

THE FIFTH ORATION OF M. T. CICERO AGAINST MARCUS ANTONIUS.

OTHERWISE CALLED THE FIFTH PHILIPPIC.

THE ARGUMENT.

The new consuls Hirtius and Pansa were much attached to Cicero, had consulted him a great deal, and professed great respect for his opinion; but they were also under great obligations to Julius Cæsar, and, consequently, connected to some extent with his party and with Antonius; on which account they wished, if possible, to employ moderate measures only against him.

As soon as they had entered on their office, they convoked the senate to meet for the purpose of deliberating on the general welfare of the republic. They both spoke themselves with great firmness, promising to be the leaders in defending the liberties of Rome, and exhorting the senate to act with courage. And then they called on Quintus Fufius Calenus, who had been consul A. U. C. 707, and who was Pansa's father-in-law, to deliver his opinion first. He was known to be a firm friend of Antonius. Cicero wished to declare Antonius a public enemy at once; but Calenus proposed, that before they proceeded to acts of open hostility against him, they should send an embassy to admonish him to desist from his attempts upon Gaul, and to submit to the authority of the senate. Piso and others supported this motion, on the ground that it was cruel and unjust to condemn a man without giving him a fair chance of submitting, and without hearing what he had to say. It was in opposition to Calenus's motion that Cicero made the following speech, substituting for his proposition one to declare Antonius an enemy, and to offer pardon to those of his army who returned to their duty by the first of February, to thank Decimus Brutus for his conduct in Gaul, to decree a statue to Marcus Lepidus¹ for his services to the republic and his loyalty, to thank Caius Cæsar (Octavius) and to grant him a special commission as general, to make him a senator and prætor, and to enable him to stand for any subsequent magistracy as if he had been quæstor, to thank Lucius Egnatuleius, and to vote thanks and promise rewards to the Martial and the fourth legion.

I. NOTHING, O conscript fathers, has ever seemed to me longer than these calends of January; and I think that for the

¹ Lepidus had not in reality done any particular service to the republic (he was afterward one of the triumviri), but he was at the head of the best army in the empire; and so was able to be of the most important service to either party, and, therefore, Cicero hoped to attach him to his side by this compliment.

last few days you have all been feeling the same thing. For those who are waging war against the republic have not waited for this day. But we, while it would have been most especially proper for us to come to the aid of the general safety with our counsel, were not summoned to the senate. However, the speech just addressed to us by the consuls has removed our complaints as to what is past, for they have spoken in such a manner that the calends of January seem to have been long wished for rather than really to have arrived late.

And while the speeches of the consuls have encouraged my mind, and have given me a hope, not only of preserving our safety, but even of recovering our former dignity; on the other hand, the opinion of the man who has been asked for his opinion first would have disturbed me, if I had not confidence in your virtue and firmness. For this day, O conscript fathers, has dawned upon you, and this opportunity has been afforded you of proving to the Roman people how much virtue, how much firmness, and how much dignity exists in the counsels of this order. Recollect what a day it was thirteen days ago; how great was then your unanimity, and virtue, and firmness; and what great praise, what great glory, and what great gratitude you earned from the Roman people. And on that day, O conscript fathers, you resolved that no other alternative was in your power, except either an honorable peace or a necessary war.

Is Marcus Antonius desirous of peace? Let him lay down his arms, let him implore our pardon, let him deprecate our vengeance: he will find no one more reasonable than me; though, while seeking to recommend himself to impious citizens, he has chosen to be an enemy instead of a friend to me. There is, in truth, nothing which can be given to him while waging war; there will perhaps be something which may be granted to him if he comes before us as a suppliant.

II. But to send ambassadors to a man respecting whom you passed a most dignified and severe decision only thirteen days ago, is not an act of lenity, but, if I am to speak my real opinion, of downright madness. In the first place, you praised those generals who, of their own head, had undertaken war against him; in the next place, you praised the veterans who, though they had been settled in those colonies by Antonius, *preferred the liberty of the Roman people to the obligations which they were under to him.* Is it not so? Why was the

Martial legion? why was the fourth legion praised? For if they have deserted the consul, they ought to be blamed; if they have abandoned an enemy to the republic, then they are deservedly praised.

But as at that time you had not yet got any consuls, you passed a decree that a motion concerning the rewards for the soldiers and the honors to be conferred on the generals should be submitted to you at the earliest opportunity. Are you then going now to arrange rewards for those men who have taken arms against Antonius, and to send ambassadors to Antonius? so as to deserve to be ashamed that the legions should have come to more honorable resolutions than the senate: if, indeed, the legions have resolved to defend the senate against Antonius, but the senate decrees to send ambassadors to Antonius. Is this encouraging the spirit of the soldiers, or damping their virtue?

This is what we have gained in the last twelve days, that the man whom no single person except Cotta was then found to defend, has now advocates, even of consular rank. Would that they had all been asked their opinion before me (although I have my suspicions as to what some of those men who will be asked after me, are intending to say); I should find it easier to speak against them if any argument appeared to have been advanced.

For there is an opinion in some quarters, that some one intends to propose to decree Antonius that farther Gaul, which Plancus is at present in possession of. What else is that but supplying an enemy with all the arms necessary for civil war: first of all with the sinews of war, money in abundance, of which he is at present destitute; and secondly, with as much cavalry as he pleases? Cavalry do I say? He is a likely man to hesitate, I suppose, to bring with him the barbarian nations;—a man who does not see this is senseless; he who does see it, and still advocates such a measure, is impious. Will you furnish a wicked and desperate citizen with an army of Gauls and Germans, with money, and infantry, and cavalry, and all sorts of resources? All these excuses are no excuse at all:—“He is a friend of mine.” Let him first be a friend of his country:—“He is a relation of mine.” Can any relationship be nearer than that of one’s country, in which even *one’s parents* are comprised? “He has given me money:”—I should like to see the man who will dare to say that. But

when I have explained what is the real object aimed at, it will be easy for you to decide which opinion you ought to agree with and adopt.

III. The matter at issue is, whether power is to be given to Marcus Antonius of oppressing the republic, of massacring the virtuous citizens, of plundering the city, of distributing the lands among his robbers, of overwhelming the Roman people in slavery; or, whether he is not to be allowed to do all this. Do you doubt what you are to do? "Oh, but all this does not apply to Antonius." Even Cotyla would not venture to say that. For what does not apply to him? A man who, while he says that he is defending the acts of another, perverts all those laws of his which we might most properly praise. Cæsar wished to drain the marshes; this man has given all Italy to that moderate man Lucius Antonius to distribute.—What? has the Roman people adopted this law?—What? could it be passed with a proper regard for the auspices? But this conscientious augur acts in reference to the auspices without his colleagues. Although those auspices do not require any interpretation;—for who is there who is ignorant that it is impious to submit any motion to the people while it is thundering? The tribunes of the people carried laws respecting the provinces in opposition to the acts of Cæsar; Cæsar had extended the provisions of his law over two years; Antonius over six years. Has then the Roman people adopted this law? What? was it ever regularly promulgated? What? was it not passed before it was even drawn up? Did we not see the deed done before we even suspected that it was going to be done? Where is the Cæcilian and Didian law? What is become of the law that such bills should be published on three market-days? What is become of the penalty appointed by the recent Junian and Licinian law? Can these laws be ratified without the destruction of all other laws? Has any one had a right of entering the forum? Moreover, what thunder, and what a storm that was! so that even if the consideration of the auspices had no weight with Marcus Antonius, it would seem strange that he could endure and bear such exceeding violence of tempest, and rain, and whirlwind. When therefore he, as augur, says that he carried a law while Jupiter was not only thundering, but almost uttering an express prohibition of it by his clamor from heaven, will he hesitate to confess

that it was carried in violation of the auspices? What? does the virtuous augur think that it has nothing to do with the auspices, that he carried the law with the aid of that colleague whose election he himself vitiated by giving notice of the auspices?

IV. But perhaps we, who are his colleagues, may be the interpreters of the auspices? Do we also want interpreters of arms? In the first place, all the approaches to the forum were so fenced round, that even if no armed men were standing in the way, still it would have been impossible to enter the forum except by tearing down the barricades. But the guards were arranged in such a manner, that, as the access of an enemy to a city is prevented, so you might in this instance see the burgesses and the tribunes of the people cut off by forts and works from all entrance to the forum. On which account I give my vote that those laws which Marcus Antonius is said to have carried were all carried by violence, and in violation of the auspices; and that the people is not bound by them. If Marcus Antonius is said to have carried any law about confirming the acts of Cæsar and abolishing the dictatorship forever, and of leading colonies into any lands, then I vote that those laws be passed over again, with a due regard to the auspices, so that they may bind the people. For although they may be good measures which he passed irregularly and by violence, still they are not to be accounted laws, and the whole audacity of this frantic gladiator must be repudiated by our authority. But that squandering of the public money can not possibly be endured by which he got rid of seven hundred millions of sesterces by forged entries and deeds of gifts, so that it seems an absolute miracle that so vast a sum of money belonging to the Roman people can have disappeared in so short a time. What? are those enormous profits to be endured which the household of Marcus Antonius has swallowed up? He was continually selling forged decrees; ordering the names of kingdoms and states, and grants of exemptions to be engraved on brass, having received bribes for such orders. And his statement always was, that he was doing these things in obedience to the memoranda of Cæsar, of which he himself was the author. In the interior of his house there was going on a brisk market of the whole republic. *His wife, more fortunate for herself than for her husband, was holding an auction of kingdoms and provinces:*

exiles were restored without any law, as if by law: and unless all these acts are rescinded by the authority of the senate, now that we have again arrived at a hope of recovering the republic, there will be no likeness of a free city left to us.

Nor is it only by the sale of forged memoranda and autographs that a countless sum of money was collected together in that house, while Antonius, whatever he sold, said that he was acting in obedience to the papers of Cæsar; but he even took bribes to make false entries of the resolutions of the senate; to seal forged contracts; and resolutions of the senate that had never been passed were entered on the records of that treasury. Of all this baseness even foreign nations were witnesses. In the mean time treaties were made; kingdoms given away; nations and provinces released from the burdens of the state; and false memorials of all these transactions were fixed up all over the Capitol, amid the groans of the Roman people. And by all these proceedings so vast a sum of money was collected in one house, that if it were all made available, the Roman people would never want money again.

V. Moreover, he passed a law to regulate judicial proceedings, this chaste and upright man, this upholder of the tribunals and the law. And in this he deceived us. He used to say that he appointed men from the front ranks of the army, common soldiers, men of the *Alauda*,¹ as judges. But he has in reality selected gamesters; he has selected exiles; he has selected Greeks. Oh the fine bench of judges! Oh the admirable dignity of that council! I do long to plead in behalf of some defendant before that tribunal—Cyda of Crete; a prodigy even in that island; the most audacious and abandoned of men. But even suppose he were not so. Does he understand Latin? Is he qualified by birth and station to be a judge! Does he—which is most important—does he know any thing about our laws and manners? Is he even acquainted with any of the citizens? Why, Crete is better known to you than Rome is to Cyda. In fact, the selection and appointment of the judges has usually been confined to our own citizens. But who ever knew, or could possibly have known this Gortynian judge? For Lysiades, the Athenian, we most of us do know. For he is the son of Phædrus, an eminent philosopher. And, besides, he is a witty man, so that he will be able to get on very well with *Marcus Curius*, who

¹ It has been already explained that this was the name of one legion.

will be one of his colleagues, and with whom he is in the habit of playing. I ask if Lysiades, when summoned as a judge, should not answer to his name, and should have an excuse alleged for him that he is an Areopagite, and that he is not bound to act as a judge at both Rome and Athens at the same time, will the man who presides over the investigation admit the excuse of this Greekling judge, at one time a Greek, and at another a Roman? Or will he disregard the most ancient laws of the Athenians?

And what a bench will it be, O ye good gods! A Cretan judge, and he the most worthless of men. Whom can a defendant employ to propitiate him? How is he to get at him? He comes of a hard nation. But the Athenians are merciful. I dare say that Curius, too, is not cruel, inasmuch as he is a man who is himself at the mercy of fortune every day. There are besides other chosen judges who will perhaps be excused. For they have a legitimate excuse, that they have left their country in banishment, and that they have not been restored since. And would that madman have chosen these men as judges, would he have entered their names as such in the treasury, would he have trusted a great portion of the republic to them, if he had intended to leave the least semblance of a republic?

VI. And I have been speaking of those judges who are known. Those whom you are less acquainted with I have been unwilling to name. Know then that dancers, harp-players, the whole troop, in fact, of Antonius's revelers, have all been pitchforked into the third decury of judges. Now you see the object of passing so splendid and admirable a law, amidst excessive rain, storm, wind, tempest, and whirlwind, amidst thunder and lightning; it was that he might have those men for our judges whom no one would like to have for guests. It is the enormity of his wickedness, the consciousness of his crimes, the plunder of that money of which the account was kept in the temple of Ops, which have been the real inventors of this third decury. And infamous judges were not sought for, till all hope of safety for the guilty was despaired of, if they came before respectable ones. But what must have been the impudence, what must have been the iniquity of a man who dared to select those men as judges, by the selection of whom a double disgrace was stamped on the republic: one, because the judges were so infamous; the other,

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