

shall, if they think fit, make a motion to the senate respecting that man's honor or reward, at the earliest opportunity. That, if, after this resolution of the senate, any one shall go to Antonius except Lucius Varius, the senate will consider that that man has acted as an enemy to the republic."

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

CALLED ALSO THE NINTH PHILIPPIC.

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THE ARGUMENT.

Servius Sulpicius, as has been already said, had died on his embassy to Marcus Antonius, before Mutina; and the day after the delivery of the preceding speech, Pansa again called the senate together to deliberate on the honors to be paid to his memory. He himself proposed a public funeral, a sepulchre, and a statue. Servilius opposed the statue, as due only to those who had been slain by violence while in discharge of their duties as ambassadors. Cicero delivered the following oration in support of Pansa's proposition, which was carried.<sup>1</sup>

I. I WISH, O conscript fathers, that the immortal gods had granted to us to return thanks to Servius Sulpicius while alive, rather than thus to devise honors for him now that he is dead. Nor have I any doubt, but that if that man had been able himself to give us his report of the proceedings of his embassy, his return would have been acceptable to you and salutary to the republic. Not that either Lucius Piso or Lucius Philippus have been deficient in either zeal or care in the performance of so important a duty and so grave a commission; but, as Servius Sulpicius was superior in age to them, and in wisdom to every one, he, being suddenly taken from the business, left the whole embassy crippled and enfeebled.

But if deserved honors have been paid to any ambassador after death, there is no one by whom they can be found to have been ever more fully deserved than by Servius Sulpicius. The rest of those men who have died while engaged on an embassy, have gone forth, subject indeed to the usual uncer-

<sup>1</sup> Sulpicius was of about the same age as Cicero, and an early friend of his, and he enjoyed the reputation of being the first lawyer of his time, or of all who ever had studied law as a profession in Ron.e.

tainties of life, but without any especial danger or fear of death. Servius Sulpicius set out with some hope indeed of reaching Antonius, but with none of returning. But though he was so very ill that if any exertion were added to his bad state of health, he would have no hope of himself, still he did not refuse to try, even while at his last gasp, to be of some service to the republic. Therefore neither the severity of the winter, nor the snow, nor the length of the journey, nor the badness of the roads, nor his daily increasing illness, delayed him. And when he had arrived where he might meet and confer with the man to whom he had been sent, he departed this life in the midst of his care and consideration as to how he might best discharge the duty which he had undertaken.

As therefore, O Caius Pansa, you have done well in other respects, so you have acted admirably in exhorting us this day to pay honor to Servius Sulpicius, and in yourself making an eloquent oration in his praise. And after the speech which we have heard from you, I should have been content to say nothing beyond barely giving my vote, if I did not think it necessary to reply to Publius Servilius, who has declared his opinion that this honor of a statue ought to be granted to no one who has not been actually slain with a sword while performing the duties of his embassy. But I, O conscript fathers, consider that this was the feeling of our ancestors, that they considered that it was the cause of death, and not the manner of it, which was a proper subject for inquiry. In fact, they thought fit that a monument should be erected to any man whose death was caused by an embassy, in order to tempt men in perilous wars to be the more bold in undertaking the office of an ambassador. What we ought to do, therefore, is, not to scrutinize the precedents afforded by our ancestors, but to explain their intentions from which the precedents themselves arose.

II. Lar Tolumnius, the king of Veii, slew four ambassadors of the Roman people, at Fidenæ, whose statues were standing in the rostra till within my recollection. The honor was well deserved. For our ancestors gave those men who had encountered death in the cause of the republic an imperishable memory in exchange for this transitory life. We see in the rostra the statue of Cnæus Octavius, an illustrious and great man, the first man who brought the consulship into that family, which afterward abounded in illustrious men. *There*

was no one then who envied him, because he was a new man; there was no one who did not honor his virtue. But yet the embassy of Octavius was one in which there was no suspicion of danger. For having been sent by the senate to investigate the dispositions of kings and of free nations, and especially to forbid the grandson of king Antiochus, the one who had carried on war against our forefathers, to maintain fleets and to keep elephants, he was slain at Laodicea, in the gymnasium, by a man of the name of Leptines. On this a statue was given to him by our ancestors as a recompense for his life, which might ennoble his progeny for many years, and which is now the only memorial left of so illustrious a family. But in his case, and in that of Tullus Cluvius,<sup>1</sup> and Lucius Roscius, and Spurius Antius, and Caius Fulcinus, who were slain by the king of Veii, it was not the blood that was shed at their death, but the death itself which was encountered in the service of the republic, which was the cause of their being thus honored.

III. Therefore, O conscript fathers, if it had been chance which had caused the death of Servius Sulpicius, I should sorrow indeed over such a loss to the republic, but I should consider him deserving of the honor, not of a monument, but of a public mourning. But, as it is, who is there who doubts that it was the embassy itself which caused his death? For he took death away with him; though, if he had remained among us, his own care, and the attention of his most excellent son and his most faithful wife, might have warded it off. But he, as he saw that, if he did not obey your authority, he should not be acting like himself; but that if he did obey, then that duty, undertaken for the welfare of the republic, would be the end of his life; preferred dying at a most critical period of the republic, to appearing to have done less service to the republic than he might have done.

He had an opportunity of recruiting his strength and taking care of himself in many cities through which his journey lay. He was met by the liberal invitation of many entertainers, as his dignity deserved, and the men too who were sent with him exhorted him to take rest, and to think of his own health. But he, refusing all delay, hastening on, eager to perform your commands, persevered in this his constant purpose, in spite of the hindrances of his illness.

<sup>1</sup> There is some corruption of the text here.

And as Antonius was above all things disturbed by his arrival, because the commands which were laid upon him by your orders had been drawn up by the authority and wisdom of Servius Sulpicius, he showed plainly how he hated the senate by the evident joy which he displayed at the death of the adviser of the senate.

Leptines then did not kill Octavius, nor did the king of Veii slay those whom I have just named, more clearly than Antonius killed Servius Sulpicius. Surely he brought the man death, who was the cause of his death. Wherefore, I think it of consequence, in order that posterity may recollect it, that there should be a record of what the judgment of the senate was concerning this war. For the statue itself will be a witness that the war was so serious a one, that the death of an ambassador in it gained the honor of an imperishable memorial.

IV. But if, O conscript fathers, you would only recollect the excuses alleged by Servius Sulpicius why he should not be appointed to this embassy, then no doubt will be left on your minds that we ought to repair by the honor paid to the dead the injury which we did to him while living. For it is you, O conscript fathers (it is a grave charge to make, but it must be uttered), it is you, I say, who have deprived Servius Sulpicius of life. For when you saw him pleading his illness as an excuse more by the truth of the fact than by any labored plea of words, you were not indeed cruel (for what can be more impossible for this order to be guilty of than that), but as you hoped that there was nothing that could not be accomplished by his authority and wisdom, you opposed his excuse with great earnestness, and compelled the man, who had always thought your decisions of the greatest weight, to abandon his own opinion. But when there was added the exhortation of Pansa, the consul, delivered with more weight than the ears of Servius Sulpicius had learned to resist, then at last he led me and his own son aside, and said that he was bound to prefer your authority to his own life. And we, admiring his virtue, did not dare to oppose his determination. His son was moved with extraordinary piety and affection, and my own grief did not fall far short of his agitation; but each of us was compelled to yield to his greatness of mind, and to the dignity of his language, when he, indeed, amid the loud praises and congratulations of you all, promised to do whatever you wished, and

not to avoid the danger which might be incurred by the adoption of the opinion of which he himself had been the author. And we the next day escorted him early in the morning as he hastened forth to execute your commands. And he, in truth, when departing, spoke with me in such a manner that his language seemed like an omen of his fate.

V. Restore then, O conscript fathers, life to him from whom you have taken it. For the life of the dead consists in the recollection cherished of them by the living. Take ye care that he, whom you without intending it sent to his death, shall from you receive immortality. And if you by your decree erect a statue to him in the rostra, no forgetfulness of posterity will ever obscure the memory of his embassy. For the remainder of the life of Servius Sulpicius will be recommended to the eternal recollection of all men by many and splendid memorials. The praise of all mortals will forever celebrate his wisdom, his firmness, his loyalty, his admirable vigilance and prudence in upholding the interests of the public. Nor will that admirable, and incredible, and almost god-like skill of his in interpreting the laws and explaining the principles of equity be buried in silence. If all the men of all ages, who have ever had any acquaintance with the law in this city, were got together into one place, they would not deserve to be compared to Servius Sulpicius. Nor was he more skillful in explaining the law than in laying down the principles of justice. Those maxims which were derived from laws, and from the common law, he constantly referred to the original principles of kindness and equity. Nor was he more fond of arranging the conduct of lawsuits than of preventing disputes altogether. Therefore he is not in want of this memorial which a statue will provide; he has other and better ones. For this statue will be only a witness of his honorable death; those actions will be the memorial of his glorious life. So that this will be rather a monument of the gratitude of the senate, than of the glory of the man.

The affection of the son, too, will appear to have great influence in moving us to honor the father; for although, being overwhelmed with grief, he is not present, still you ought to be animated with the same feelings as if he were present. But he is in such distress, that no father ever sorrowed more over the loss of an only son than he grieves for the death of his father. Indeed, I think that it concerns also

the fame of Servius Sulpicius the son, that he should appear to have paid all due respect to his father. Although Servius Sulpicius could leave no nobler monument behind him than his son, the image of his own manners, and virtues, and wisdom, and piety, and genius; whose grief can either be alleviated by this honor paid to his father by you, or by no consolation at all.

VI. But when I recollect the many conversations which in the days of our intimacy on earth I have had with Servius Sulpicius, it appears to me, that if there be any feeling in the dead, a brazen statue, and that too a pedestrian one, will be more acceptable to him than a gilt equestrian one, such as was first erected to Lucius Sylla. For Servius was wonderfully attached to the moderation of our forefathers, and was accustomed to reprove the insolence of this age. As if, therefore, I were able to consult himself as to what he would wish, so I give my vote for a pedestrian statue of brass, as if I were speaking by his authority and inclination; which by the honor of the memorial will diminish and mitigate the great grief and regret of his fellow-citizens. And it is certain that this my opinion, O conscript fathers, will be approved of by the opinion of Publius Servilius, who has given his vote that a sepulchre be publicly decreed to Servius Sulpicius, but has voted against the statue. For if the death of an ambassador happening without bloodshed and violence requires no honor, why does he vote for the honor of a public funeral, which is the greatest honor that can be paid to a dead man? If he grants that to Servius Sulpicius which was not given to Cnæus Octavius, why does he think that we ought not to give to the former what was given to the latter? Our ancestors, indeed, decreed statues to many men; public sepulchres to few. But statues perish by weather, by violence, by lapse of time; but the sanctity of the sepulchres is in the soil itself, which can neither be moved nor destroyed by any violence; and while other things are extinguished, so sepulchres become holier by age.

Let, then, that man be distinguished by that honor also, a man to whom no honor can be given which is not deserved. Let us be grateful in paying respect in death to him to whom we can now show no other gratitude. And by that same step let the audacity of Marcus Antonius, waging a nefarious war, be branded with infamy. For when these honors have

been paid to Servius Sulpicius, the evidence of his embassy having been insulted and rejected by Antonius will remain for everlasting.

VII. On which account I give my vote for a decree in this form: "As Servius Sulpicius Rufus, the son of Quintus, of the Lemonian tribe, at a most critical period of the republic, and being ill with a very serious and dangerous disease, preferred the authority of the senate and the safety of the republic to his own life, and struggled against the violence and severity of his illness, in order to arrive at the camp of Antonius, to which the senate had sent him; and as he, when he had almost arrived at the camp, being overwhelmed by the violence of the disease, has lost his life in discharging a most important office of the republic; and as his death has been in strict correspondence to a life passed with the greatest integrity and honor, during which he, Servius Sulpicius, has often been of great service to the republic, both as a private individual and in the discharge of various magistracies; and as he, being such a man, has encountered death on behalf of the republic while employed on an embassy;—the senate decrees that a brazen pedestrian statue of Servius Sulpicius be erected in the rostra in compliance with the resolution of this order, and that his children and posterity shall have a place round this statue of five feet in every direction, from which to behold the games and gladiatorial combats, because he died in the cause of the republic; and that this reason be inscribed on the pedestal of the statue; and that Caius Pansa and Aulus Hirtius the consuls, one or both of them, if it seem good to them, shall command the quaestors of the city to let out a contract for making that pedestal and that statue, and erecting them in the rostra; and that whatever price they contract for, they shall take care the amount is given and paid to the contractor; and as in old times the senate has exerted its authority with respect to the obsequies of, and honors paid to brave men, it now decrees that he shall be carried to the tomb on the day of his funeral with the greatest possible solemnity. And as Servius Sulpicius Rufus, the son of Quintus of the Lemonian tribe, has deserved so well of the republic as to be entitled to be complimented with all those distinctions; the senate is of opinion, and thinks it for the advantage of the republic, that the consule ædile should suspend the edict which usually prevails with respect to funerals in the case of the funeral of

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