

Gavius Cicero Verr. 2.1.158-70 (text and tr, loeb)

[158] LXI. Nam quid ego de P. Gavio, Consano municipe, dicam, iudices, aut qua vi vocis, qua gravitate verborum, quo dolore animi dicam? tametsi dolor me non deficit; ut cetera mihi in dicendo digna re, digna dolore meo suppetant magis laborandum est. Quod crimen eius modi est ut cum primum ad me delatum est usum me illo non putarem; tametsi enim verissimum esse intellegebam, tamen credibile fore non arbitrabar. Coactus lacrimis omnium civium Romanorum qui in Sicilia negotiantur, adductus Valentinorum, hominum honestissimorum, omniumque Reginorum testimoniis multorumque equitum Romanorum qui casu tum Messanae fuerunt, dedi tantum priore actione testium res ut nemini dubia esse posset.

[159] Quid nunc agam? Cum iam tot horas de uno genere ac de istius nefaria crudelitate dicam, cum prope omnem vim verborum eius modi quae scelere istius digna sint aliis in rebus consumpserim, neque hoc providerim, ut varietate criminum vos attentos tenerem, quem ad modum de tanta re dicam? Opinor, unus modus atque una ratio est: rem in medio ponam; quae tantum habet ipsa gravitatis ut neque mea, quae nulla est, neque cuiusquam ad inflammandos vestros animos eloquentia requiratur.

[160] Gavius hic quem dico Consanus, cum in illo numero civium Romanorum ab isto in vincla coniectus esset et nescio qua ratione clam e lautumiis profugisset Messanamque venisset, qui tam prope iam Italiam et moenia Reginorum, civium Romanorum, videret, et ex illo metu mortis ac tenebris quasi luce libertatis et odore aliquo legum recreatus revixisset, loqui Messanae et queri coepit se civem Romanum in vincla coniectum, sibi recta iter esse Romam, Verri se praesto advenienti futurum.

LXII. Non intellegebat miser nihil interesse utrum haec Messanae an apud istum in praetorio loqueretur; nam, ut antea vos docui, hanc sibi iste urbem delegerat quam haberet adiutricem scelerum, furtorum receptricem, flagitiorum omnium consciam. Itaque ad magistratum Mamertinum statim deducitur Gavius, eoque ipso die casu Messanam Verres venit. Res ad eum defertur, esse civem Romanum qui se Syracusis in lautumiis fuisse quereretur; quem iam ingredientem in navem et Verri nimis atrociter minitantem ab se retractum esse et asservatum, ut ipse in eum statueret quod videretur.

[161] Agit hominibus gratias, et eorum benivolentiam erga se diligentiamque collaudat. Ipse inflammatus scelere et furore in forum venit; ardebant oculi, toto ex ore crudelitas eminebat. Exspectabant omnes quo tandem progressurus aut quidnam acturus esset, cum repente hominem proripi atque in foro medio nudari ac deligari et virgas expediri iubet. Clamabat ille miser se civem esse Romanum, municipem Consanum; meruisse cum L. Raecio, splendidissimo equite Romano, qui Panhormi negotiaretur, ex quo haec Verres scire posset. Tum iste, se comperisse eum speculandi causa in Siciliam a ducibus fugitivorum esse missum; cuius rei neque index neque vestigium aliquod neque suspicio cuiquam esset ulla; deinde iubet undique hominem vehementissime verberari.

[162] Caedebatur virgis in medio foro Messanae civis Romanus, iudices, cum interea nullus gemitus, nulla vox alia illius miseri inter dolorem crepitumque plagarum audiebatur nisi haec, "Civis Romanus sum." Hac se commemoratione civitatis omnia verbera depulsurum cruciatumque a corpore deiecturum arbitrabatur; is non modo hoc non perfecit, ut virgarum vim deprecaretur, sed, cum imploraret saepius usurparetque nomen civitatis, crux, crux, inquam, infelici et aerumnoso, qui numquam istam pestem viderat, comparabatur.

[163] LXIII. O nomen dulce libertatis! o ius eximium nostrae civitatis! o lex Porcia legesque Semproniae! o graviter desiderata et aliquando reddita plebi Romanae tribunicia potestas! Hucine tandem haec omnia reciderunt, ut civis Romanus in provincia populi Romani, in oppido foederatorum, ab eo qui beneficio populi Romani fasces et secures haberet deligatus in foro virgis caederetur? Quid? cum ignes ardentesque laminae ceterique cruciatus admovebantur, si

te illius acerba imploratio et vox miserabilis non inhiibat, ne civium quidem Romanorum qui tum aderant fletu et gemitu maximo commovebare? In crucem tu agere ausus es quemquam qui se civem Romanum esse diceret? Nolui tam vehementer agere hoc prima actione, iudices, nolui; vidistis enim ut animi multitudinis in istum dolore et odio et communis periculi metu concitarentur. Statui egomet mihi tum modum orationi meae et C. Numitorio, equiti Romano, primo homini, testi meo, et Glabionem id quod sapientissime fecit facere laetatus sum, ut repente consilium in medio testimonio dimitteret. Etenim verebatur ne populus Romanus ab isto eas poenas vi repetisse videretur quas veritus esset ne iste legibus ac vestro iudicio non esset persoluturus.

[164] Nunc, quoniam iam exploratum est omnibus quo loco causa tua sit, et quid de te futurum sit, sic tecum agam. Gavium istum, quem repentinum speculatorem fuisse dicis, ostendam in lautumias Syracusis a te esse coniectum, neque id solum ex litteris ostendam Syracusanorum, ne possis dicere me, quia sit aliquis in litteris Gavius, hoc fingere et eligere nomen ut hunc ilium esse possim dicere, sed ad arbitrium tuum testes dabo qui istum ipsum Syracusis abs te in lautumias coniectum esse dicant. Producam etiam Consanos, municipes illius ac necesarios, qui te nunc sero doceant, iudices non sero, ilium P. Gavium quem tu in crucem egisti civem Romanum et municipem Consanum, non speculatorem fugitivorum fuisse.

[165] LXIV. Cum haec omnia, quae polliceor, cumulate tuis proximis plana fecero, tum istuc ipsum tenebo quod abs te mihi datur, eo contentum me esse dicam. Quid enim nuper tu ipse, cum populi Romani clamore atque impetu perturbatus exsiluisti, quid, inquam, elocutus es? Illum, quod moram supplicio quaereret, ideo clamitasse se esse civem Romanum, sed speculatorem fuisse. Iam mei testes veri sunt. Quid enim dicit aliud C. Numitorius, quid M. et P. Cottii, nobilissimi homines ex agro Tauromenitano, quid Q. Luceius, qui argentariam Regi maximam fecit, quid ceteri? Adhuc enim testes ex eo genere a me sunt dati, non qui novisse Gavium, sed se vidisse dicerent, cum is, qui se civem Romanum esse clamaret, in crucem ageretur. Hoc tu, Verres, idem dicis, hoc tu confiteris, illum clamitasse se civem esse Romanum; apud te nomen civitatis ne tantum quidem valuisse ut dubitationem aliquam, ut crudelissimi taeterrimique supplicii aliquam parvam moram saltem posset afferre.

[166] Hoc teneo, hic haereo, iudices, hoc sum contentus uno, omitto ac neglego cetera; sua confessione induatur ac iuguletur necesse est. Qui esset ignorabas, speculatorem esse suspicabare; non quaero qua suspicione, tua te accuso oratione. Civem Romanum se esse dicebat. Si tu apud Persas aut in extrema India deprensus, Verres, ad supplicium ducere, quid aliud clamitares nisi te civem esse Romanum? et si tibi ignoto apud ignotos, apud barbaros, apud homines in extremis atque ultimis gentibus positos, nobile et illustre apud omnes nomen civitatis tuae profuisset, ille, quisquis erat, quem tu in crucem rapiebas, qui tibi esset ignotus, cum civem se Romanum esse diceret, apud te praetorem, si non effugium, ne moram quidem mortis mentione atque usurpatione civitatis assequi potuit?

[167] LXV. Homines tenues, obscuro loco nati, navigant, adeunt ad ea loca quae numquam antea viderunt, ubi neque noti esse iis quo venerunt, neque semper cum cognitoribus esse possunt. Hac una tamen fiducia civitatis non modo apud nostros magistratus, qui et legum et existimationis periculo continentur, neque apud cives solum Romanos, qui et sermonis et iuris et multarum rerum societate iuncti sunt, fore se tutos arbitrantur, sed quocumque venerint 168hanc sibi rem praesidio sperant futuram.

[168] Tolle hanc spem, tolle hoc praesidium civibus Romanis, constitue nihil esse opis in hac voce "Civis Romanus sum," posse impune praetorem aut alium quempiam¹ supplicium quod velit in eum constituere qui se civem Romanum esse dicat, quod qui sit ignoret: iam omnes provincias, iam omnia regna, iam omnes liberas civitates, iam omnem orbem terrarum, qui semper nostris hominibus maxime patuit, civibus Romanis ista defensione praecluseris. Quid? si L. Raecium, equitem Romanum, qui tum in Sicilia erat, nominabat, etiamne id

magnum fuit, Panhormum litteras mittere? Asservasses hominem custodiis Mamertinorum tuorum, vinctum clausum habuisses, dum Panhormo Raecius veniret; cognosceret hominem, aliquid de summo supplicio remitteres; si ignoraret, tum, si ita tibi videretur, hoc iuris in omnes constitueres, ut qui neque tibi notus esset neque cognitorem locupletem daret, quamvis civis Romanus esset, in crucem tolleretur.

[169] LXVI. Sed quid ego plura de Gavio? quasi tu Gavio tum fueris infestus, ac non nomini, generi, iuri civium hostis. Non illi, inquam, homini, sed causae communi libertatis inimicus fuisti. Quid enim attinuit, cum Mamertini more atque instituto suo crucem fixissent post urbem in via Pompeia, te iubere in ea parte figere quae ad fretum spectaret, et hoc addere, quod negare nullo modo potes, quod omnibus audientibus dixisti palam, te idcirco illum locum deligere, ut ille, quoniam se civem Romanum esse diceret, ex cruce Italiam cernere ac domum suam prospicere posset? Itaque illa crux sola, iudices, post conditam Messanam illo in loco fixa est. Italiae conspectus ad eam rem ab isto delectus est, ut ille in dolore cruciatuque moriens perangusto fretu divisa servitutis ac libertatis iura cognosceret, Italia autem alumnum suum servitutis extremo summoque supplicio affixum videret.

[170] Facinus est vincire civem Romanum, scelus verberare, prope parricidium necare: quid dicam in crucem tollere? Verbo satis digno tam nefaria res appellari nullo modo potest. Non fuit his omnibus iste contentus; “spectet,” inquit, “patriam; in conspectu legum libertatisque moriatur.” Non tu hoc loco Gavium, non unum hominem nescio quem, sed communem libertatis et civitatis causam in illum cruciatum et crucem egisti. Iam vero videte hominis audaciam! Nonne eum graviter tulisse arbitramini quod illam civibus Romanis crucem non posset in foro, non in comitio, non in rostris defigere? Quod enim his locis in provincia sua celebritate simillimum, regione proximum potuit, elegit; monumentum sceleris audaciaeque suae voluit esse in conspectu Italiae, vestibulo Siciliae, praetervectione omnium qui ultro citroque navigarent.

[158] LXI. And now, gentlemen, I am to speak of 1Publius Gavius, burgess of Consa^a; and with what strength of voice, what weight of eloquence, what sorrow of heart must my words be spoken! Nay, of sorrow, indeed, my heart has no lack; rather it is voice and eloquence wherewith I must strive to equip myself in a measure befitting my theme and the sorrow that I feel. Such is the charge I now bring that when I was first told of the facts I could not see myself making use of them; aware though I was of their complete truth, I could not imagine that they would be believed. Constrained by the tearful entreaties of all the Roman citizens who are business men in Sicily, and encouraged by the testimony of the worthy inhabitants of Vibo^b and by that of the whole population of Regium, and by that of a number of Roman knights who as it happened were at the time in Messina, in the first part of this trial I called no more witnesses than might suffice to convince everyone of the facts.

[159] What am I to do now? Hour after hour I have been handling the single topic of Verres' abominable cruelty. In speaking of other instances of that cruelty, I have almost wholly exhausted the resources of such language as befits his wickedness, and have not taken steps to keep your attention awake by varying the nature of my charges. And how, therefore, shall I deal with this terrible affair? There is, I think, but one course, one method possible. I will put the bare facts before you. They speak so forcibly for themselves that there is no need of eloquence, from my own feeble lips or from the lips of anyone else, to kindle your indignation.

[160] The man of whom I speak, Gavius of Consa, was one of those Roman citizens whom Verres threw into prison. Somehow or other he escaped from the Stone Quarries, and made his way to Messina. Italy was now visible only a few miles away, and the walls of Regium with its population of Roman citizens; he had come forth from the awful shadow of death, revived and strengthened by the light of freedom and the fresh air of justice; and so he began to talk

indignantly to people in Messana of how he, a Roman citizen, had been thrown into prison, and how he was going straight to Rome and would be ready for Verres on his arrival there.

LXII. The poor fellow was not aware that to say such things in Messana was equivalent to saying them to the governor in his own house; for Verres, as I have already explained, had chosen this town to assist him in his crimes, to receive his stolen goods, and to share the secret of all his abominable deeds. The result was that Gavius was at once seized and taken before the chief magistrate of Messana. Verres chanced to arrive there that same day, and it was reported to him that there was a Roman citizen with an angry story about having been in the Stone Quarries at Syracuse, who was already going aboard a ship, uttering unpleasantly savage threats against Verres, when they had dragged him ashore again and kept him in custody for Verres to deal with as he thought best.

[161] Verres thanked these people, commending warmly their kind and careful attention to his interests. Then he made for the market-place, on fire with mad and wicked rage, his eyes blazing, and cruelty showing clearly in every feature of his face. Everyone was wondering how far he would go and what he was meaning to do, when he suddenly ordered the man to be flung down, stripped naked and tied up in the open market-place, and rods to be got ready. The unhappy man cried out that he was a Roman citizen, a burgess of Consa; that he had served in the army under the distinguished Roman knight Lucius Raecius, who was in business at Panhormus and could assure Verres of the truth of his story. To this Verres replied that he had discovered that Gavius had been sent to Sicily as a spy by the leaders of the fugitive army, a charge which was brought by no informer, for which there was no evidence, and which nobody saw any reason to believe. He then ordered the man to be flogged severely all over his body.

[162] There in the open market-place of Messana a Roman citizen, gentlemen, was beaten with rods; and all the while, amid the crack of the falling blows, no groan was heard from the unhappy man, no words came from his lips in his agony except "I am a Roman citizen." By thus proclaiming his citizenship he had been hoping to avert all those blows and shield his body from torture; yet not only did he fail to secure escape from those cruel rods, but when he persisted in his entreaties and his appeals to his citizen rights, a cross was made ready—yes, a cross, for that hapless and broken sufferer, who had never seen such an accursed thing till then.

[163] LXIII Does freedom, that precious thing, mean nothing? nor the proud privileges of a citizen of Rome? nor the law of Porcius, the laws of Sempronius^a? nor the tribunes' power, whose loss our people felt so deeply till now at last it has been restored to them? Have all these things come in the end to mean so little that in a Roman province, in a town whose people have special privileges, a Roman citizen could be bound and flogged in the marketplace by a man who owed his rods and axes^b to the favour of the Roman people? When the fire and hot metal plates and the like were brought to torture him, even if his agonized entreaties, his pitiful cries could not stay your hand, was your soul untouched even by the tears and the loud groans of the Roman citizens who then stood by? You dared to crucify any living man who claimed to be a Roman citizen?—Gentlemen, in the earlier part of this trial I refrained from speaking of this matter with my present vehemence; and I did so because, as you could see, the minds of the audience were being strongly excited against Verres by feelings of distress, of hatred, of fear for the general safety. I deliberately kept within bounds, on that occasion, both my own utterances and the evidence of Gaius Numitorius, the eminent Roman knight whom I called as a witness; and I was glad that Glabrio did what it was very wise for him to do—abruptly adjourn the sitting while the witness was still speaking; the truth being that he was afraid that men might see the people of Rome forcibly inflicting upon Verres the retribution which it feared he would escape at the hands of the law and of yourselves as his judges.

[164]—But since it has now been made quite plain to everyone, Verres, how your case is going and what the result for you will be, I will deal thus with you. You declare all of a sudden that Gavius had been a spy.^a Well, I will prove that you had thrown him into prison in the Stone Quarries at Syracuse. And I will not prove this merely by quoting the Syracusan prison records: you shall not be able to say that I found the name Gavius in those records, and then selected it so as to be able to make a fictitious identification of this Gavius with the other. No, I will call witnesses, out of whom you shall make your choice, to testify that this man and no other was thrown into the Quarries at Syracuse by you. I will also put forward fellow-townsmen and intimate friends of his from Consa, who will show you and your judges, too late for you but not for them, that the Publius Gavius whom you crucified was a Roman citizen and a burgess of Consa, and not a spy from the ranks of the fugitives.

[165]LXIV. Now when I have given your friends and supporters ample proof of all these facts that I undertake to prove, I intend to lay hold of the very point which you yourself concede me, and proclaim myself content with that. What did you say yourself the other day, when you leapt up terrified by the shouts and angry gestures of your countrymen—what did you tell us plainly then? That the man kept calling out that he was a Roman citizen simply in order to delay his execution, but was in fact a mere spy. Very well then, my witnesses are telling the truth. It is precisely this that we are told by Gaius Numitorius, by those two well-known gentlemen Marcus and Publius Cottius who come from the Tauromenium district, by Quintus Lucceius who has been an important banker in Regium, and by all the rest. For until now the witnesses I have called have been chosen not from among those who were to state that they knew Gavius personally, but from those who were to state that they saw him when he was being dragged off to be crucified in spite of his proclaiming himself a Roman citizen. This is exactly what you, Verres, say, this is what you admit, that he kept proclaiming himself a Roman citizen, that this mention of his citizenship had not even so much effect upon you as to produce a little hesitation, or to delay, even for a little, the infliction of that cruel and disgusting penalty.

[166]—Of this admission, gentlemen, I lay hold, I stand by this, I am content with this one thing, all the rest may pass unheeded: his own admission must inevitably ensnare him and put the knife to his throat.—You did not know who he was, you had reasons for believing him a spy? I do not ask you what those reasons were. Out of your own mouth I accuse you: the man claimed to be a Roman citizen. If you, Verres, had been made prisoner in Persia or the remotest part of India, and were being dragged off to execution, what cry would you be uttering, save that you were a Roman citizen? You, a stranger among strangers, among savages, among a people inhabiting the farthest and remotest regions of the earth, would have been well served by your claim to that citizenship whose glory is known throughout the world: what, then, of this man whom you were hurrying to execution? whoever he was, he was unknown to you, and he declared himself a Roman citizen: could not that statement, that claim of citizenship, secure from you on your judgement-seat if not remission yet at least postponement of the sentence of death?

[167] LXV. Poor men of humble birth sail across the seas to shores they have never seen before, where they find themselves among strangers, and cannot always have with them acquaintances to vouch for them. Yet such trust have they in the single fact of their citizenship that they count on being safe, not only where they find our magistrates, who are restrained by the fear of law and public opinion, and not only among their own countrymen, to whom they are bound by the ties of a common language and civic rights and much else beside: no, wherever they find themselves, they feel confident that this one fact will be their defence.

[168] Take away this confidence, take away this defence from Roman citizens; lay it down that to cry “I am a Roman citizen” shall help no man at all; make it possible for governors and other persons to inflict upon a man who declares himself a Roman citizen any cruel penalty they choose, on the plea that they do not know who the man is; do this, accept that plea, and

forthwith you exclude Roman citizens from all our provinces, from all foreign kingdoms and republics, from every region of that great world to which Romans, above all other men, have always had free access until now. And then again, when Gavius named the Roman knight Lucius Raecius, who was in Sicily at the time—might you not at least have written to him at Panhormus? Your Messanian friends would have kept your man in safe custody, you would have had him chained and locked up, till Raecius arrived from Panhormus. Should he identify the man, you would no doubt lessen the extreme severity of the sentence: should he fail to do so, then you would be free to set up this precedent, if you chose, that a man who was not known to yourself, and could not produce some person of substance to vouch for him, might be put to death on the cross, even if he were a Roman citizen.

[169] LXVI. But I need say no more about Gavius. It was not Gavius against whom your hate was then displayed: you declared war upon the whole principle of the rights of the Roman citizen body. You were the enemy, I say again, not of that individual man, but of the common liberties of us all. What else was the meaning of your order to the Messanians, who had followed their regular custom by setting up the cross on the Pompeian Road behind the town, to set it up in the part of the town that looks over the Straits? and why did you add words that you cannot possibly deny having used, words that you said openly in the hearing of all—that you purposely chose this spot to give this man, since he claimed to be a Roman citizen, a view of Italy and a prospect of his home country as he hung on his cross? That is the only cross, gentlemen, ever set up in this spot in all Messina's history; and you now see why. This place with its view of Italy was deliberately picked out by Verres, that his victim, as he died in pain and agony, might feel how yonder narrow channel marked the frontier between the land of slavery and the land of freedom, and that Italy might see her son, as he hung there, suffer the worst extreme of the tortures inflicted upon slaves.

[170] To bind a Roman citizen is a crime, to flog him is an abomination, to slay him is almost an act of murder^a: to crucify him is—what? There is no fitting word that can possibly describe so horrible a deed. Not satisfied with all the cruelty I have told you of, “Let him be in sight of his native land,” he cries, “let him die with justice and freedom before his eyes.” It was not Gavius, not one obscure man, whom you nailed upon that cross of agony: it was the universal principle that Romans are free men.—Nay, do but mark the villain's shamelessness! One can imagine how it vexed him to be unable to set up that cross to crucify us Roman citizens in our Forum, in our place of public assembly and public speech: for he picked out the corner of his province that should be most like Rome in its populousness, and nearest to Rome in its position; he would have this memorial of his abandoned wickedness stand in sight of Italy, at the entrance-gate of Sicily, in a place where all who came or went that way by sea must pass close by it.