

THE ORATION OF M. T. CICERO IN DEFENSE OF PUBLIUS SYLLA.

THE ARGUMENT.

Publius Sylla having been elected consul with Publius Autronius four years before, had been impeached for bribery, convicted, and deprived of his consulship. He had then been prosecuted by Torquatus. He was now impeached by the younger Torquatus, the son of his former prosecutor, as having been implicated in both of Catiline's conspiracies. (Autronius was accused also, and he also applied to Cicero to defend him, but Cicero, being convinced that he was guilty, not only refused to defend him, but appeared as a witness against him.) Torquatus's real motive appears to have been jealousy of the fame which Cicero had obtained in his consulship; and, in his speech for the prosecution, when he found that Cicero had undertaken Sylla's cause, he had attacked Cicero himself, and tried to bring him into unpopularity, calling him a king who assumed a power to save or to destroy just as he thought fit; and saying that he was the third foreign king that had reigned in Rome; Numa and Tarquin being the two former. Sylla was acquitted.

I. I SHOULD have been very glad, O judges, if Publius Sylla had been able formerly to retain the honor of the dignity to which he was appointed, and had been allowed, after the misfortune which befell him, to derive some reward from his moderation in adversity. But since his unfriendly fortune has brought it about that he has been damaged, even at a time of his greatest honor, by the unpopularity ensuing not only from the common envy which pursues ambitious men, but also by the singular hatred in which Autronius is held, and that even in this sad and deplorable wreck of his former fortunes, he has still some enemies whose hostility he is unable to appease by the punishment which has fallen upon him; although I am very greatly concerned at his distresses, yet in his other misfortunes I can easily endure that an opportunity should be offered to me of causing virtuous men to recognize my lenity and merciful disposition, which was formerly known to every one, but which has of late been interrupted as it

were; and of forcing wicked and profligate citizens, being again defeated and vanquished, to confess that, when the republic was in danger, I was energetic and fearless; now that it is saved, I am lenient and merciful. And since Lucius Torquatus, O judges, my own most intimate friend, O judges, has thought that, if he violated our friendship and intimacy somewhat in his speech for the prosecution, he could by that means detract a little from the authority of my defense, I will unite with my endeavors to ward off danger from my client, a defense of my own conduct in the discharge of my duty. Not that I would employ that sort of speech at present, O judges, if my own interest alone were concerned, for on many occasions and in many places I have had, and I often shall have, opportunities of speaking of my own credit. But as he, O judges, has thought that the more he could take away from my authority, the more also he would be diminishing my client's means of protection; I also think, that if I can induce you to approve of the principles of my conduct, and my wisdom in this discharge of my duty and in undertaking this defense, I shall also induce you to look favorably on the cause of Publius Sylla. And in the first place, O Torquatus, I ask you this, why you should separate me from the other illustrious and chief men of this city, in regard to this duty, and to the right of defending clients? For what is the reason why the act of Quintus Hortensius, a most illustrious man and a most accomplished citizen, is not blamed by you, and mine is blamed? For if a design of firing the city, and of extinguishing this empire, and of destroying this city, was entertained by Publius Sylla, ought not such projects to raise greater indignation and greater hatred against their authors in me than in Quintus Hortensius? Ought not my opinion to be more severe in such a matter, as to whom I should think fit to assist in these causes, whom to oppose, whom to defend, and whom to abandon? No doubt, says he, for it was you who investigated, you who laid open the whole conspiracy.

II. And when he says this, he does not perceive that the man who laid it open took care that all men should see that which had previously been hidden. Wherefore that conspiracy, if it was laid open by me, is now as evident in all its particulars to Hortensius as it is to me. *And when you see that he, a man of such rank, and authority, and virtue, and*

wisdom, has not hesitated to defend this innocent Publius Sylla, I ask why the access to the cause which was open to Hortensius, ought to be closed against me? I ask this also— if you think that I, who defend him, am to be blamed, what do you think of those excellent men and most illustrious citizens, by whose zeal and dignified presence you perceive that this trial is attended, by whom the cause of my client is honored, by whom his innocence is upheld? For that is not the only method of defending a man's cause which consists in speaking for him. All who countenance him with their presence, who show anxiety in his behalf, who desire his safety, all, as far as their opportunities allow or their authority extends, are defending him. Ought I to be unwilling to appear on these benches on which I see these lights and ornaments of the republic, when it is only by my own numerous and great labors and dangers that I have mounted into their rank, and into this lofty position and dignity which I now enjoy? And that you may understand, O Torquatus, whom you are accusing, if you are offended that I, who have defended no one on inquiries of this sort, do not abandon Publius Sylla, remember also the other men, whom you see countenancing this man by their presence. You will see that their opinion and mine has been one and the same about this man's case, and about that of the others. Who of us stood by Varguntius? No one. Not even this Quintus Hortensius, the very man who had formerly been his only defender when prosecuted for corruption. For he did not think himself connected by any bond of duty with that man, when he, by the commission of such enormous wickedness, had broken asunder the ties of all duties whatever. Who of us countenanced Servius Sylla? who * * * ? who of us thought Marcus Læca or Caius Cornelius fit to be defended? who of all the men whom you see here gave the countenance of his presence to any one of those criminals? No one. Why was that? Because in other causes good men think that they ought not to refuse to defend even guilty men, if they are their own intimate personal friends; but, in this prosecution, there would not only be the fault of acting lightly, but there would be even some infection of wickedness which would taint one who defended that man whom he suspected of being involved in the guilt of planning the parricide of his country. What was the case of Autronius? did not his companions did not his own

colleagues, did not his former friends, of whom he had at one time an ample number, did not all these men, who are the chief men in the republic, abandon him? Ay, and many of them even damaged him with their evidence. They made up their minds that it was an offense of such enormity, that they not only were bound to abstain from doing any thing to conceal it, but that it was their duty to reveal it, and throw all the light that they were able upon it.

III. What reason is there then for your wondering, if you see me countenancing this cause in company with those men, whom you know that I also joined in discountenancing the other causes by absenting myself from them. Unless you wish me to be considered a man of eminent ferocity before all other men, a man savage, inhuman, and endowed with an extraordinary cruelty and barbarity of disposition. If this be the character which, on account of all my exploits, you wish now to fix upon my whole life, O Torquatus, you are greatly mistaken. Nature made me merciful, my country made me severe; but neither my country nor nature has ever required me to be cruel. Lastly, that same vehement and fierce character which at that time the occasion and the republic imposed upon me, my own inclination and nature itself has now relieved me of; for my country required severity for a short time, my nature requires clemency and lenity during my whole life. There is, therefore, no pretense for your separating me from so numerous a company of most honorable men. Duty is a plain thing, and the cause of all men is one and the same. You will have no reason to marvel hereafter, whenever you see me on the same side as you observe these men. For there is no side in the republic in which I have a peculiar and exclusive property. The time for acting did belong more peculiarly to me than to the others; but the cause of indignation, and fear, and danger was common to us all. Nor, indeed, could I have been at that time, as I was, the chief man in providing for the safety of the state, if others had been unwilling to be my companions. Wherefore, it is inevitable that that which, when I was consul, belonged to me especially above all other men, should, now that I am a private individual, belong to me in common with the rest. Nor do I say this for the sake of sharing my unpopularity with others, but rather with the object of allowing them to partake of my praises. I will give a share of my burden to no one;

but a share of my glory to all good men. "You gave evidence against Autronius," says he, "and you are defending Sylla." All this, O judges, has this object, to prove that, if I am an inconstant and fickle-minded man, my evidence ought not to be credited, and my defense ought not to carry any authority with it. But if there is found in me a proper consideration for the republic, a scrupulous regard to my duty, and a constant desire to retain the good-will of virtuous men, then there is nothing which an accuser ought less to say than that Sylla is defended by me, but that Autronius was injured by my evidence against him. For I think that I not only carry with me zeal in defending causes, but also that my deliberate opinion has some weight; which, however, I will use with moderation, O judges, and I would not have used it at all if he had not compelled me.

IV. Two conspiracies are spoken of by you, O Torquatus; one, which is said to have been formed in the consulship of Lepidus and Volcatius, when your own father was consul elect; the other, that which broke out in my consulship. In each of these you say that Sylla was implicated. You know that I was not acquainted with the counsels of your father, a most brave man, and a most excellent consul. You know, as there was the greatest intimacy between you and me, that I knew nothing of what happened, or of what was said in those times; I imagine, because I had not yet become a thoroughly public character, because I had not yet arrived at the goal of honor which I proposed to myself, and because my ambition and my forensic labors separated me from all political deliberations. Who, then, was present at your counsels? All these men whom you see here, giving Sylla the countenance of their presence; and among the first was Quintus Hortensius—who, by reason of his honor and worth, and his admirable disposition toward the republic, and because of his exceeding intimacy with and excessive attachment to your father, was greatly moved by the thoughts of the common danger, and most especially by the personal peril of your father. Therefore, he was defended from the charge of being implicated in that conspiracy by that man who was present at and acquainted with all your deliberations, who was a partner in all your thoughts and in all your fears; and, *elegant and argumentative as his speech in repelling this accusation was, it carried with it as much authority as it displayed*

of ability. Of that conspiracy, therefore, which is said to have been formed against you, to have been reported to you, and to have been revealed by you, I was unable to say any thing as a witness. For I not only found out nothing, but scarcely did any report or suspicion of that matter reach my ears. They who were your counselors, who became acquainted with these things in your company—they who were supposed to be themselves menaced with that danger, who gave no countenance to Autronius, who gave most important evidence against him—are now defending Publius Sylla, are countenancing him by their presence here; now that he is in danger they declare that they were not deterred by the accusation of conspiracy from countenancing the others, but by the guilt of the men. But for the time of my consulship, and with respect to the charge of the greatest conspiracy, Sylla shall be defended by me. And this partition of the cause between Hortensius and me has not been made by chance, or at random, O judges, but, as we saw that we were employed as defenders of a man against those accusations in which we might have been witnesses, each of us thought that it would be best for him to undertake that part of the case, concerning which he himself had been able to acquire some knowledge, and to form some opinions with certainty.

V. And since you have listened attentively to Hortensius, while speaking on the charge respecting the former conspiracy, now, I beg you, listen to this first statement of mine respecting the conspiracy which was formed in my consulship.

When I was consul I heard many reports, I made many inquiries, I learned a great many circumstances, concerning the extreme peril of the republic. No messenger, no information, no letters, no suspicion ever reached me at any time in the least affecting Sylla. Perhaps this assertion ought to have great weight, when coming from a man who, as consul, had investigated the plots laid against the republic with prudence, had revealed them with sincerity, had chastised them with magnanimity, and who says that he himself never heard a word against Publius Sylla, and never entertained a suspicion of him. But I do not as yet employ this assertion for the purpose of defending him; I rather use it with a view to clear myself, in order that Torquatus may cease to wonder that I, who would not appear by the side of Autronius, am now defending Sylla. For what was the cause of Autronius? and what is the cause of Sylla? The

former tried to disturb and get rid of a prosecution for bribery by raising in the first instance a sedition among gladiators and runaway slaves, and after that, as we all saw, by stoning people, and collecting a violent mob. Sylla, if his own modesty and worth could not avail him, sought no other assistance. The former, when he had been convicted, behaved in such a manner, not only in his secret designs and conversation, but in every look and in his whole countenance, as to appear an enemy to the most honorable orders in the state, hostile to every virtuous man, and a foe to his country. The latter considered himself so bowed down, so broken down by that misfortune, that he thought that none of his former dignity was left to him, except what he could retain by his present moderation. And in this conspiracy, what union was ever so close as that between Autronius and Catiline, between Autronius and Lentulus? What combination was there ever between any men for the most virtuous purposes, so intimate as his connection with them for deeds of wickedness, lust and audacity? what crime is there which Lentulus did not plot with Autronius? what atrocity did Catiline ever commit without his assistance? while, in the mean time, Sylla not only abstained from seeking the concealment of night and solitude in their company, but he had never the very slightest intercourse with them, either in conversation or in casual meetings. The Allobroges, those who gave us the truest information on the most important matters, accused Autronius, and so did the letters of many men, and many private witnesses. All that time no one ever accused Sylla; no one ever mentioned his name. Lastly, after Catiline had been driven out, or allowed to depart out of the city, Autronius sent his arms, trumpets, bugles, scythes,¹ standards, legions. He who was left in the city, but expected out of it, though checked by the punishment of Lentulus, gave way at times to feelings of fear, but never to any right feelings or good sense. Sylla, on the other hand, was so quiet, that all that time he was at Naples, where it is not supposed that there were any men who were implicated in or suspected of this crime; and the place itself is one not so well calculated to excite the feelings of men in distress, as to console them.

VI. On account, therefore, of this great dissimilarity be-

¹ Some commentators propose *fasces* instead of *falces* here, and it would certainly make much better sense.

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