

Marcus Tullius Cicero

TEN SPEECHES

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Fourth Philippic Oration against Antony

Between September of 44 BCE and April of the next year, Cicero delivered fourteen speeches to which he himself gave the title of "Philippics."¹ Almost all were attacks on Mark Antony; they represent Cicero as the champion of a return to the Republic and Antony as its most significant opponent. They are filled with invective, half-truths, and oversimplifications, and while the Second Philippic—never delivered, and in fact a massive pamphlet rather than a speech—has been admired since antiquity for the eloquence of its venom,² as a whole the speeches are not the finest examples of Ciceronian oratory. They are speeches of the moment—designed, for the most part, to move senatorial opinion concerning particular policies and actions—and they are much blunter instruments than many of Cicero's earlier political speeches. But these speeches are more than historical evidence: the Fourth Philippic, in particular, is an important example of Cicero's very deliberate methods in shaping his audience and its views. It is one of only two speeches in the set that was addressed to the people rather than the senate; its goal, very clearly, is to influence popular perception of the senatorial debate (represented by the Third Philippic) that had taken place on the same day. Without having the parallel speech from the senate meeting, we might well be at a loss to understand this speech; even worse, we might believe it.

The Third and Fourth Philippics were delivered on December 20, 44 BCE. The senate meeting on that day had been called to establish precautions and policies for the change in administration that was (under normal constitutional rules) to take place less than two weeks later, when Antony and Dolabella, the incumbent consuls, were to be replaced by the consuls-designate Hirtius and Pansa. But neither the political nor the military situation was clear or stable. As the debate was taking place, Antony was attempting to take control of Cisalpine and Transalpine Gaul,

1. Not for the first time; he referred to his consular orations in the same way, and he was generally aware of Demosthenes as a model to be emulated and surpassed. More of the collection (at least another three speeches) existed in antiquity, but they do not seem to be later than April of 43.

2. See, for instance, Juvenal 10.124–26.

the provinces he had been given at his own wish by popular vote; he was opposed by the previously designated proconsul then in possession of Cisalpine Gaul, Decimus Junius Brutus, one of the assassins of Caesar (not to be confused with the more famous Marcus Junius Brutus). Cicero, as a supporter of the assassins and of restoring normality to republican government, viewed Decimus Brutus as the legitimate representative of the government (i.e., the senate) and Antony as a would-be successor to Caesar. His unsuccessful hope on December 20 was to have the senate declare Antony a public enemy (*hostis*) and to praise and reconcile with one another Antony's opponents—not only Decimus Brutus (and the other assassins, who had already left Italy for the East) but, far more precariously, the young Octavian, the future Augustus.³

Cicero's policy after March 15, 44 (the Ides of March), is hard to understand and even harder to justify.⁴ He was a committed supporter of the assassins (whom he thought of rather as "liberators" or "tyrannicides"), and in the days after the assassination he did what he could to establish a compromise, albeit an uneasy one, between the assassins and the supporters of Caesar, including Caesar's fellow consul and devoted military aide, Antony. The situation, however, became ever more complex over the following weeks. Not only did popular affection for Caesar (and perhaps the effects of Antony's funeral oration) make Rome unsafe for Brutus, Cassius, and the rest, but the arrival in Italy of Caesar's heir added an unknown—and, as it turned out, both intelligent and ruthless—figure on the Caesarian side. Antony, to maintain his position as representative of Julius Caesar, was forced into rivalry with Octavian as claimant to the dictator's (moral and financial) heritage, and hence was compelled to adopt a more belligerent stance toward the assassins and thus toward the republican sentiments of the senate as well. Octavian, through wide distribution of money and the use of his inherited name, gained much support among the soldiers and came to Rome to claim his inheritance. And Cicero, in order to support the position of the assassins, chose to try to weaken Antony by enlisting the young Octavian—whom he hoped he would be able to control.

3. By modern convention, this person is called Octavian at this period, a name he never used in real life. Born Gaius Octavius, when adopted by the will of his great-uncle Julius Caesar he became, formally, Gaius Julius Caesar Octavianus, but he referred to himself (and was referred to by others) simply as Caesar. After achieving sole power, he accepted the name "Augustus" from the senate in 27 BCE. From that point on his name (not his title) was "Imperator Caesar Augustus."

4. For a brilliant account of the events of this period, sympathetic to Antony and decidedly unsympathetic to Cicero, see Syme (1939) 97–175.

During the first chaotic months after the Ides, however, Cicero took little active role in public life; indeed, in July he set out for Greece to visit his son. He never got past Sicily, however. When he received word of possible compromise between Antony and the assassins, he turned back, reaching Rome at the end of August. Hope for a peaceful solution had already faded by the time he got there. Although Cicero did not attend the senate meeting on September 1 when Antony gave a threatening speech, on the following day he delivered his first attack on Antony (the First Philippic), followed shortly by the undelivered but memorable invective of the Second Philippic.

All the remaining Philippics constitute (with some minor variations) Cicero's attempts to interpret events and direct policy in the period from Antony's march north to take over Cisalpine Gaul and remove Decimus Brutus, through the complex siege of Mutina and the series of battles (among a large number of armies and generals of various sympathies) that culminated in the defeat of Antony in April of 43 and his subsequent designation as a public enemy. The last Philippic, delivered on April 21, is in fact Cicero's last extant speech. Antony escaped from Mutina, reestablished his army, came to terms with Octavian and others, and, with Octavian and Marcus Aemilius Lepidus, formed the Second Triumvirate in November. Cicero was one of the first victims of the ensuing proscriptions.

Although the audience for *contio* speeches was a tiny and not necessarily representative part of the Roman people, the reaction of the crowd was, in Roman politics, a crucial indication of popular support (or lack of support), and the successful orator was one who was able to create and direct public sentiment while speaking.⁵ The Fourth Philippic, though very brief, is in this regard a brilliantly effective rhetorical construction. Cicero assumes the interpretation of Antony (villainous) and Octavian (patriotic) that he wants the audience to express. The entire argument is based on the dilemma set out at the beginning (4.2): the consul Antony and the people fighting against him cannot simultaneously be considered patriotic Romans; since we support Octavian against Antony, then it follows that Antony is not really a consul but a public enemy. The argument, of course, depends on the interpretations of Antony and Octavian; it is the goal of the speech to show the people that they agree with those interpretations and that they are therefore true. To that end, Cicero draws the audience in by addressing them directly (Quirites, "my fellow citizens") more frequently than in any other speech; he also repeatedly draws attention to the audience reaction that he has (or claims

5. The significance of the *contio* and the technique of eliciting audience response ("claptrap") have been superbly explained by Morstein-Marx (2004); on the Fourth Philippic, see 139–43.

to have) aroused. The cheers of the audience described by Cicero are themselves an affirmation both to himself and to the audience of the rightness of his position. By appearing to share the views of the people, he makes himself more authoritative in shaping their opinions and thereby the policies of the senate as well.

In M. Antonium Oratio Philippica Quarta

My fellow citizens:

[1] The astonishing size of this crowd, a public assembly larger than I remember ever seeing before, gives me great energy for defending the commonwealth and hope for restoring it. I have always wanted that; the times were against it. But as soon as the first signs of light appeared, I was the first person to defend your liberty;⁶ if I had tried to act earlier, I would not be able to act now. Do not minimize, my fellow citizens, what has been accomplished this day; the foundation has been laid for everything else we will do. Through its actions, if not yet in its words, the senate has judged Mark Antony to be a public enemy.⁷ [2] And right now, I can hold my head up much higher, since your great shout of approval shows that you agree he is a public enemy.⁸ My fellow citizens, there is no way not to believe one or the other: either the men who raised armies against a consul are disloyal, or arms were properly taken up against someone who is a public enemy.⁹ There was no real doubt about this, but today the senate has removed any possibility of doubt. Gaius Caesar, who has protected and continues to protect the commonwealth and your

6. Not exactly; Cicero's former enemy Piso (see *Against Lucius Calpurnius Piso*) spoke in favor of a compromise to restore republican government in August, while Cicero was still making his way back to Rome from the south.

7. The key to the speech: the senate had not voted Antony a public enemy, and much of this speech is intended to obscure that fact.

8. Here, as frequently below, Cicero's words imply active participation and response on the part of the audience. It is not clear whether there were real shouts, or if Cicero's written recreation of the speech also creates the active responses of the audience.

9. Antony is the consul of the first clause, the public enemy of the second. Those raising armies against him are above all Octavian, but also Decimus Brutus and other supporters of the assassins.

liberty with his energy, his wisdom, and not least his inheritance, has received the greatest official praise from the senate.¹⁰ [3] I praise you, my fellow citizens, I praise you because you show such enthusiastic gratitude when I name this glorious young man—or rather, boy: his deeds are timeless, but the name for his chronological age is “boy.”¹¹ I remember a lot, my fellow citizens: I have heard a lot and I have read a lot. But I know nothing like this to be recollected in all of history: when we were being crushed into slavery; when things were getting worse every day; when we had no protection; when we feared the fatal and destructive return of Antony from Brundisium—just then he embraced a plan that was beyond the hopes of all of us and was certainly unprecedented, to put together an invincible army from his father’s veterans and fend off Antony, whose madness is intensified by the wickedness of his goals, from the destruction of the commonwealth. [4] Does anyone not understand that if Caesar had not raised an army,¹² Antony’s return would have demanded our destruction? He was on his way back, seething with hatred of you, dripping with the blood of the Roman citizens he had killed at Suessa and Brundisium,¹³ with no thought except to destroy the Roman people. And what protection was there for your well-being and your freedom, if Caesar’s army had not been composed of his father’s bravest soldiers? Just now the senate agreed with my motion. At the earliest possible moment we should decide on the immortal honors that correspond to his immortal merits.¹⁴ [5] By that decree it is completely obvious that Antony has been adjudged a public enemy,

10. It should be pointed out (as Syme [1939] does, emphatically) that the actions of Gaius Caesar (Octavian) were thoroughly illegal (raising a private army and attempting a coup) while Antony was the (more or less) legally elected consul. Octavian’s most important method of raising armies was the promise of huge donatives to the troops.

11. At the time of this speech, Octavian was nineteen. He did not altogether appreciate references to his youth.

12. From Julius Caesar’s veterans.

13. Presumably the execution of soldiers (for what cause is unclear) at Suessa Aurunca in Campania, on his route to Brundisium, and at Brundisium itself. His trip to Brundisium was to collect the four legions he had summoned back from Macedonia, two of which rapidly went over to Octavian.

14. Again, Cicero smoothes over the fact that the senate had not voted suitable honors to Octavian at the meeting on December 20.

for if the people who lead armies against him are judged by the senate to deserve new and unique honors, then what else can we call him? The Martian legion—and there is something miraculous in its taking its name from the god from whom we believe the Roman people are descended—didn’t it, by its own decrees, judge Antony a public enemy even before the senate did?¹⁵ Because if Antony isn’t a public enemy, then the troops who abandoned a consul must necessarily be public enemies themselves. Your resounding response at the right moment shows that you approve the glorious action of the soldiers of the Martian legion. In supporting the senate’s authority,¹⁶ your liberty, the entire commonwealth, they abandoned him as a public enemy, a brigand, and the butcher of his fatherland. [6] In doing so, they acted not only with spirit and courage but also with careful thought; they took their station at Alba, a strategic and fortified nearby city whose citizens are outstanding men of great courage and loyalty. The fourth legion copied the bravery of these men under the leadership of Lucius Egnatuleius, whom the senate has recently rightly praised, and followed the army of Gaius Caesar. Well, Antony, what more damaging judgments are you waiting for? Caesar, who raised an army against you, is exalted to the skies; the legions that abandoned you are praised in the choicest terms—legions that you summoned and that would have been yours, if you had chosen to be a consul rather than a public enemy. The senate supports the extraordinarily brave and correct judgment of these legions; the entire people approves—unless, of course, my fellow citizens, you consider Antony to be a consul rather than a public enemy! [7] As you show, my fellow citizens, your judgment is what I thought it would be. And what about the towns, the colonies, the communities of Italy? Do you think they judge any differently? All humankind is unanimous: those men who want our way of life kept safe should take up every weapon against that monster. What about Decimus Brutus, my fellow citizens?¹⁷ You can see his opinion from the edict we received

15. The Martian legion was one of those Antony collected at Brundisium. With the fourth legion, it took a position at Alba Fucens in central Italy and declared for Octavian. The god Mars was Romulus’ father.

16. Again, misleading: the legions chose Octavian, not the senate, over Antony.

17. Decimus Brutus, one of the assassins, had been appointed by Caesar to the governorship of Cisalpine Gaul and designated consul for 42. He

today; nobody makes light of that, do they? "No!" you say, my fellow citizens, and you're absolutely right. It's as if the everlasting gods bestowed as a gift of goodwill to our commonwealth the family and the name of Brutus both to establish and to restore the liberty of the Roman people.¹⁸ [8] And what is Decimus Brutus' judgment about Antony? He bars him from his province; he blocks him with his army; he urges on to war all Gaul, which had already risen spontaneously by its own decision. If Antony is a consul, Brutus is a public enemy; if Brutus is a savior of the commonwealth, then Antony is a public enemy. We can't have any doubt, can we, which of these is true? And just as you with one mind and one voice deny that you have any doubts, so, too, the senate just decreed that Decimus Brutus has deserved well of the commonwealth in defending the authority of the senate and the liberty and power of the Roman people.¹⁹ From whom? From a public enemy, of course. What other defense is deserving of praise? [9] Next is the province of Gaul.²⁰ The senate praises it, as it deserves, with eloquent language because of its resistance to Antony. If that province had thought of him as consul and refused to receive him, it would be involving itself in a major crime; all provinces are obliged to respect the jurisdiction and power of a consul. Decimus Brutus, the general, the consul-designate,²¹ a citizen born for public service, denies this; Gaul denies this, all Italy denies it, the senate denies it, you deny it. So other than bandits, who thinks of him as consul? And not even they actually believe what they say; and no matter how wicked and evil they may be (as they are), they can't disagree with the judgment of all humankind. The hope of plunder and spoils blinds their hearts. They are men who haven't been satisfied with gifts of money, assignment of land, and unending confiscations and sales; they have marked out for their spoils the city

was killed by Gallic tribesmen as he fled from the Caesarian armies after Mutina.

18. Decimus restored it; his ancestor Lucius Junius Brutus was credited with the expulsion of Tarquin the Proud and the establishment of republican government in 509 BCE. Marcus Brutus is the one whose connection to Lucius Junius Brutus is more commonly noted; it is recorded on his coins.

19. The formal wording of a senatorial resolution.

20. Cisalpine Gaul.

21. Decimus Brutus was designated consul for 42 but was killed in 43.

itself, the goods and fortunes of its citizens.²² These men think they will lack nothing so long as there's something here for them to snatch and carry off; Antony has promised these men that he will give out shares of the city—I pray to the everlasting gods to turn aside and reject this omen! [10] And so, my fellow citizens, may your prayers come true and may the penalty for his madness fall on himself and his household! I'm sure it will. Not only men but even the everlasting gods, I believe, have reached agreement on the preservation of the commonwealth. If the gods announce the future to us through prodigies and omens, they have been so clearly expressed that his punishment is getting closer to him as liberty is getting closer to us. And if so significant an accord of all people could not have come to pass without a push from the gods, then how can we have any doubts about the will of heaven?

[11] What remains, my fellow citizens, is for you to stick firmly to the opinion you have proclaimed. So I will do as generals do when the battle line has been drawn up; even though they see their soldiers completely ready to fight, they cheer them on, and so too I urge you, hot and eager as you are, to regain your freedom. You are not fighting, my fellow citizens, against an enemy with whom peace of any kind is possible. Enslaving you has ceased to be his goal; now he is angry and wants your blood. To him, no sport gives more pleasure than blood, slaughter, and the butchery of citizens before his very eyes. [12] My fellow citizens, you have to deal not with a wicked criminal who is human but with a hideous and slaving beast, and since it has fallen into a trap, it should be crushed. If it gets out of there, it will know no limits in cruelty. But now the beast is caught, pressed, squeezed by the forces we already control and soon also by those that the new consuls will gather in a few days. Stay firm for the cause, my fellow citizens: stay the course. You have never had such complete agreement for any cause; you have never been so tightly allied to the senate.²³ No surprise in that: the issue is not the way in which we will live but whether we will continue to live or will die in torture and disgrace. [13] Nature has set death itself before us

22. Cicero's language about Antony and his troops deliberately echoes some of his language about Catiline.

23. Cicero attempts to recreate (at least in words) the *consensus omnium bonorum* ("concord of all men of property") that he claimed to have created for the fight against Catiline in 63.

all; but virtue, the property of the Roman stock and race, rejects a death that is marked by cruelty and dishonor. Keep this in mind, I urge you, my fellow citizens. It is as an inheritance left you by your ancestors. Everything else is deceitful and uncertain, fleeting and fickle. Virtue alone is anchored by the deepest roots and can never be shaken or moved by any force. That is the weapon with which your ancestors first defeated all Italy, then destroyed Carthage, overturned Numantia, and compelled the most powerful kings and the most warlike tribes to submit to our rule.²⁴ [14] Your ancestors, my fellow citizens, had to deal with an enemy who had a government, a senate house, a treasury, citizens bound by consent and concord, some kind of understanding, should that have been appropriate, of peace and of treaties; your enemy is laying siege to your commonwealth but has none of his own. He yearns to destroy the senate, the common council of the entire world, while he himself has no public council at all. He has drained your treasure but has none of his own. And who can have the consent of his citizens who has no city? What rational basis for peace can there be with someone who displays unbelievable cruelty but no trustworthiness at all? [15] My fellow citizens, the Roman people, the conqueror of all nations, now has its entire struggle with an assassin, a brigand, a Spartacus.²⁵ He has a habit of boasting that he is like Catiline. He is like him in crime but his inferior in effort: Catiline rapidly created an army because he had none, while Antony has lost the army he was given. And so just as you broke Catiline by employing my diligence, the authority of the senate, and your own enthusiasm and courage, so in a short time you will hear that the wicked brigandage of Antony has been crushed through your unprecedented harmony with the senate, through the good fortune and the courage of the armies and of your leaders. [16] For my own part, as much as I can strive for and accomplish with attention, toil, wakefulness, authority, and planning, I will leave nothing undone that I believe useful for your freedom; nor could I do so without criminality, given your vast kindnesses to me. On this day first, with

24. A triumphalist history of Rome. Carthage was destroyed in 146 and Numantia in 133, both under the generalship of Scipio Aemilianus. There are some minor textual problems in sec. 13 that make little difference to translation; I follow the text of Clark (1918).

25. The leader of the slave revolt in the late 70s.

the motion of Marcus Servilius here,²⁶ a man of the highest courage and goodwill toward you, and with his colleagues, men of great standing and patriotism, under my sponsorship and leadership after a long interval we have been set ablaze with the hope of freedom.

26. One of the tribunes who called the senate meeting on December 20.

Ninth Philippic Oration against Antony

On January 1, 43, under the direction of the new consuls Hirtius and Pansa, the senate began to debate its policy. Cicero was, as before, in favor of supporting both Octavian and the assassins (with Brutus and Cassius now organizing their own finances and armies in the East) and eager to pursue war against Antony with all possible speed. Support for this policy was weak. Although Octavian was recognized as a pro-praetor and his command of troops thus legitimized, the senate voted to send an embassy to Antony (now vigorously besieging Decimus Brutus in Mutina) to propose terms. Antony was to abandon his siege of Decimus Brutus, withdraw from Cisalpine Gaul, and submit to the senate and people. The Fifth and Sixth Philippics, delivered in the senate and to the people on January 1, set out Cicero's views. The embassy consisted of three distinguished ex-consuls: Lucius Calpurnius Piso (Cicero's former enemy and Caesar's father-in-law; consul in 58 and censor in 50), Lucius Marcius Philippus (consul in 56 and Octavian's father-in-law), and Servius Sulpicius Rufus (consul in 51, eminent jurist, and Cicero's opponent in the trial of Murena in 63). Sulpicius, however, was in ill health and died before he could meet with Antony.

The Ninth Philippic, delivered in the senate in early February, concerns the honors to be paid to Sulpicius: was a statue of him to be placed on the speaker's platform, as had been done for other ambassadors who died in the service of the state, or should he merely be given a public funeral? Cicero was the third speaker in the debate: the presiding consul, Gaius Vibius Pansa, appeared to have suggested a statue and probably public burial as well; the second speaker, Publius Servilius Isauricus, had rejected the statue on an apparent technicality. The question is not merely one of excessive honors or crowding the already crowded rostra.¹ From Cicero's point of view, the issue is whether Sulpicius died while on an embassy to a hostile power (as was true of his other examples) or merely while serving the state. In other words, if Sulpicius is given a statue, then Antony is a public enemy. Cicero's argument assumes Antony's status as enemy in order to prove it; the actual argument is about the question raised by

1. On statues and monuments on the rostra, see Morstein-Marx (2004) 48–50, 92–101.

Servilius, whether it was enough to die while on an embassy or whether it was necessary to be killed by the enemy—something that seems merely of antiquarian interest now but for Cicero is an element of a much more important question.

In M. Antonium Oratio Philippica Nona

Members of the senate:

[1] I wish the everlasting gods had made it possible for us to give thanks to Servius Sulpicius while he was alive instead of discussing honors for him after his death. If such a man had been able to report back from his embassy, I have no doubt that his return would have received your gratitude and advanced the interests of the commonwealth. I say this not because Lucius Philippus and Lucius Piso lacked the will or effort for such an important task, but since Sulpicius was older than they and wiser than all of us, his sudden removal left the entire embassy bereft and crippled. [2] If ever honors were appropriate to an ambassador who died in office, they will never seem more so than in the case of Sulpicius. Others who met their death while on an embassy set out with no specific risk to their lives, without fear of death. Sulpicius set out with some hope of reaching Antony but no hope of returning. Even though his condition was such that the addition of physical effort to his already poor health made him fear for his life, he did not refuse to bring whatever aid he could to the commonwealth, even if it was with his last breath. The stormy winter, the snow, the length of the route and the rough roads, his worsening illness—not one of these held him back, and when he had reached the point of meeting and talking to the man who was the target of his mission, at the very moment he was planning how to approach his task, he departed from this life.

[3] As often, Gaius Pansa, you have done an outstanding job in urging us to honor Sulpicius and in your eloquent and substantial speech in praise of him. I would add nothing to what you have said except my agreement, if I did not think it necessary to reply to my distinguished colleague Publius Servilius, who stated his opinion that honorific statues should be awarded only to those who met a violent death while on an embassy. But my own view, members of the senate, is that our ancestors thought that they should pay attention to why someone died, not how it happened. That is to say, they wanted

memorials to exist of those for whom an embassy was fatal, so that in the dangers of war men would be more courageous in accepting ambassadorial duties. We should not, then, be looking to our ancestors for specific precedents: we should understand the intentions of those from whom those precedents derive. [4] Lars Tolumnius, the king of Veii, killed four ambassadors of the Roman people at Fidenae, and their statues stood on the rostra within my memory.² The honor was justified; our ancestors gave those who died in the service of the commonwealth enduring remembrance in exchange for the brevity of their lives. Gnaeus Octavius was a great and illustrious man, the first to bring the consulship into a family that was filled thereafter with men of great courage. We see his statue on the rostra. Nobody begrudged it because he was a new man; nobody failed to give honor to courage. But Octavius' embassy was one in which there was no hint of danger; he was sent by the senate to examine the attitudes of both kings and free peoples, and in particular to forbid the grandson of the Antiochus who had waged war against our ancestors to have a fleet or keep elephants. He was killed in a gymnasium in Laodicea by a man named Leptines.³ [5] Our ancestors gave him a statue in return for his life. It gave honor to his descendants for many years and is now the only remaining memorial of so great a family.⁴ Indeed, the reason for honoring Octavius and Tullus Cluvius⁵ and Lucius Roscius and Spurius Antius and Gaius Fulcinius, the men killed by the king of Veii, is not that they died in bloodshed but that they died for the commonwealth.

2. In 438 BCE; the ambassadors (named below, sec. 5) were objecting to the decision of Fidenae to support Veii against Rome. The statues were apparently no longer there in 43.

3. Gnaeus Octavius, consul in 165 BCE, was sent in 163–162 with two other legates to survey conditions in the East and to convey Roman demands to various nations, including Antiochus V of Syria, whose grandfather Antiochus III had been defeated in 189. Octavius was killed at Laodicea in Syria for unknown reasons.

4. A slightly odd statement in light of the activity of Octavian, who was not, however, part of the same family.

5. The name transmitted by the manuscripts of Cicero (and printed by Clark [1918]); other sources give Cloelius. The emendation Cluilius printed by recent editors is a false archaism attempting to improve on Cicero. Antius is elsewhere given the more likely name Nautius.

Members of the senate, if ill fortune had brought death to Servius Sulpicius, then I would certainly grieve for such a wound to the commonwealth, but I would think his death should be honored by public mourning rather than by a statue. But as it is, there is no doubt that the embassy itself took his life. He carried with him a death that, if he had remained with us here, his own attention and the care of his beloved son and wife could have avoided. [6] Sulpicius saw that, if he did not respect your authority, then he would be unlike himself, but if he accepted it, the task he undertook for the commonwealth would end his life. He decided that it was better to die at this great crisis of the commonwealth than to seem to have given his country less than he could have. Many cities along his route offered the possibility of rest and recovery; his high standing and reputation led to invitations from friends, and his fellow ambassadors urged him to rest and look after his life. But he hurried on, rushing, eager to accomplish your instructions, and he steadfastly persevered despite being hampered by illness. [7] His arrival disturbed Antony greatly. The orders you gave him had been composed in accordance with Sulpicius' authoritative opinion, and in reacting with disgraceful delight to the death of this leader of the senate he displayed how much he hated the senate. Indeed, Antony killed Sulpicius no less than Leptines killed Octavius or the king of Veii killed the men I named before; the person who was the occasion of his death is the one who brought death to him.⁶ For that reason, I think posterity should have a memorial that records the senate's judgment about this war. The statue itself will testify that the war was so serious that the death of an ambassador received the honor of a memorial.

[8] If you should wish, members of the senate, to recall Sulpicius' reason for excusing himself from going on the embassy, no doubt will remain that in honoring him after death we are repairing the injury we did him in life. It is you, members of the senate—and although it's a harsh thing to say, it must still be said—it is you, I repeat, who deprived Servius Sulpicius of his life. As you saw, his reason for declining, his illness, was more apparent in his person than in his words. You were not being cruel (something completely unlike this body), but since you hoped there was nothing that his authority and wisdom could not do, you objected forcefully and made him

6. Cicero alludes to the distinction between "slaying" and "furnishing the cause of death" discussed by the jurists.

change his opinion—a man who had always had the deepest respect for your decisions. [9] And when the consul Pansa added his urgings, expressed more strongly than Sulpicius was used to hearing, then finally he drew his son and me apart and spoke to this effect, that he gave precedence to your authority over his own life. And as we marveled at his courage we did not dare oppose his wishes. His son was moved by extraordinary devotion, and my own grief was not much less than his distress, but each of us was forced to yield to his greatness of mind and the weight of his words when he promised to do what you wanted (receiving great praise and thanks from all of you) and would not avoid the risks arising from a decree he had proposed himself. On the very next day we saw him off, as he rushed to carry out your instructions. As he left, his words to me seemed like an omen of his fate.

[10] For that reason, members of the senate, give him back the life you took away. The life of the dead resides in the memory of the living; let a man whom you unwittingly sent to his death receive immortal life from you. If you decree the placement of a statue on the rostra, the forgetfulness of posterity will never dim the memory of his embassy. Everything else about Sulpicius' life will be committed to eternal memory by many glorious memorials. The words of all men will celebrate his seriousness, his steadfastness, his integrity, his outstanding concern for the protection of the commonwealth, his foresight. No silence will cover his exceptional, unbelievable—almost superhuman—knowledge of the interpretation of laws and the application of the principles of equity.⁷ If all those from every generation in this state who have had some knowledge of jurisprudence were gathered into a single spot, they would not stand comparison to Sulpicius. He was not so much an expert in law as in justice; [11] the effect was that he always judged issues deriving from statute and private law with an eye to moderation and equity, and he preferred to resolve disputes rather than go to trial. For that,⁸ no memorial statue is needed; it has something better. This statue will be witness to an honorable death, but the other is the remembrance of a noble

7. Here and in sec. 11 below, Cicero alludes to the fundamental distinction in Roman law between strict statutory law (*ius civile*) and the equitable remedies and procedures created by the praetor (*ius honorarium*). References to equity in legal contexts generally refer to the praetor's edict.

8. Sulpicius' expertise in the law.

life; the statue will record the gratitude of the senate more than the greatness of the man. [12] His son's devotion will have provided a noteworthy impetus for honoring his father, and even though he is not present because he is stricken with grief, you ought to be in the same state of mind as you would have been in his presence. He is, in fact, so stricken that no one ever mourned the death of an only son more than he mourns that of his father. It is also relevant to the son's reputation, I believe, that he be seen to have provided to his father the honor that is owed him. But Sulpicius could leave behind no memorial more glorious than the image of his character, his courage, his steadfastness, his devotion, and his talent that is his son, whose grief can be lightened, if it can be lightened, by no consolation except the honor you confer.

[13] As I call to mind the many conversations with Sulpicius over the course of our friendship, it seems to me that—if there is any sensation after death—a bronze statue of him on foot would please him more than a gilded statue on horseback of the type first set up for Lucius Sulla.⁹ Servius used to have a wonderful affection for the moderation of our ancestors and had nothing but scorn for the excesses of the present age. As if, then, I were seeking his legal advice about his wishes, I make a decision based on his own authority and wishes in favor of a statue on foot made of bronze; by the honor of a memorial, it will diminish and assuage the great pain and sense of loss of our citizens. [14] And this opinion of mine, members of the senate, certainly receives support from the opinion of Publius Servilius. He offered the resolution that a tomb, not a statue, at public expense should be voted for Sulpicius. But if the death without violence of an ambassador requires no honors, then why does he decide in favor of public burial, the greatest honor that can be offered to someone who has died? If he gives that to Sulpicius, something that was not given to Gnaeus Octavius, then why does he think Sulpicius should not be offered what was given to Octavius? Our ancestors, in fact, voted statues for many people, public burial for few. But statues pass away from weather, force, and time, but the sanctity of a tomb resides in the ground itself; it cannot be moved by force nor can it be destroyed, and while all other things are destroyed by the passage of time, burial sites become ever more holy. [15] Therefore let him be

9. Voted by the senate in 81 BCE. Not the first equestrian statue, but the first to be gilded.

exalted by this honor, too, a man to whom no honor can be given that is not owed. Let us show gratitude in ennobling the death of a man to whom we can no longer display any other form of gratitude. By offering such honors to Sulpicius, we will establish an eternal witness of the embassy that was scorned and rejected by Antony.

For these reasons, I offer the following resolution:

WHEREAS Servius Sulpicius Rufus, the son of Quintus, of the Lemonian tribe, at a most difficult and critical moment for the commonwealth, although his health was endangered by a grave illness, placed the authority of the senate and the safety of the commonwealth before his own life and struggled against the force of his illness to reach the camp of Antony to which the senate had dispatched him; and

WHEREAS, when he had come near to that camp, he was overcome by the force of his illness and lost his life at the greatest crisis of the commonwealth; and

WHEREAS the death of Servius Sulpicius was consonant with a life lived in the most honorable and noble fashion doing great service to the commonwealth both as a private citizen and as an officer of state: [16]

WHEREAS a man of such qualities met his death while on an embassy in the service of the commonwealth,

BE IT RESOLVED by the senate that a bronze statue of Servius Sulpicius on foot be placed on the rostra by the decision of this body; that around that statue for five feet in every direction a space be left free for his children and descendants at festivals and gladiatorial displays because he died in the service of his country; and that the inscription on the base display that cause. The consuls Gaius Pansa and Aulus Hirtius, one or both of them at their discretion, are to instruct the urban quaestors to let a contract for the making and setting up of said base and statue and to ensure that the cost of the contract be allocated and paid to the successful bidder. And

WHEREAS the senate has previously shown its desire for honoring the death of men of courage,

BE IT FURTHER RESOLVED that his funeral be conducted in as magnificent a manner as possible. [17] And

WHEREAS Servius Sulpicius Rufus the son of Quintus of the Lemonian tribe has so well served the commonwealth that he ought to be honored in such a fashion, the senate resolves and considers it to be in the public interest that the curule aediles suspend the edict concerning funerals for the funeral of Servius Sulpicius Rufus the son of Quintus of the Lemonian tribe; that Gaius Pansa the consul assign in the Esquiline field or another suitable location a site measuring thirty feet in all directions for the tomb in which Servius Sulpicius is to be interred; and that his tomb belong to his children and descendants with the full legal rights accorded to tombs publicly granted.