing I-confess and even Labienus I-profess and
prae me fero te ex illa crudeli, importuna, non tribunicia
before me I-bear you from that cruel relentless not tribunician
actione sed regia, meo consilio, virtute, auctoritate esse
action but kingly by-my counsel by-virtue by-authority to-have-been
depulsum. Qua tu in actione quamquam omnia exempla
driven-off which you in action although all precedents
maiorum, omnis leges, omnem auctoritatem senatus, omnis
of-the-ancestors all laws all authority of-the-senate all

religiones atque auspiciorum publica iura neglexisti, tamen
religious-scruples and of-the-auspices the-public rights you-neglected still
a me haec in hoc tam exiguo meo tempore non audies;
from me these-things in this so scanty my time not you-will-hear
liberum tempus nobis dabitur ad istam disceptationem.
free time to-us will-be-given for that debate

IV · THE KILLING OF SATURNINUS

Labienus charges that Rabirius killed Saturninus. Rabirius, with Hortensius defending, long ago proved that false, though Cicero wishes he could confess it as a glorious deed, and he brushes off the crowd's shouting. He confesses instead that Rabirius took up arms to kill Saturninus. When the senate decreed that the consuls Marius and Valerius protect the state, every good citizen armed himself from the arsenals; what was Rabirius to do?

18 Nunc de Saturnini crimine ac de clarissimi patrui
now about Saturninus' charge and about the-most-illustrious uncle
tui morte dicemus. Arguis occisum esse a C. Rabirio
your death we-shall-speak you-allege killed to-have-been by Gaius Rabirius
L. Saturninum. At id C. Rabirius multorum testimoniis,
Lucius Saturninus but that Gaius Rabirius by-many testimonies
Q. Hortensio copiosissime defendente, antea falsum
with-Quintus Hortensius most-fully defending before false
esse docuit; ego autem, si mihi esset integrum, susciperem
to-be showed I however if to-me it-were open would-undertake
hoc crimen, agnoscerem, confiterer. Utinam hanc mihi
this charge would-acknowledge would-confess would-that this to-me
facultatem causa concederet ut possem hoc praedicare,
opportunity the-case would-grant that I-could this proclaim
C. Rabiri manu L. Saturninum, hostem populi
by-Gaius Rabirius' hand Lucius Saturninus an-enemy of-the-people

Romani, interfectum! — Nihil me clamor iste commovet sed
Roman killed nothing me shouting that moves but
consolatur, cum indicat esse quosdam civis imperitos sed non
it-consoles since it-shows to-be some citizens ignorant but not
multos. Numquam, mihi credite, populus Romanus hic qui
many never me believe the-people Roman this which
silet consulem me fecisset, si vestro clamore perturbatum
is-silent consul me would-have-made if by-your shouting to-be-disturbed
iri arbitraretur. Quanto iam levior est acclamatio! Quin
going-to-be it-thought how-much now lighter is the-clamor why-not
continetis vocem indicem stultitiae vestrae, testem paucitatis!
do-you-hold the-voice the-informer of-folly your the-witness of-your-fewness
Libenter, inquam, confiterer, si vere possem aut etiam si 19
gladly I-say I-would-confess if truly I-could or even if
mihi esset integrum, C. Rabiri manu L. Saturninum
to-me it-were open by-Gaius Rabirius' hand Lucius Saturninus
esse occisum, et id facinus pulcherrimum esse arbitrarer;
to-have-been killed and that deed most-beautiful to-be I-would-think
sed, quoniam id facere non possum, confitebor id quod
but since that to-do not I-can I-shall-confess that which
ad laudem minus valebit, ad crimen non minus. Confiteor
for praise less will-avail for the-charge not less I-confess
interficiendi Saturnini causa C. Rabirium arma cepisse.
of-killing Saturninus for-the-sake Gaius Rabirius arms to-have-taken
Quid est, Labiene? quam a me graviorem confessionem
what is-it Labienus what from me weightier confession
aut quod in hunc maius crimen exspectas? nisi vero
or what against this-man greater charge do-you-expect unless indeed
interesse aliquid putas inter eum qui hominem occidit,
to-be-a-difference anything you-think between him who a-man killed
et eum qui cum telo occidendi hominis causa fuit.
and him who with a-weapon of-killing a-man for-the-sake was

Si interfici Saturninum nefas fuit, arma sumpta esse
if to-be-killed Saturninus wrong was arms taken to-have-been
contra Saturninum sine scelere non possunt; si arma iure
against Saturninus without crime not can if arms by-right
sumpta concedis, interfectum iure concedas necesse est.
taken you-grant killed by-right you-grant necessary it-is
Fit senatus consultum ut C. Marius L. Valerius
is-made of-the-senate a-decree that Gaius Marius Lucius Valerius
consules adhiberent tribunos pl. et praetores, quos eis
the-consuls should-call-in the-tribunes of-the-plebs and praetors whom to-them
videretur, operamque darent ut imperium populi Romani
seemed-good and-effort should-give that the-command of-the-people Roman
maiestasque conservaretur. Adhibent omnis tribunos pl.
and-majesty be-preserved they-call-in all the-tribunes of-the-plebs
praeter Saturninum, praetores praeter Glauciam; qui rem
except Saturninus the-praetors except Glaucia those-who the-thing
publicam salvam esse vellent, arma capere et se sequi iubent.
public safe to-be wished arms to-take and them to-follow they-order
Parent omnes; ex aede Sancus armamentariisque publicis
obey all from the-temple of-Sancus and-the-armories public
arma populo Romano C. Mario consule distribuente
arms to-the-people Roman with-Gaius Marius the-consul distributing
dantur. Hic iam, ut omittam cetera, de te ipso, Labiene,
are-given here now that I-may-pass-over the-rest about you yourself Labienus
quaero. Cum Saturninus Capitolium teneret armatus, esset una
I-ask when Saturninus the-Capitol held armed was together
C. Glaucia, C. Saufeius, etiam ille ex compedibus atque
Gaius Glaucia Gaius Saufeius even that from fetters and
ergastulo Gracchus; addam, quoniam ita vis, eodem
slave-prison Gracchus I-shall-add since so you-wish to-the-same-place
Q. Labienum, patruum tuum; in foro autem C. Marius
Quintus Labienus uncle your in the-forum however Gaius Marius

et L. Valerius Flaccus consules, post cunctus senatus,
and Lucius Valerius Flaccus the-consuls behind the-whole senate
atque ille senatus quem etiam vos ipsi, qui hos patres
and that senate which even you yourselves who these fathers
conscriptos qui nunc sunt in invidiam vocatis, quo facilius
enrolled who now are into ill-will call so-that more-easily
de hoc senatu detrahere possitis, laudare consuevistis, cum
from this senate to-detract you-may-be-able to-praise are-accustomed when
equester ordo — at quorum equitum, di immortales! patrum
the-equestrian order and of-what knights gods immortal of-fathers
nostrorum atque eius aetatis, qui tum magnam partem rei
our and of-that age who then a-great part of-the-thing
publicae atque omnem dignitatem iudiciorum tenebant, —
public and all the-dignity of-the-courts held
cum omnes omnium ordinum homines qui in salute rei
when all of-all orders men who in the-safety of-the-thing
publicae salutem suam repositam esse arbitrabantur arma
public safety their-own placed to-be thought arms
cepissent: quid tandem C. Rabirio faciendum fuit?
had-taken what pray by-Gaius Rabirius to-be-done was-it

When the aged Aemilius Scaurus and the crippled Scaevola, the consulars, the praetors, and all the nobility and youth took arms, should Rabirius have hidden, or joined Saturninus on the Capitol with Labienus' uncle? No one has ever confessed to being on the Capitol with Saturninus. Decianus was condemned for lamenting Saturninus' death in an assembly, and Sextus Titius for keeping his portrait at home; the case Labienus revives is older than his memory, and it condemns Catulus, Scaurus, Crassus, Antonius, Flaccus, and Marius himself.

21 De te ipso, inquam, Labiene, quaero. Cum ad arma consules
about you yourself I-say Labienus I-ask when to arms the-consuls
ex senatus consulto vocavissent, cum armatus M. Aemilius,
from of-the-senate the-decree had-called when armed Marcus Aemilius
princeps senatus, in comitio constitisset, qui cum ingredi
leader of-the-senate in the-comitium had-stood who though to-walk
vix posset, non ad insequendum sibi tarditatem pedum
scarcely he-could not for pursuing to-himself the-slowness of-his-feet
sed ad fugiendum impedimento fore putabat, cum denique
but for fleeing a-hindrance going-to-be thought when finally
Q. Scaevola confectus senectute, perditus morbo, mancus et
Quintus Scaevola worn-out by-old-age ruined by-disease maimed and
membris omnibus captus ac debilis, hastili nixus et animi
in-limbs all disabled and weak on-a-spear-shaft leaning both of-mind
vim et infirmitatem corporis ostenderet, cum L. Metellus,
the-force and the-weakness of-body showed when Lucius Metellus
Ser. Galba, C. Serranus, P. Rutilius, C. Fimbria,
Servius Galba Gaius Serranus Publius Rutilius Gaius Fimbria
Q. Catulus omnesque qui tum erant consulares pro
Quintus Catulus and-all who then were consulars for
salute communi arma cepissent, cum omnes praetores, cuncta
the-safety common arms had-taken when all the-praetors the-whole

nobilitas ac iuventus accurreret, Cn. et L. Domitii,
nobility and youth were-running-up Gnaeus and Lucius Domitius
L. Crassus, Q. Mucius, C. Claudius, M. Drusus,
Lucius Crassus Quintus Mucius Gaius Claudius Marcus Drusus
cum omnes Octavii, Metelli, Iulii, Cassii, Catones, Pompeii,
when all the-Octavii Metelli Julii Cassii Catos Pompeii
cum L. Philippus, L. Scipio, cum M. Lepidus,
when Lucius Philippus Lucius Scipio when Marcus Lepidus
cum D. Brutus, cum hic ipse P. Servilius, quo
when Decimus Brutus when this himself Publius Servilius under-whom
tu imperatore, Labiene, meruisti, cum hic Q. Catulus,
you as-commander Labienus served when this Quintus Catulus
admodum tum adulescens, cum hic C. Curio, cum denique
quite then a-young-man when this Gaius Curio when finally
omnes clarissimi viri cum consulibus essent: quid tandem
all the-most-illustrious men with the-consuls were what pray
C. Rabirium facere convenit? Utrum inclusum atque abditum
Gaius Rabirius to-do was-fitting whether shut-in and hidden
latere in occulto atque ignaviam suam tenebrarum ac
to-lie-hidden in concealment and cowardice his of-darkness and
parietum custodiis tegere, an in Capitolium pergere atque
of-walls by-the-guards to-cover or onto the-Capitol to-proceed and
ibi se cum tuo patruo et ceteris ad mortem propter
there himself with your uncle and the-others to death on-account-of
vitae turpitudinem confugientibus congregare, an cum Mario,
of-life the-disgrace fleeing to-gather or with Marius
Scauro, Catulo, Metello, Scaevola, cum bonis denique omnibus
Scaurus Catulus Metellus Scaevola with the-good finally all
coire non modo salutis verum etiam periculi societatem?
to-enter not only of-safety but also of-danger the-partnership

22 Tu denique, Labiene, quid faceres tali in re ac tempore?
you finally Labienus what would-you-do such in a-matter and time
Cum ignaviae ratio te in fugam atque in latebras
when of-cowardice the-reckoning you into flight and into hiding-places
impelleret, improbitas et furor L. Saturnini in Capitolium
drove the-wickedness and frenzy of-Lucius Saturninus onto the-Capitol
arcesseret, consules ad patriae salutem ac libertatem vocarent,
summoned the-consuls to of-the-country the-safety and liberty called
quam tandem auctoritatem, quam vocem, cuius sectam sequi,
what pray authority what voice whose sect to-follow
cuius imperio parere potissimum velles? 'Patruus,' inquit,
whose command to-obey above-all would-you-wish uncle he-says
'meus cum Saturnino fuit.' Quid? Pater quicum? Quid?
my with Saturninus was what your-father with-whom what
Propinqui vestri, equites Romani? Quid? Omnis praefectura,
relatives your knights Roman what all the-prefecture
regio, vicinitas vestra? Quid? Ager Picenus universus utrum
region neighborhood your what the-district Picene whole whether
tribunicium furorem, an consularem auctoritatem secutus est?
tribunician frenzy or consular authority followed has
23 Equidem hoc adfirmo quod tu nunc de tuo patruo praedicas,
for-my-part this I-affirm which you now about your uncle proclaim
neminem umquam adhuc de se esse confessum; nemo est,
no-one ever till-now about himself to-have confessed no-one has
inquam, inventus tam profligatus, tam perditus, tam ab omni
I-say been-found so abandoned so lost so by every
non modo honestate sed etiam simulatione honestatis relictus,
not only honor but also by-pretense of-honor forsaken
qui se in Capitolio fuisse cum Saturnino fateretur. At
who himself on the-Capitol to-have-been with Saturninus would-confess but
fuit vester patruus. Fuerit, et fuerit nulla vi, nulla
was your uncle he-may-have-been and may-have-been by-no force by-no

desperatione rerum suarum, nullis domesticis volneribus coactus;
despair of-affairs his-own by-no domestic wounds compelled
induxerit eum L. Saturnini familiaritas ut amicitiam patriae
may-have-led him Lucius Saturninus' intimacy that friendship to-country
praeponeret; idcircone oportuit C. Rabirium desciscere
he-should-prefer for-this-reason-whether was-it-proper Gaius Rabirius to-revolt
a re publica, non comparere in illa armata multitudine
from the-thing public not to-appear in that armed multitude
bonorum, consulum voci atque imperio non oboedire?
of-the-good of-the-consuls the-voice and command not to-obey
Atqui videmus haec in rerum natura tria fuisse, ut aut cum 24
and-yet we-see these in of-things the-nature three to-have-been that either with
Saturnino esset, aut cum bonis, aut lateret. Latere
Saturninus he-should-be or with the-good or should-lie-hidden to-lie-hidden
mortis erat instar turpissimae, cum Saturnino esse furoris
of-death was the-equivalent most-shameful with Saturninus to-be of-frenzy
et sceleris; virtus et honestas et pudor cum consulibus esse
and of-crime virtue and honor and shame with the-consuls to-be
cogebat. Hoc tu igitur in crimen vocas, quod cum eis fuerit
compelled this you therefore into a-charge call that with those he-was
C. Rabirius quos amentissimus fuisset si oppugnasset,
Gaius Rabirius whom most-mad he-would-have-been if he-had-attacked
turpissimus si reliquisset? At C. Decianus, de quo tu
most-base if he-had-deserted but Gaius Decianus about whom you
saepe commemoras, quia, cum hominem omnibus insignem
often mention because when a-man by-all marked
notis turpitudinis, P. Furium, accusaret summo studio
brands of-disgrace Publius Furius he-was-accusing with-the-utmost zeal
bonorum omnium, queri est ausus in contione de
of-the-good all to-complain he-has dared in an-assembly about
morte Saturnini, condemnatus est, et Sex. Titius, quod
the-death of-Saturninus condemned was and Sextus Titius because

habuit imaginem L. Saturnini domi suae, condemnatus
he-had a-portrait of-Lucius Saturninus at-home his condemned
est. Statuerunt equites Romani illo iudicio improbum civem
was decided the-knights Roman in-that judgment a-wicked citizen
esse et non retinendum in civitate, qui hominis hostilem
to-be and not to-be-retained in the-state who of-a-man hostile
in modum seditiosi imagine aut mortem eius honestaret,
in manner seditious with-the-portrait either the-death his would-honor
aut desideria imperitorum misericordia commoveret, aut suam
or the-longings of-the-ignorant by-pity would-stir or his-own
significaret imitandae improbitatis voluntatem.
would-signify of-imitating wickedness the-wish
25 Itaque mihi mirum videtur unde hanc tu, Labiene, imaginem
and-so to-me surprising it-seems whence this you Labienus portrait
quam habes inveneris; nam Sex. Titio damnato qui istam
which you-have you-found for with-Sextus Titius condemned who that
habere auderet inventus est nemo. Quod tu si audisses aut
to-have should-dare found was no-one which you if you-had-heard or
si per aetatem scire potuisses, numquam profecto istam
if through age to-know you-had-been-able never surely that
imaginem quae domi posita pestem atque exsilium Sex. Titio
portrait which at-home placed plague and exile to-Sextus Titius
attulisset in rostra atque in contionem attulisses, nec
had-brought onto the-rostra and into the-assembly you-would-have-brought nor
tuas umquam ratis ad eos scopulos appulisses ad quos
your ever ships onto those rocks would-you-have-driven on which
Sex. Titi adflictam navem et in quibus C. Deciani
of-Sextus Titius wrecked the-ship and on which of-Gaius Decianus
naufragium fortunarum videres. Sed in his rebus omnibus
the-shipwreck of-fortunes you-would-see but in these things all
imprudentia laberis. Causam enim suscepisti antiquiorem
through-imprudence you-slip a-case for you-have-undertaken older

memoria tua, quae causa ante mortua est quam tu natus
than-memory your which case before died has than you born
es; et qua in causa tute profecto fuisses, si per
were and which in case you-yourself surely would-have-been if through
aetatem esse potuisses, eam causam in iudicium vocas.
age to-be you-had-been-able that case into court you-call
An non intellegis, primum quos homines et qualis 26
or not do-you-understand first what men and what-kind-of
viros mortuos summi sceleris arguas, deinde quot ex
men dead of-the-highest crime you-accuse then how-many from
his qui vivunt eodem crimine in summum periculum
these who live with-the-same charge into the-utmost danger
capitis arcessas? Nam si C. Rabirius fraudem capitalem
of-life you-summon for if Gaius Rabirius an-offense capital
admisit quod arma contra L. Saturninum tulit, huic
committed because arms against Lucius Saturninus he-bore to-this-man
quidem adferet aliquam deprecationem periculi aetas illa
indeed will-bring some plea-against danger the-age that
qua tum fuit; Q. vero Catulum, patrem huius, in
at-which then he-was Quintus indeed Catulus the-father of-this-man in
quo summa sapientia, eximia virtus, singularis humanitas
whom the-highest wisdom extraordinary virtue unparalleled humanity
fuit, M. Scaurum, illa gravitate, illo consilio, illa
was Marcus Scaurus with-that gravity that counsel that
prudentia, duos Mucios, L. Crassum, M. Antonium,
prudence the-two Mucii Lucius Crassus Marcus Antonius
qui tum extra urbem cum praesidio fuit, quorum in hac
who then outside the-city with a-garrison was of-whom in this
civitate longe maxima consilia atque ingenia fuerunt, ceteros
state far the-greatest counsels and talents were the-others

pari dignitate praeditos custodes gubernatoresque rei
with-equal dignity endowed guardians and-pilots of-the-thing
publicae quem ad modum mortuos defendemus?
public in-what to manner dead shall-we-defend
27 Quid de illis honestissimis viris atque optimis civibus, equitibus
what about those most-honorable men and best citizens knights
Romanis, dicemus qui tum una cum senatu salutem rei
Roman shall-we-say who then together with the-senate the-safety of-the-thing
publicae defenderunt? Quid de tribunis aerariis ceterorumque
public defended what about the-tribunes of-the-treasury and-of-the-other
ordinum omnium hominibus qui tum arma pro communi
orders all men who then arms for common
libertate ceperunt? Sed quid ego de eis omnibus qui consulari
liberty took but why I about those all who to-the-consular
imperio paruerunt loquor? De ipsorum consulum fama
command were-obedient do-I-speak about of-the-very consuls the-reputation
quid futurum est? L. Flaccum, hominem cum semper in
what going-to-be is-it Lucius Flaccus a-man both always in
re publica, tum in magistratibus gerendis, in sacerdotio
the-thing public and in magistracies being-held in priesthood
caerimoniisque quibus praeerat diligentissimum, nefarii sceleris
and-ceremonies over-which he-presided most-diligent of-wicked crime
ac parricidi mortuum condemnabimus? adiungemus ad hanc
and parricide dead shall-we-condemn shall-we-add to this
labem ignominiamque mortis etiam C. Mari nomen?
stain and-disgrace of-death even Gaius Marius' name
C. Marium, quem vere patrem patriae, parentem, inquam,
Gaius Marius whom truly father of-the-country parent I-say
vestrae libertatis atque huiusce rei publicae possumus dicere,
of-your liberty and of-this thing public we-can to-call
sceleris ac parricidi nefarii mortuum condemnabimus?
of-crime and parricide wicked dead shall-we-condemn

If Rabirius deserves the cross for taking arms, what punishment for Marius, who called him to them? The good faith given to Saturninus was Marius', and none could be given without the senate. Marius' mind, like that of every great man, looked beyond death, and Cicero defends their glory as he would the temples. Would that Rabirius had killed Saturninus: the slave who did was freed. After a gap the speech warns that the danger is within, and begs the people not to deprive an old soldier of burial in his country.

Etenim si C. Rabirio, quod iit ad arma, crucem 28
for-indeed if for-Gaius Rabirius because he-went to arms a-cross
T. Labienus in campo Martio defigendam putavit, quod
Titus Labienus in the-Campus of-Mars to-be-fixed thought what
tandem excogitabitur in eum supplicium qui vocavit? Ac
pray will-be-devised against him punishment who summoned and
si fides Saturnino data est, quod abs te saepissime dicitur,
if good-faith to-Saturninus given was which by you most-often is-said
non eam C. Rabirius sed C. Marius dedit, idemque
not it Gaius Rabirius but Gaius Marius gave and-the-same-man
violavit, si in fide non stetit. Quae fides, Labiene, qui
violated-it if by good-faith not he-stood what good-faith Labienus how
potuit sine senatus consulto dari? Adeone hospes es
could-it without of-the-senate a-decree be-given so-much-whether a-stranger are-you
huiusce urbis, adeone ignarus disciplinae consuetudinisque
to-this city so-whether ignorant of-the-discipline and-custom
nostrae ut haec nescias, ut peregrinari in aliena
our that these-things you-do-not-know that to-be-traveling in another's
civitate, non in tua magistratum gerere videare?
state not in your-own a-magistracy to-hold you-seem

29 ‘Quid iam ista C. Mario,’ inquit, ‘nocere possunt,
how now those-things to-Gaius Marius he-says to-harm can
quoniam sensu et vita caret?’ Itane vero? tantis in laboribus
since of-feeling and life he-is-without so-whether indeed so-great in labors
C. Marius periculisque vixisset, si nihil longius quam
Gaius Marius and-dangers would-he-have-lived if nothing farther than
vitae termini postulabant spe atque animo de se et gloria
of-life the-bounds demanded in-hope and mind about himself and glory
sua cogitasset? At, credo, cum innumerabilis hostium copias
his he-had-thought but I-suppose when innumerable of-the-enemy forces
in Italia fudisset atque obsidione rem publicam liberasset,
in Italy he-had-routed and from-siege the-thing public had-freed
omnia sua secum una moritura arbitrabatur. Non est ita,
all his-own with-himself together going-to-die he-thought not it-is so
Quirites; neque quisquam nostrum in rei publicae periculis
citizens nor anyone of-us in of-the-thing public the-dangers
cum laude ac virtute versatur quin spe posteritatis fructuque
with praise and virtue is-engaged but by-hope of-posterity and-reward
ducatur. Itaque cum multis aliis de causis virorum bonorum
he-is-led and-so both many other for reasons of-men good
mentes divinae mihi atque aeternae videntur esse, tum maxime
the-minds divine to-me and eternal seem to-be and most
quod optimi et sapientissimi cuiusque animus ita praesentit
because of-the-best and wisest each the-mind so foresees
in posterum ut nihil nisi sempiternum spectare videatur.
into the-future that nothing except everlasting to-regard it-seems
30 Quapropter equidem et C. Mari et ceterorum virorum
wherefore for-my-part both Gaius Marius’ and of-the-other men
sapientissimorum ac fortissimorum civium mentis, quae
most-wise and most-brave citizens the-minds which
mihi videntur ex hominum vita ad deorum religionem et
to-me seem from of-men life to of-the-gods worship and

sanctimoniam demigrasse, testor me pro illorum fama,
sanctity to-have-migrated I-call-to-witness that-I for their reputation
gloria, memoria non secus ac pro patriis fanis atque
glory memory not otherwise than for ancestral shrines and
delubris propugnandum putare, ac, si pro illorum laude mihi
sanctuaries to-be-fought think and if for their praise by-me
arma capienda essent, non minus strenue caperem, quam
arms to-be-taken were not less vigorously I-would-take than
illi pro communi salute ceperunt. Etenim, Quirites, exiguum
they for the-common safety took for-indeed citizens a-scanty
nobis vitae curriculum natura circumscripsit, immensum
for-us of-life course nature has-bounded a-boundless
gloriae. Qua re, si eos qui iam de vita decesserunt
of-glory by-which thing if those who already from life have-departed
ornabimus, iustiorem nobis mortis condicionem relinquemus.
we-shall-honor a-juster for-us of-death condition we-shall-leave
Sed si illos, Labiene, quos iam videre non possumus neglegis,
but if those Labienus whom now to-see not we-can you-neglect
ne his quidem quos vides consuli putas oportere?
not for-these even whom you-see to-be-consulted do-you-think it-proper
Neminem esse dico ex his omnibus, qui illo die Romae fuerit, 31
no-one to-be I-say of these all who on-that day at-Rome was
quem tu diem in iudicium vocas, pubesque tum fuerit, quin
which you day into court summon and-of-age then was but
arma ceperit, quin consules secutus sit. Omnes ei quorum
arms took but the-consuls followed has all those of-whom
tu ex aetate coniecturam facere potes quid tum fecerint abs
you from age conjecture to-make can what then they-did by
te capitis C. Rabiri nomine citantur. At occidit
you on-capital-charge of-Gaius Rabirius in-the-name are-summoned but killed
Saturninum Rabirius. Utinam fecisset! Non supplicium
Saturninus Rabirius would-that he-had-done-it not the-punishment

deprecarer sed praemium postularem. Etenim, si Scaevae, servo
I-would-deprecate but a-reward I-would-demand for-indeed if to-Scaeva the-slave
Q. Crotonis, qui occidit L. Saturninum, libertas data
of-Quintus Croto who killed Lucius Saturninus liberty given
est, quod equiti Romano praemium dari par fuisset?
was what to-a-knight Roman as-a-reward to-be-given equal would-have-been
et, si C. Marius, quod fistulas quibus aqua suppeditabatur
and if Gaius Marius because the-pipes by-which water was-supplied
Iovis Optimi Maximi templis ac sedibus praecidi imperarat,
of-Jupiter Best Greatest to-the-temples and seats to-be-cut-off had-ordered
quod in clivo Capitolino improborum civium ***
because on the-slope Capitoline of-wicked citizens (lacuna)
32 *** aret. Itaque non senatus in ea causa cognoscenda
(lacuna) (fragment) and-so not the-senate in that case being-examined
me agente diligentior aut inclementior fuit quam vos universi,
with-me acting more-diligent or more-severe was than you all
cum orbis terrae distributionem atque illum ipsum
when of-the-circle of-the-earth the-distribution and that very
agrum Campanum animis, manibus, vocibus repudiavistis.
land Campanian with-minds hands voices rejected
33 Idem ego quod is qui auctor huius iudicii est clamo, praedico,
the-same I as be who the-author of-this trial is cry proclaim
denuntio. Nullus est reliquus rex, nulla gens, nulla natio quam
announce no is remaining king no race no nation which
pertimescatis; nullum adventicium, nullum extraneum malum
you-should-fear no foreign no outside evil
est quod insinuare in hanc rem publicam possit. Si immortalem
is which to-creep into this thing public could if immortal
hanc civitatem esse voltis, si aeternum hoc imperium, si
this state to-be you-wish if eternal this empire if
gloriam sempiternam manere, nobis a nostris cupiditatibus,
glory everlasting to-remain for-us from our desires

a turbulentis hominibus atque novarum rerum cupidis, ab
from turbulent men and of-new things desirous from
intestinis malis, a domesticis consiliis est cavendum.
internal evils from domestic plots it-is to-be-guarded-against
Hisce autem malis magnum praesidium vobis maiores 34
against-these however evils a-great defense for-you ancestors
vestri reliquerunt, vocem illam consulis: 'qui rem publicam
your left voice that of-the-consul who the-thing public
salvam esse vellent.' Huic voci favete, Quirites, neque vestro
safe to-be wish to-this voice be-favorable citizens nor by-your
iudicio abstuleritis mihi *** neque eripueritis rei
verdict take-away from-me (lacuna) nor snatch from-the-thing
publicae spem libertatis, spem salutis, spem dignitatis.
public the-hope of-liberty the-hope of-safety the-hope of-dignity
Quid facerem, si T. Labienus caedem civium fecisset ut 35
what would-I-do if Titus Labienus a-slaughter of-citizens had-made as
L. Saturninus, si carcerem refregisset, si Capitolium cum
Lucius Saturninus if the-prison he-had-broken-open if the-Capitol with
armatis occupavisset? Facerem idem quod C. Marius fecit,
armed-men he-had-seized I-would-do the-same that Gaius Marius did
ad senatum referrem, vos ad rem publicam defendendam
to the-senate I-would-refer-it you for the-thing public to-be-defended
cohortarer, armatus ipse vobiscum armato obsisterem.
I-would-exhort armed myself with-you the-armed-man I-would-resist
Nunc quoniam armorum suspicio nulla est, tela non video,
now since of-arms suspicion none is weapons not I-see
non vis, non caedes, non Capitoli atque arcis obsessio
not violence not slaughter not of-the-Capitol and of-the-citadel a-siege
est, sed accusatio perniciosa, iudicium acerbum, res
there-is but an-accusation ruinous a-trial harsh the-matter
tota a tribuno pl. suscepta contra rem publicam, non
whole by a-tribune of-the-plebs undertaken against the-thing public not

vos ad arma vocandos esse, verum ad suffragia cohortandos
you to arms to-be-called to-be but to the-votes to-be-exhorted
contra oppugnationem vestrae maiestatis putavi. Itaque nunc
against the-assault on-your majesty I-thought and-so now
vos omnis oro atque obtestor hortorque. Non ita mos
you all I-beg and adjure and-exhort not so the-custom
est, consulem es ***
is a-consul (fragment) (lacuna)
36 *** timet; qui hasce ore adverso pro re publica
(lacuna) fears he-who these with-face facing for the-thing public
cicatrices ac notas virtutis accepit, is ne quod accipiat
scars and marks of-valor received he lest any he-receive
famae volnus perhorrescit; quem numquam incursiones
of-reputation wound dreads whom never the-inroads
hostium loco movere potuerunt, is nunc impetum
of-the-enemy from-his-post to-move could he now the-onset
civium, cui necessario cedendum est, perhorrescit.
of-citizens to-which necessarily to-be-yielded it-is dreads
37 Neque a vobis iam bene vivendi sed honeste moriendi
nor from you now of-well living but of-honorably dying
facultatem petit, neque tam ut domo sua fruatur quam
the-opportunity he-seeks nor so-much that the-house his he-may-enjoy as
ne patrio sepulcro privetur laborat. Nihil aliud iam
that-not of-his-father's tomb he-be-deprived he-strives nothing else now
vos orat atque obsecrat nisi uti ne se legitimo funere et
you he-begs and beseeches except that not him of-a-lawful funeral and
domestica morte privetis, ut eum qui pro patria nullum
a-domestic death you-deprive that him who for the-country no
umquam mortis periculum fugit in patria mori patiamini.
ever of-death danger fled in his-country to-die you-allow

Dixi ad id tempus quod mihi a tribuno pl. 38
I-have-spoken up-to that time which to-me by the-tribune of-the-plebs
praestitutum est; a vobis peto quaesoque ut hanc
prescribed has-been from you I-ask and-beg that this
meam defensionem pro amici periculo fidelem, pro rei
my defense for a-friend's danger faithful for of-the-thing
publicae salute consularem putetis.
public the-safety consular you-may-think
Et cum universo populo Romano, tum vero equestri
and both to-the-whole people Roman and indeed to-the-equestrian
ordini longe carissimus.
order by-far most-dear