

Berry, D. Defence Speeches (OUP, 2008; 2017 online): *Pro Caelio* Translation

[1] If, members of the jury, there should happen to be present among us here today anyone who is unfamiliar with our laws, courts, and way of doing things, I am sure he would wonder what terrible enormity this case involves, since on a day of festivities and public games,* when all other legal business is suspended, this court alone remains in session—and he would have no doubt at all that the defendant must be guilty of a crime so terrible that, unless action were taken, the state could not possibly survive! And if he were then to be informed that there is a law* for rebellious and criminal Roman citizens who have besieged the senate-house with arms, used violence against the magistrates, and attacked their country, and that under this law trials may be held on any day of the year without exception, he would not object to the law, but would enquire what charge it is that is before this court. If he were then to be told that no crime, no enormity, and no act of violence has been brought before the court, but that a brilliantly able, hard-working, and popular young man is being accused by the son of someone he has prosecuted once and is now prosecuting again,* and that this attack on him is being financed by a prostitute,* he would find no fault with the prosecutor's sense of filial duty, he would consider that a woman's passions should be kept under control, and he would conclude that you yourselves are overworked, since even on a public holiday you are not allowed the day off!

[2] In fact, if you are prepared to pay close attention and form an accurate view of the case as a whole, you will realize, gentlemen, that none of the accusers would have taken on this prosecution if they had had any choice, nor, having taken it on, would they have had any hope of winning, were it not for their reliance on the insupportable passion and bitter hatred of some other person.* I shall forgive Atratinus, however, a civilized and altogether excellent young man and a friend of mine. He can plead as his excuse either filial duty, or compulsion, or his tender years. If he brought the charge voluntarily, I put it down to his sense of filial duty, if he was acting under orders, I put it down to compulsion, and if he expected to gain something from it, I put it down to his youthful naïvety. As for the other accusers, they deserve no such indulgence, and must be vigorously opposed.

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[3] I think, gentlemen, that the best way of beginning my defence, in view of the youth of Marcus Caelius, is to reply to those slanders which the prosecutors have come up with in order to discredit him and deprive and despoil him of his good name. His father has been cited against him in various ways, either as not himself living in a manner befitting an equestrian, or as having been treated with insufficient respect by his son. As regards the first of these points, those who know Marcus Caelius* and the older ones among us will appreciate that he needs no words of mine to rebut the charge, in silence, himself. Those of us, on the other hand, who are not so well acquainted with him (since his advanced years have long prevented him from mixing with us much or coming into the forum) may rest assured that whatever distinction a Roman equestrian may possess—and it can undoubtedly be very great—has always been judged as belonging to Marcus Caelius in the fullest measure, and is still so judged today, and not just by his own circle but by all those who may for whatever reason have come into contact with him.

[4] In any case, being the son of a Roman equestrian is something that the prosecution should never have used as a slur before these jurors, or before myself as advocate.*

As regards your point about my client's respect for his father, we have our own opinion about that, but the verdict surely lies with the parent. Our own opinion you shall hear from witnesses on oath. As for what his parents feel, that is made clear by his mother's tears and her indescribable grief, and by his father's filth* and all the sorrow and distress that you see in front of you.

[5] Regarding the further objection that the young man is held in low esteem by his fellow-townsmen, the Praetuttians* have never conferred greater honours on anyone in their presence, gentlemen, than they have on Marcus Caelius in his absence. Indeed, they elected him, while he was away, to their senate and granted him, without his asking, certain honours which they refused to the many who did ask for them. They have also sent to this trial a deputation of the most high-ranking

men, fellow senators of mine and Roman equestrians too, and these delegates have brought with them an extremely impressive and eloquent testimonial.

I believe I have now laid the foundations of my defence—which will be very secure if based on the verdict of my client's own people. For this young man would hardly come before you with an adequate [pg 131] recommendation if he had incurred the disapproval of a man such as his father is, or of a town so distinguished and so important.

[6] Indeed, if I may turn to my own situation, it is from just such a source that I issued forth to make my own reputation, and this forensic labour of mine and my career in general have found a rather wider course to public recognition as a result of the recommendation and approval of my friends. Now as for the slur on his sexual morals and the slanderous insults—for they were not proper charges—levelled at him by each of the prosecutors, these will never upset Marcus Caelius enough to make him wish he had been born ugly! For slanders of this kind are commonly directed against any young man of becoming figure and appearance. But slander is one thing, prosecution another. Prosecution requires a basis for a charge, and then to determine the facts, to identify the person responsible, to prove the case by argument, and back it up with evidence. Slander, on the other hand, has no object except to insult. If its character is coarse, it is termed abuse, but if sophisticated, it is termed wit.

[7] Indeed, I was surprised and disappointed that this part of the prosecution was given to Atratinus. For it did not suit him, nor was it appropriate for one so young, nor, as you will have noticed yourselves, did this fine young man's sense of decency allow him to feel at home with language of this sort. I should have preferred it if one of the more hardened prosecutors among you had taken on the task of slandering my client; then I could have contradicted this unfettered slander in rather more free, forcible, and natural terms. But with you, Atratinus, I shall deal more leniently. Your sense of decency leads me to moderate my words, and I ought also to take into account the kindness I have shown towards you and your father.*

[8] I should like, however, to give you a word of advice. First, to prevent anyone forming a wrong impression of the sort of person that you are, you must be as strict in avoiding intemperate words as you are in avoiding shameful deeds. Secondly, you should not say against someone else things that you would blush to hear falsely said against yourself. For who is there who cannot go down that road if they choose? Who is there who cannot direct against your youth and grace the coarsest slanders that he pleases? There may be no grounds whatever for the suspicion—but there will be grounds for an accusation! The blame for the part you have played lies, however, with [pg 132] those who wanted you to take it on. Credit, on the other hand, is due to your sense of decency, because we saw how reluctantly you spoke, and also to your talent, because your speech was elegant and polished.

[9] That speech, however, requires only a brief reply. In so far as Marcus Caelius' youth could have given any grounds for suspicion, let me assure you that it was well protected, first by his own sense of decency, and then by the strict upbringing that he received from his father. After that, as soon as his father had given him the toga of manhood*—and here I will say nothing about myself, leaving you to be the judge of that: I shall only say that his father immediately put him in my charge. During this early period of his youth, no one ever saw Marcus Caelius in the company of anyone other than his father or myself, or at the highly respectable home of Marcus Crassus; and all the while he was receiving a principled education.

[10] As for the charge that Caelius was a friend of Catiline,* he should by rights be wholly above any suspicion of that kind. You know that he was still very young when Catiline, together with myself, was standing for the consulship.* If he ever attached himself to Catiline or detached himself from me—even though there were many patriotic young men who did become supporters of that vile traitor—then let Caelius be reckoned to have been too friendly with Catiline. 'But we know that later on* he even became a political adherent of his: we could see it with our own eyes.' Who is denying it? But at the moment I am only defending that period of youth that is by itself unstable, yet threatened by the passions of others. In that period, when I was praetor,* Caelius was constantly by my side, and did not know Catiline, who was serving as praetor in Africa.* In the year that followed

Catiline was tried for extortion;* Caelius stayed with me, and did not even appear in support of Catiline at his trial. The next year was the year in which I stood for the consulship; Catiline also stood alongside me. Caelius never attached himself to him, and never separated himself from me. [11] So it was only after he had spent many years in the forum without any suspicion or any ill repute that he became a supporter of Catiline, when Catiline was standing for the second time.* How long do you think his youth should have gone on being protected? Back in my day a single year sufficed for keeping our arms inside our togas,* and for our physical training on the Campus Martius, when we wore [pg 133] our tunics;* and if we went straight into the army we served a similar probationary period, in the camp and on campaign. At that age, unless a young man could defend himself by his own strictness of conduct and purity of morals, coupled with a stern upbringing and a certain inborn virtue, he could not escape a bad reputation (and justified, too), however closely his own people kept guard over him. But a man who preserved those first beginnings of youth pure and undefiled never had aspersions cast on his reputation and morals, once he had finally grown up and become a man among men.

[12] Yes, he did support Catiline, after he had spent a number of years in the forum, Caelius that is—just as many others did, from every class and of every age. For Catiline had, as I am sure you remember, a great many indications of the highest qualities*—not fully developed, mind you, but sketched in outline. He mixed with numerous individuals of bad character; yet he pretended to be devoted to the best of men. He had the effect of degrading those around him; yet he could also stimulate them to effort and hard work. The fires of passion burned within him; yet he was a keen student of military affairs. For my part I do not think the world has ever seen a creature made up of such contrary, divergent, and mutually incompatible interests and appetites.

[13] Who was more agreeable, at one particular time, to men of high rank,* and who more intimate with scoundrels? Who at one time a more patriotic citizen, and who a more loathsome enemy of this country? Who more corrupt in his pleasures, and who more able to endure hard work? Who more avaricious in rapacity, and who more lavish in generosity? That man, gentlemen, had many features that were paradoxical. He had a wide circle of friends, and he looked after them well. What he had, he shared with everyone. He helped all his friends in times of need with money, influence, physical exertion, even, if necessary, with recklessness and crime. He could adapt and control the way he was to suit the occasion, and twist and turn his nature this way and that. He could be stern with the serious, relaxed with the free-and-easy, grave with the old, affable with the young, daring with criminals, and dissolute with the depraved.

[14] And so this complex, ever-changing character, even when he had collected all the wicked traitors from far and wide, still held many loyal, brave men in his grasp by a sort of pretended semblance of virtue. Indeed, that dastardly attempt to destroy this empire could never have come [pg 134] into being had not that monstrous concentration of so many vices been rooted in certain qualities of skill and endurance.

Therefore, members of the jury, you should reject the prosecution's argument, and refuse to allow my client's association with Catiline to count against him: this is something he has in common with many other people, including some fine patriots. I, I myself, I tell you, was almost taken in by him on one occasion,* when I took him to be a loyal citizen, eager to be on good terms with all the best people, and a dependable and faithful friend. I did not believe his crimes until I came upon them with my eyes, or suspect them until I had laid my hands on them. If Caelius was also among his wide circle of friends, it is better that he should be angry with himself at his own mistake (just as I sometimes am about my own misjudgement of Catiline) than that he should have to fear a charge of having been a friend of his.

[15] So your speech has gone from slanders about my client's sexual morality to using the conspiracy to stir up prejudice against him. For you implied, although in a hesitant and sketchy manner, that because of his friendship with Catiline, he must have been a member of the conspiracy. At this point not only did the charge fail to hang together, but this fluent young man's speech scarcely did so either. So let me ask you, what terrible madness was there that came over Caelius? What terrible wound had he suffered, either psychologically or in his personal circumstances? And

when was Caelius' name ever mentioned in connection with the conspiracy? I do not wish to go on for too long discussing matters about which there is not the slightest doubt, but this I will say: if Caelius had been a member of the conspiracy, or even if he had been anything other than implacably opposed to it, he would surely never have used a charge of conspiracy* as his preferred means of promoting his youthful abilities.

[16] Apropos of this, I rather think that the question of electoral malpractice and the charges relating to political clubs and the distribution of bribes* (since this is the point I have reached) can be disposed of in the same way. For if Caelius had really sullied his reputation with the unstinted bribery that you speak of, he would hardly have been so insane as to prosecute another person* for the same crime. Nor would he deliberately cause someone else to be suspected of this crime if he wanted to have the freedom to do it [pg 135] himself in the future. Nor indeed, if he thought that he would run the risk of being prosecuted for bribery once, would he have prosecuted someone else for it a second time. In doing this I admit that he has acted unwisely and without my approval. Yet it is the mark of this type of ambition that it pursues the innocence of another person instead of betraying any apprehension on its own account.

[17] As for the charge of debt, the complaints of extravagance, the demands for account-books—see how brief is my reply. A man who is under his father's legal authority does not keep accounts. Caelius has never once borrowed money from one creditor to pay off another. It is one particular form of extravagance that he is charged with, his accommodation. This, you say, costs him 30,000 sesterces a year. Ah, now I understand! The block in which my client rents an apartment for, I think, 10,000 a year has been put up for sale by Publius Clodius. You, wishing to do him a favour, have adjusted your lie to suit his purpose.*

[18] You have criticized Caelius for moving away from his father's house. But at his age that is scarcely something to be criticized. He had just won a success in a political case* which, although unwelcome to me, was a great victory for him, and he was also at an age when he could stand for public office. Moreover, it was not only with his father's permission but with his active encouragement that he moved away from home. For his father lives a long way from the forum, and in order to be able both to visit our houses* more easily and to be visited himself by his own people* he took an apartment on the Palatine at a moderate rent.

While on this subject I can repeat what the illustrious Marcus Crassus said a little while ago, when he was deploring the arrival of King Ptolemy: 'Would that never in Pelion's forest ... '* And I could go on with the quotation: 'for never would a wandering woman' have caused us all this trouble, 'Medea, sick at heart, wounded by a wild passion'. For you will find out, gentlemen, what I shall show you when I come to that point—that this Medea of the Palatine* and the change of residence was the cause of all this young man's difficulties, or rather of all the talk.

[19] So, since I have every confidence in your judgement, gentlemen, I am not in the least afraid of those charges which the prosecution, as I inferred from their speeches, are fabricating to bolster their case. For they gave out that they had a senator* who would testify that [pg 136] he had been assaulted by Caelius at the pontifical elections. If this person comes forward, I will ask him first of all why he did not take legal action there and then; and secondly, if he says he preferred to make a complaint rather than go to law, I will ask him why he has been produced by yourselves rather than coming forward on his own initiative, and why he wished to make his complaint so long after the event rather than at the time. If he can supply me with acute and astute answers to these questions, I will then ask, finally, from what source that senator springs. If it emerges that he himself is his own source and origin, I may well be impressed by this, as I generally am. But if it turns out that he is merely a rivulet drawn off and derived from that very fountain-head* of your prosecution, I shall be delighted that, although you have such great influence and resources at your disposal, you could nevertheless find only a single senator who was prepared to do your bidding.

*(On the witness Fufius.)**

[20] Nor, on the other hand, am I in any way frightened of that other type of witness—those who operate by night. For the prosecution said there would be witnesses who would testify that their wives were assaulted by Caelius when returning from dinner. What impressive witnesses they will

be, who will dare to swear this on oath, when they will also have to admit that they never started legal proceedings regarding these terrible wrongs, even to the extent of requesting a meeting and out-of-court settlement!

You are now in a position, gentlemen, to foresee the whole nature of this attack, and when it is launched it will be your duty to beat it back. For the accusers of Marcus Caelius are not the same people as those who are attacking him: the weapons that are hurled at him in public are supplied by an unseen hand.

[21] I am not saying this to discredit the prosecutors, who are entitled even to feel proud of what they are doing. They are doing their duty, defending those near to them, acting as men of spirit do. When injured, they feel aggrieved; when angered, they let fly; they fight back when provoked. Men of spirit may indeed have just cause for attacking Marcus Caelius. But you in your wisdom, gentlemen, will appreciate that you should not on this account be guided by other people's grievances rather than by your own sense of honour.

You can see what a mass of people there is in the forum, of how many different classes and occupations, what a variety of human-[pg 137] kind. From such a crowd, how many people do you think there are who are used to offering their services, exerting themselves, and promising their evidence, on their own initiative, to powerful, influential, and persuasive individuals, when they believe that there is something those individuals want?

[22] If there happen to be some such people who have forced their way into the present trial, then use your wisdom, gentlemen, to put a stop to their greed! In this way you will show that you have taken consideration at one and the same time for the safety of my client, for your own consciences, and for the general public welfare against dangerous and powerful individuals.

For my part, I intend to draw you away from witnesses. I will not allow the facts of the case, which are unalterable, to be made to rely on witnesses' personal inclinations, which can so easily be manipulated, and which can be twisted and distorted with no difficulty at all. Instead, I shall proceed by means of proofs, and shall refute the charges with indications that are clearer than the light of day. Fact will be pitted against fact, reason against reason, argument against argument!

[23] I am very pleased, therefore, that Marcus Crassus has dealt so impressively and eloquently with the part of the case that has to do with the civil disturbances at Naples, the assault on the Alexandrians at Puteoli, and the property of Palla. I could wish that he had also spoken about Dio.* But on this last point what can you possibly be expecting to hear, given that the perpetrator of the crime has no fear of punishment, or even admits his responsibility? After all, he is a king! The man, on the other hand, who is said to have been his agent and accomplice, Publius Asicius,* has been acquitted of the deed in a criminal trial. So here we have a charge which the guilty party does not deny, whereas the man who did deny it has been acquitted of it. In these circumstances, do you really think my client has any reason to be afraid of the charge when he not only had no involvement in the crime but was not even suspected of being involved in it? And if the help Asicius received from the strength of his case outweighed the harm done to him by the odium of the charge, what harm can your slander possibly do to Caelius, who not only has not been suspected of this particular crime, but has not even been tainted with a bad reputation?

[24] 'But Asicius was acquitted as a result of collusion.' This point is an extremely easy one to answer, especially for me since I was the [pg 138] defence advocate. But Caelius' view is that however strong Asicius' case is (and he thinks it is very strong indeed), it nevertheless has no bearing on his. Nor is this the view of Caelius alone: it is shared by two highly civilized and cultured young men, possessed of the most virtuous principles and the best literary training, Titus and Gaius Coponius, who were more upset than anyone at Dio's death, and who were attached to him both by their common devotion to culture and civilized values and by the ties of hospitality. Dio, as you have heard, was living at Titus' house, and had known him in Alexandria. What he or his most worthy brother thinks of Marcus Caelius you will discover from themselves, if they are brought forward to testify.

[25] So let us put all this to one side, and turn at last to the points on which the case depends.

I noticed, members of the jury, that you were listening to my friend Lucius Herennius with close attention. Although it was primarily his ability and his particular manner of speaking that held your attention, I was nevertheless afraid at times that that speech of his, carefully contrived to suggest guilt, might imperceptibly and gently insinuate itself into your minds. For he had a great deal to say about luxurious living, a great deal about self-indulgence, a great deal about the vices of the young, and a great deal about morals. In his life away from the court Herennius is a gentle soul, and elegantly exemplifies the familiar charm and good manners which just about everyone admires nowadays; but in this trial he has shown himself the grimmest type of uncle, moralist, and schoolmaster. He castigated Marcus Caelius as no father ever did his own son; he gave a long lecture on licentiousness and profligacy. In short, gentlemen, I began to excuse your listening so attentively because I myself was shuddering at so grim and so severe a way of talking.

[26] The first part of his speech, however, troubled me less. He claimed that Caelius was on familiar terms with my friend Bestia, that he dined at his house, that he visited him frequently, and that he supported his campaign for the praetorship.* These allegations do not trouble me because they are patently false. For the people that Herennius claimed were present at these dinner parties are all people who are either unavailable or else under an obligation to back him up. I am not troubled, either, by his assertion that Caelius is a colleague of his in the Luperi.* Clearly the fraternity of the Luperi must be a savage brotherhood, rustic and wild, an association of backwoods-[pg 139] men formed before the invention of laws and civilization, if its members today not only prosecute one another but even allude to their common membership in the course of their prosecution, apparently afraid in case anyone should be unaware of the connection!

[27] But I am going to leave out all of this, and pass on to the points that trouble me more. Herennius' castigation of pleasures was lengthy; it was also calmly delivered, more like a disputation than a harangue, which is why it was listened to so attentively. As for my friend Publius Clodius,* although he threw his weight about very impressively and energetically and gave a fiery speech in the strongest language and at the top of his voice, I found that I thought highly of his oratory without, however, being alarmed by it—for I had seen him in a number of cases on the losing side. No, it is you, Balbus,* that I must reply to first, in all humility, if you will allow me, if it is lawful, that is, for me to defend a man who has never refused an invitation to a dinner party, who has visited a pleasure-garden, who has used perfume, and who has set eyes on Baiae!*

[28] I have in fact seen and heard of many men in our nation who have not merely taken a sip of this kind of life and touched it with their fingertips, so to speak, but have devoted the whole period of their youth to the pleasures of the flesh, and who even so have eventually risen above it all and turned over a new leaf, going on to become respected and famous citizens. Everyone agrees that the young should be allowed to play around a little, and nature herself has been generous in supplying them with youthful passions; and if these passions should burst out into the open, then so long as they do not upset anyone's life or break up anyone's home they are generally regarded as unproblematic and easy to put up with.

[29] But it seemed to me that what you were trying to do was to use the bad reputation of young men in general to stir up prejudice specifically against Caelius. So all that silent attention which was paid to your speech can be put down to the fact that, while there was a single defendant on trial, we were reflecting on the vices of many.

It is easy to attack luxurious living. Daylight would soon fail me if I tried to set forth everything that could be said on the topic: corruption, adultery, wantonness, extravagance—it's a vast subject! Even if you have no defendant to accuse but just the vices in general, the subject in itself offers scope for a full and damning attack. But wise [pg 140] men like yourselves, gentlemen, should not be diverted from the person of the defendant himself. Your own strictness and stern responsibility give you barbs that you can deploy. The prosecutor has aimed these barbs at an abstraction—at vices, at morals, at the age in which we live. You, on the other hand, ought not to deploy them against an individual defendant, when he has been subjected to an unwarranted prejudice not through any fault of his own, but because of the failings of many others.

[30] I shall not venture, therefore, to reply to your criticisms as I ought. For I could ask you to make an exception for the young, and beg your pardon. But, as I say, I shall not do this: I shall not take refuge in my client's youth, and I give up the rights to which anyone would be entitled. All I ask is that, whatever general disapproval there may currently be concerning young men's debts, dissipation, and licentious behaviour—and I know that on this subject there is considerable disapproval—my client should not be made to suffer for other people's misdemeanours, or for the vices of youth and of the age in which we live. And yet, although I am making this request, I have no objection to providing the most conscientious answers to those charges which actually relate to my client specifically.

There are two charges, one about gold and one about poison;* and behind both of them one and the same person is to be found. Gold was taken from Clodia, and poison was sought to be given to Clodia—or so the prosecution claim. All the other accusations are not charges but slanders, more appropriate to an abusive slanging-match than to a public trial. 'Adulterer, pervert, dealer in bribes!'—this is the language of slander, not of prosecution. There is no basis for such charges, no foundation; they are insulting remarks thoughtlessly spouted by an angry prosecutor who has no authority for what he says.

[31] But as for the two charges, I can see their originator, I can see their source, I can see the specific individual who is their fountain-head. Caelius needed gold: he took it from Clodia, he took it without any witness being present, and he kept it as long as he wanted it. Here I detect the strongest evidence of an extremely close friendship! He wanted to kill Clodia: he sought poison, pestered those he could for it, somehow obtained it, fixed on a place, and conveyed the poison there. Here I detect a bitter hatred, following upon a cruel rupture!

In this trial, members of the jury, everything has to do with [pg 141] Clodia, a woman who is not only of noble birth, but notorious. In talking about this woman, I shall say only what I need to say to rebut the charge.

[32] You with your remarkable understanding, Gnaeus Domitius,* will appreciate that we are concerned with this woman alone. If she denies that she lent gold to Caelius, if she does not allege that he obtained poison to use against her, then I am behaving outrageously in referring to a respectable mother in terms other than those due to a saintly Roman matron. But if this woman is eliminated from the case, the prosecution are left with neither charges nor resources with which to attack Marcus Caelius—so surely I as his advocate have no choice but to repel those who are assailing him? Indeed, I would do this more vigorously, were it not for the fact that I am restrained by my personal enmity with this woman's husband, I mean her brother*—I'm always making that mistake! I shall treat her gently, then, and go no further than my duty to my client and the demands of the case require. Indeed, I never thought I would be getting involved in quarrels with women, especially with one who is always thought of as every man's friend rather than any man's enemy!

[33] But I should like to ask her first whether she would prefer me to deal with her in a stern, solemn, old-fashioned way or in a relaxed, easy-going, modern way. If she chooses the severe mode of address, then I must call up from the underworld one of those bearded ancients—not with the modern type of goatee beard that she takes such pleasure in, but the rough type such as we see on antique statues and masks*—to castigate the woman and speak in my place (for otherwise she might become angry with me!). Let me therefore summon up a member of her own family—and who better than the famous Caecus?* He, at any rate, will be the least shocked at her, since he will not be able to see her!

[34] If he appears, this is, I am sure, how he will treat her, this is what he will say: 'Woman! What do you think you are doing with Caelius, with a man much younger than yourself, with someone from outside your own family? Why have you been either such a friend to him that you lent him gold or such an enemy that you were afraid of poison? Did you not notice that your father, or hear that your uncle, your grandfather, your great-grandfather, your great-great-grandfather and your great-great-great-grandfather were all consuls? And were you not aware that you were recently the wife of [pg 142] Quintus Metellus,* that illustrious and valiant lover of his country, who only had to step out of his front door to surpass virtually every one of his fellow citizens in excellence, fame,

and standing? Coming from such a distinguished family yourself, and marrying into one so illustrious, what reason did you have for linking yourself so closely to Caelius? Was he a blood-relation, a relation by marriage, a friend of your husband? He was none of these. What, then, was the reason—unless it was some reckless infatuation? And if you were not influenced by the masks of the men in our family, did my own descendant, the famous Quinta Claudia,* not inspire you to rival our family's glory in the splendid achievements of its women? Or were you not inspired by the famous Vestal virgin Claudia* who, at her father's triumph, held him in her arms and so prevented him from being pulled down from his chariot by a hostile tribune of the plebs? Why was it your brother's vices that influenced you, rather than the virtues of your father and ancestors, virtues that have been repeated down the generations from my own time not only in the men but particularly in the women of our family? Did I destroy the peace treaty with Pyrrhus so that you could strike the most disgraceful sexual bargains on a daily basis? Did I bring water to the city for you to foul with your incestuous practices? Did I build a road so that you could parade up and down it in the company of other women's husbands?"

[35] But why, members of the jury, have I brought on this solemn character when there is a danger that Appius might suddenly turn round and start accusing Caelius with that censorial severity of his? But I shall take care of that later on; and I am confident, gentlemen, that I shall be able to defend Marcus Caelius' private life before even the strictest judges. But as for you, woman (I am no longer using a character, but am speaking to you directly), if you intend to justify your actions, your assertions, your charges, your intrigues, your allegations, then you must give a full account and explanation of this familiarity, this intimacy, this entire relationship. The prosecutors go on about orgies, love-affairs, adultery, Baiae, beach parties, dinner parties, carousing, singing, musical entertainments, pleasure-boats—and they imply that they have your approval for everything they say. And since in what appears to be a moment of sheer, unbridled madness you have wanted all this brought up in the forum and in court, you must therefore either explain it away and show it to be untrue or [pg 143] else admit that neither your charge nor your evidence is to be believed.

36] You may, on the other hand, prefer me to deal with you in a smart, modern way; if so, this is what I shall do. I shall get rid of that harsh and almost rustic old man, and choose instead a different member of your family: your youngest brother.* He is the very model of smart, modern manners, and he is exceedingly fond of you. Indeed, when he was a little boy, being, I assume, of a somewhat timid nature and inclined to feel frightened at night for no reason, he always used to sleep with you, his elder sister!* So imagine what he would say to you: 'What's all this fuss about, sister? Why have you gone mad? Why do you protest so much, and make so much of nothing?*' You happened to notice a boy who lives nearby. You were attracted by his fair complexion, his tall figure, his face, his eyes. You wanted to see him more often. You sometimes spent some time with him in the same pleasure-gardens. You are a noble lady and he has a stingy, parsimonious father. You want to keep him tied to you with your money, but you can't: he kicks against the goad, spurns and rejects you, and thinks nothing of your presents. Try somewhere else, then! You own pleasure-gardens on the Tiber carefully sited where all the young men like to come for a swim. You can pick up whatever you fancy there any day you like. So why go on bothering this man who is not interested in you?"

[37] I come to you now, Caelius: it is your turn; and I am going to assume a father's authority and strictness. But I am unsure which particular father I ought to choose—the harsh, overbearing one in Caecilius:* 'Now at last my mind is ablaze, now my heart is heaped with anger,' or perhaps this one: 'You wretch, you villain!' Those fathers must be made of iron: 'What am I to say? What am I to wish for? By doing such disgraceful deeds, you make all my wishes vain'—intolerable! A father like that would say, 'Why did you go to live so near to that prostitute? Why did you not flee the moment you became aware of her allurements?*' Why have you got to know a woman who is a stranger to us? Scatter and squander for all I care! If you run out of money, it'll be you that suffers; I have enough to see me through the years I have left.'

[38] To this blunt and morose old man Caelius would reply that no passion had led him astray, nor had he deviated from the straight and narrow. And what evidence did he have? There had been no [pg 144] extravagance, no waste, no borrowing from one creditor to pay off another. But there were

rumours. How many of us can escape such rumours, particularly in a city so full of slanderers? And are you surprised that this woman's neighbour acquired a bad reputation when her own brother was unable to escape unkind gossip?*

But to a mild and lenient father—the sort who would say, 'He has broken open a door: it can be repaired; he has torn someone's clothes: they can be mended'*—Caelius' case is an extremely easy one to make. For what charge could there possibly be that he would not find it easy to defend himself against? I am not at this point saying anything against that woman.* But if there were some woman quite unlike her who made herself available to everyone, who always had some man that she had openly designated as her lover, whose pleasure-gardens, house, and place at Baiae were open as of right to every lecher, who even kept young men and made up for their fathers' stinginess by paying them herself; if there were a widowed woman living shamelessly, a wayward woman living wantonly, a wealthy woman living extravagantly, and a lustful woman living like a prostitute, then am I really to think of it as criminal if some man should happen to have greeted her a little too freely?

[39] But someone will object: 'Is this, then, your way of bringing up the young? Is this how you educate them? Was it this that the boy's father had in mind when he entrusted his son to your care and handed him over to you—for him to devote his youth to lustful pleasures, and for you to defend that kind of life and pursuits?' For my part, members of the jury, if there ever existed a man with so firm a mind and a character of such virtue and self-control as to reject every pleasure and to dedicate the whole course of his life to physical toil and mental exertion, a man who took no pleasure in rest, in relaxation, in the pursuits of his contemporaries, in making love, or in partying, and who considered that nothing in life was worth striving for unless it led to glory and renown—such a man, it seems to me, must have been endowed and distinguished with qualities that are more than human. There have indeed been men like that, or so I believe—men like Camillus, Fabricius, and Curius,* and all the others who built Rome's greatness out of nothing.

[40] But virtues of that kind are not much in evidence nowadays: you can scarcely now find them in books. The pages which recorded the ancient austerity have themselves wasted away. And this is true [pg 145] not just of us Romans, who have adopted this approach to life in practice more than we have in theory, but of the Greeks also, men of considerable learning who, although not up to achieving great deeds, were nevertheless capable of speaking and writing with integrity and brilliance; and now that times have changed for Greece,* different moral rules have come to prevail.

[41] For there are some* who have asserted that the wise man does everything for the sake of pleasure, and learned men have not refrained from talking in this disgraceful way. Then there are others who have supposed that virtue can be combined with pleasure, thus joining by verbal cleverness two things that are entirely incompatible. As for those who have demonstrated that the only direct road to glory consists in hard work, they have now been virtually abandoned in their lecture-rooms.

It is certainly true that nature herself has provided us with many temptations which sometimes cause virtue to slumber and lie still. She has presented the young with many slippery paths on which they can scarcely set foot or walk upon without some accident or fall. She has set out a large assortment of delightful charms to which not only the young but even those of maturer years can sometimes succumb.

[42] So if you should happen to come across anyone who shuns the sight of beauty, who is never attracted by any fragrance or touch or taste, who blocks all sweet sounds from his ears, I, perhaps, and some of you might consider him the recipient of the gods' favour, but most people will reckon him the object of their wrath.

So let us abandon this unused and neglected path, now blocked with branches and undergrowth. Let some allowance be made for youth, some freedom given to the young. Let pleasure be not always denied, and true and unbending reason not always prevail. Let desire and pleasure sometimes triumph over reason, provided that in such cases the following rule and limitation be observed. A young man should guard his own reputation, and not attack anyone else's. He should not squander

his inheritance nor cripple himself with high-interest loans. He should not assault anyone's home and family. He should not bring shame upon the virtuous, dishonour upon the respectable, or disgrace upon the good. He should threaten no one with violence, have nothing to do with plots, and steer clear of crime.

And finally, when he has heeded the call of pleasure and devoted a moderate amount of time to playing around and to the empty desires of youth, he should turn at last to his duties at home, to his work in [pg 146] the courts, and to public life. In this way he will show that satiety has caused him to reject, and experience to despise, those things which reason, at an earlier time, had not enabled him to disdain.

[43] Indeed, gentlemen, there have been many leading men and illustrious citizens, both in our own times and within the memory of our fathers and ancestors, who, once their youthful desires had simmered down, went on in their maturity to exemplify the very highest virtues. I prefer not to mention any of them by name: you will recall them for yourselves. It is not my intention to associate the great renown of any valiant and distinguished personage* with even the slightest misdemeanour. But if I did wish to do this, I could point to many eminent and leading men who were notorious during their youth for their licentious behaviour or for their reckless extravagance, the size of their debts, their lavish expenditure, and their wanton passions, but whose vices were later so completely eclipsed by their many virtues that anyone who wished could explain them away on the score of youth.

[44] But in Marcus Caelius—for I shall now speak more boldly about his honourable pursuits, since I also have sufficient trust in your wisdom to make certain other admissions to you—in Marcus Caelius you will discover no extravagance, no lavish expenditure, no debts, and no passion for parties and dens of vice. As for the vice of excessive eating and drinking, that is something which not only does not diminish but actually increases as a man's life goes on. And as for love-affairs and what are called 'amours'—which do not generally trouble men of strong character for long (for such passions wither away rapidly and soon)—these have never held him prisoner within their grasp.

[45] You have heard him speaking in his own defence, and you have heard him speaking before as a prosecutor* (I say this for his defence, not as a boast): with your customary discernment you have taken note of his oratorical style, his technical ability, and the richness of his thought and expression. And it was not merely his natural talent that you saw shining out in his oratory—something which, even if not backed up by hard work, can nevertheless make its mark on its own by its sheer power; no, his oratory contained (unless my partiality has clouded my judgement) a theoretical foundation based on a sound liberal education and perfected by careful and unremitting toil.

[pg 147] And yet you should realize, gentlemen, that the passions with which Caelius is charged and these pursuits about which I have been speaking cannot easily exist in one and the same person. For it is impossible that a mind given over to passion and hampered by love, desire, greed, often by too much money, but sometimes by too little, can possibly undertake whatever it is that we manage to achieve in speaking, and in the way that we achieve it, and not only as regards the physical exertion, but also in terms of the mental effort needed.

[46] Can you think of any other reason why, when public speaking brings such rewards, such personal satisfaction, such renown, such influence, and such honour, there are and always have been so few people willing to undertake this burdensome profession? All pleasures have to be trampled underfoot, enjoyable recreations, amusements, fun, and parties have to be renounced, and even conversation with one's friends virtually given up. It is therefore the work required that puts people off public speaking and discourages them from taking it up, not any lack of talent or childhood training.

[47] So if Caelius had really given himself up to the kind of life that is alleged, would he, when still a young man, have brought a prosecution against an ex-consul?* If he shied away from hard work, if he were enslaved to pleasure, would he do battle here every day, go in search of personal enmities, bring prosecutions, and run the risk of being prosecuted himself, and would he also

maintain for so many months now and in full view of the entire Roman people a struggle* for one of two things—his own political survival, or glory?

'So are you honestly saying, then, that that neighbourhood* gives off no tell-tale scent, that public gossip amounts to nothing, that Baiae itself has no tale to tell?' Certainly, Baiae talks all right, and not only that, it resounds with this report—that the lusts of a single woman have sunk to such depths that she does not merely decline to seek seclusion and darkness with which to veil her immoralities, but openly revels in the most disgusting practices amid crowds of onlookers and in the broadest light of day!

[48] But if there is anyone who believes that young men should not be allowed to have relations even with prostitutes, his view is undoubtedly a strict one (I will not deny that), but also one that deviates both from the permissiveness of the present age and from the custom and allowances of our ancestors. For when was such a thing not common practice, when was it ever criticized, when was [pg 148] it ever forbidden, and when was what is allowed now ever not allowed?

At this point I want to explain what I will be talking about. I shall mention no woman by name: that much I shall leave unclear.

[49] But if a woman without a husband throws open her home to every lecher and publicly leads the life of a prostitute, if she is used to attending dinner parties given by men to whom she is completely unconnected, if she carries on like this at Rome, in her pleasure-gardens, and among the crowds at Baiae, and if she conducts herself in such a way that not only her bearing but also her dress and entourage, not only her blazing eyes* and her loose language but also her embraces, her kisses, her beach parties, her boating parties, and her dinner parties all declare her to be not simply a prostitute but a lewd and lascivious prostitute at that—and if some young man should chance to take up with her, then would you, Lucius Herennius, regard that man as an adulterer or as merely a lover, as someone who intended to violate her chastity or merely to satiate his own appetite?

[50] I am forgetting the wrongs you have done me, Clodia. I am putting aside the memory of the pain you have caused me. The cruelties you inflicted on my family when I was away* I choose to ignore. So do not think what I said was directed against you. But I do want you to answer me this yourself, since the prosecution declare that you are responsible for the charge, and that you are also their witness to it. If a woman did exist like the one I have just been describing, a woman quite unlike yourself I hasten to add, one with the life and habits of a prostitute, would you consider it so very shocking and disgraceful if a young man should have had some dealings with her? If, then, you are not this woman, as I prefer to believe, what criticism can the prosecution possibly make of Caelius? But if they would have it that you are, then what reason do we have to be afraid of this charge, when you think nothing of it? Show us, therefore, the line we must take in our defence. For either your own fundamental decency will make it clear that Caelius has not acted immorally, or else your utter lack of decency will provide both him and all the rest with an ample means of justifying their behaviour.

[51] Since my speech seems now to have got clear of the shallows and avoided the rocks, the rest of what I have to say should all be plain sailing. Two very serious charges are brought against Caelius, [pg 149] both involving the same woman. First there is the gold, which he is alleged to have taken from Clodia. And then there is the poison, which he is charged with having procured to bring about this same Clodia's death.*

He took the gold, you say, to give to the slaves of Lucius Luceius,* so that they could murder Dio of Alexandria, who was at that time staying at Luceius' house. It is certainly a serious charge, to allege that someone plotted to kill envoys or incited slaves to murder their master's guest—a plot full of wickedness, full of criminality!

[52] And in reply to such a charge I should first like to ask whether Caelius told Clodia his reason for taking the gold or whether he did not. If he did not, then why did she hand it over? If he did, then she too is implicated in the crime. Did you dare, then, to fetch the gold from out of your chest, to strip of its adornments that Venus of yours,* loaded with the spoils from your other lovers, when you knew what a terrible crime this gold was wanted for—to bring about the murder of an envoy, and to cast on Lucius Luceius, a man with the most scrupulous sense of honour, the everlasting

taint of criminality? That welcoming heart of yours should never have consented to so horrific a crime, that open house of yours should never have aided it, that hospitable Venus of yours should never have abetted it.

[53] Balbus was aware of this point. That is why he said that Clodia was kept in the dark, and that Caelius gave her the excuse that he needed the gold to pay for some games. But if he was as close a friend of Clodia's as you made out when you were lecturing us on his morals, then he did without question tell her why he wanted the gold; if, on the other hand, he was not so close a friend, then she did not give it to him. So if Caelius told you the truth, you shameless woman, you knowingly gave him gold to commit a crime; and if he did not bring himself to tell you, you never gave it! Why, then, do I need to counter this charge with endless arguments? I could point out that the character of Marcus Caelius is entirely incompatible with such an atrocious and terrible crime, and that it is scarcely credible that such an intelligent and sensible man did not realize how stupid it would be to entrust a criminal act of this magnitude to unknown slaves belonging to another master. I could also put to the prosecution the usual questions regularly asked by myself and other advocates: where did the meeting between Caelius and Lucceius' slaves take place, and how did Caelius make contact [pg 150] with them? If it was in person, how rash of him! If it was through someone else, then through whom? I could talk you through every possible hiding-place where suspicion could lurk, but no motive, no location, no opportunity, no accomplice, no prospect of bringing off the crime or covering it up, no rational scheme, and no trace whatever of such a serious undertaking would come to light.

[54] These are the sort of proofs that orators use, and they could have brought me some benefit (not because of any talent I might have, but simply because of my experience and practice in public speaking): they would give the impression of having been worked up by me on my own and presented in evidence. But to keep matters brief I will forgo all such arguments. For I have instead, members of the jury, a man whom you will readily accept as a partner in the sacred bond of your oath, Lucius Lucceius, a man of complete integrity and a most impressive witness.* If so terrible a crime really had been directed against his position and his good name by Marcus Caelius, he could not have failed to hear of it, could not have ignored it, and could not have tolerated it. Or is it conceivable that so civilized a man, with those scholarly interests of his, with all that culture and learning, could have ignored a danger which threatened that very person to whom he was devoted precisely because of those interests that they shared? And would he have failed to protect his own guest against a crime which, even if intended against someone he did not know, he would have viewed with the utmost seriousness? Would he have ignored his own slaves' attempt to commit an act which, even if he discovered that strangers were responsible for it, would have caused him great distress? Would he have taken a relaxed view of a deed undertaken at Rome and in his own house which, even if it had been committed in the country or in a public place, he would have denounced in the strongest terms? Would he, as an educated man himself, have thought it proper to conceal a plot against a man of learning which, even if it were some rustic who was in danger, he would not have let pass?

[55] But why do I detain you any longer, gentlemen? He himself has sworn a statement on oath. Please take note of its solemnity, and mark carefully every word of his evidence. Read out the evidence of Lucius Lucceius.

(The evidence of Lucius Lucceius is read to the court.)

What more do you want? Or perhaps you are waiting for the case [pg 151] itself, and for truth, to speak out with a voice of their own? No, it is this that is the defence of the innocent, this is the speech of the case itself, this is the sole voice of truth!

The charge itself offers no grounds for suspicion, the facts no proof of guilt. The business that is alleged to have been transacted has left no trace of what was said or where or when. No witness, no accomplice has been named. The entire charge arises out of a malevolent, disreputable, vindictive, crime-ridden, lust-ridden house. The house which is alleged to have attempted this unspeakable crime, on the other hand, is a house of principle, honour, duty, and conscience. From this house you have just heard a statement made under solemn oath. This will leave you in not the slightest doubt

about the matter in dispute—whether an impetuous, capricious, and angry woman has fabricated a charge, or whether a serious, scholarly, and temperate gentleman has given his evidence conscientiously.*

[56] There remains the charge about poison.* But with this I am unable either to discover a beginning or to unravel an end. For what reason could Caelius possibly have had for wanting to poison that woman? So that he would not have to return the gold? But did she ever ask for it back? To avoid being accused? But did anyone ever consider him to be guilty? And would anyone ever have mentioned his name at all if he had not brought a prosecution against somebody himself? Moreover, you heard Lucius Herennius say that he would not have had a single word to say against Caelius were it not for the fact that Caelius has now brought a second prosecution against his friend on the same charge as that on which he has already been acquitted.* Is it really credible, then, that so horrific a crime* was committed for no reason at all? And can you not see that an extremely serious charge* has been fabricated simply in order to provide a motive for the second of the two alleged crimes?

[57] Finally, in whom did he confide, whom did he use as his helper, who was his assistant, who was his accomplice, to whom did he entrust so great an undertaking, entrust himself, entrust his own life? The woman's slaves? For that is what has been claimed. But do you think that my client—whom you certainly credit with some intelligence, even though your hostile language denies him other qualities—do you think he was really so stupid as to entrust his entire fate to someone else's slaves? But what type of slaves were they [pg 152] (and this is a very important point): were they slaves whom he knew were treated not as other slaves are, but were permitted to enjoy a free, easy, and intimate relationship with their mistress? For who is not aware, gentlemen, that in a household like this in which the lady of the house behaves like a prostitute, in which nothing that goes on is fit to be made public, in which perverted lusts, extravagant living, and all kinds of outlandish vices and outrages are rife—who does not realize that in such a household the slaves are slaves no longer? In that household every trust is placed in them, everything is left to them, they indulge themselves in the same pleasures as their mistress, they are let into her secrets, and they do quite well for themselves out of the spending and extravagance that goes on on a daily basis.

[58] So was Caelius unaware of all this? If he was as intimate with the woman as you make out, then he would of course have been aware that her slaves were intimate with her too. But if his relationship with her was not as close as you would have us believe, then how could he possibly have been on such close terms with the slaves?

Now regarding the actual poison, what theory is made up about that? Where was it sought from, how was it obtained, how, to whom, and where was it handed over? The prosecution claim that Caelius already had it at home, that he tried it out beforehand on some slave that he had bought for the purpose, and that the speedy death of the slave demonstrated the poison's effectiveness.

[59] Immortal gods! Why, when people commit the most terrible crimes, do you sometimes overlook what they have done, or else postpone retribution to some future time? For I saw, I saw with my own eyes and drank down that bitter grief—the most bitter, perhaps, that I ever experienced—on the day when Quintus Metellus* was snatched from the bosom and embrace of his country, when that great man, who considered himself born for the service of our empire, only two days after he had been at the height of his powers in the senate-house, on the rostra, and in our public affairs, when in the prime of his life, in the best of health, and in full bodily vigour, was most shamefully torn from the company of every loyal citizen and the entire nation. At that moment, as he lay dying and his mind in all other respects was already overpowered, he kept back his final thought for his country, and fixing his eyes on me as I wept he signified to me in halting and dying words how terrible a storm was hanging over my head, and how violent a tempest threatened the state.* Then, striking again and [pg 153] again the wall which divided his house from the one where Quintus Catulus* had lived, he repeatedly called out Catulus' name, and often my own, but most often that of Rome, bewailing not so much the fact that he was dying as that Rome, and I too, would henceforward be robbed of his protection.

[60] And had not so great a man been struck down by a sudden, violent crime, just think how he, as a senator of consular rank, would have stood up to his deranged cousin*—especially given that, when he was consul and his cousin was only just starting his revolutionary madness and beginning to stir up trouble, he had declared in the senate's very hearing that he would kill him with his own hand! So does that woman, coming from this of all houses, really have the gall to start debating about the celerity* of poison? Will she not rather be terrified of that house, in case it should cry out her guilt? Will she not shudder at the walls which know her secret and tremble at the memory of that deadly, mournful night? But I return to the charge. Indeed, the reference I have made to that illustrious and valiant gentleman has caused grief to weaken my voice and sorrow to cloud my mind.

[61] It is not stated, however, where the poison came from, or how it was obtained. The prosecution allege that it was given to Publius Licinius who is here in court, a decent and patriotic young man and a friend of Caelius; that an arrangement was made with the slaves for them to come to the Senian baths; and that Licinius would join them there and hand over the box of poison to them. At this point I want to ask first, why was it necessary to arrange to meet at the baths? Why did the slaves not simply go to Caelius at his home? If Caelius and Clodia were still seeing so much of each other, and were still on such friendly terms, then surely there could be nothing suspicious about a slave of Clodia's being seen at Caelius' apartment? But if by this time a quarrel had arisen between them, their relationship was over, and they had split up, then 'that explains the tears'* and there we have the reason for all these crimes and charges.

[62] 'On the contrary,' he says, 'when the slaves reported the plot to their mistress and told her of Caelius' treachery, that intelligent lady instructed them to promise him whatever he asked. But so that Licinius could be caught in the act of handing over the poison, she also ordered that the Senian baths be specified as a meeting-place: she would send some of her friends there to lie in wait and then suddenly, when Licinius had arrived and was handing over the [pg 154] poison, they would jump out from their hiding-places and arrest him.'

All this, members of the jury, is extremely easy to refute. For why had she fixed upon the public baths of all places? I cannot see that there would have been any hiding-places there for men in togas! For if they were in the forecourt of the baths, they would not have been hidden from view; but if they were prepared to stow themselves away inside, it would have been rather awkward for them in their shoes and outdoor dress, and they might even have been refused entry—unless of course that influential lady had made friends with the attendant beforehand by means of her usual one-penny transaction!*

[63] It was, let me tell you, with an eager sense of anticipation that I kept waiting to discover the identities of those fine fellows who are alleged to have witnessed the interception of the poison; and we have still not been informed of their names. But I have no doubt that they are very responsible characters. For one thing they are intimate friends of this great lady. Then again, they willingly took on the job of being packed away inside the baths, something she could never have prevailed on them to do, however influential she might be, had they not been men of the very highest honour and respectability. But why do I need to discuss the respectability of these witnesses? You can judge their character and their diligence for yourselves. 'They hid in the baths.' What admirable witnesses! 'Then they jumped out by mistake.' What self-control! For the story you have made up is that when Licinius had arrived on the scene with the box in his hand and was endeavouring to hand it over but had not yet actually done so, then all of a sudden out flew these highly distinguished but anonymous witnesses; at which point Licinius, having already stretched out his arm to hand over the box, drew it back again at this sudden attack and took to his heels.

How great is the power of truth! How easily it can defend itself, unaided, against the ingenuity, craftiness, and cunning of human beings, and against their lies and plots!

[64] Take, for instance, this little drama, the work of an experienced poetess with a great many plays to her credit:* how devoid it is of plot, how lacking in any proper dénouement! What about all those men (and there must have been more than a few of them if they were to arrest Licinius without difficulty and also provide sufficient eye-witness evidence): why did [pg 155] they let

Licinius slip through their hands? Why should it have been more difficult to arrest Licinius after he had drawn back from handing over the box than it would have been if he had actually handed it over? The men were, after all, posted where they were precisely in order to arrest Licinius, to catch Licinius* in the act either when he had the poison on his person or after he had handed it over. That was the woman's whole idea, and that was the job of the men she asked to help her. And why you say that they mistakenly jumped out too soon, I simply cannot fathom. They had been asked to do this and had been stationed there specifically for this purpose, to expose the poison, the plot, and the crime that was being committed.

[65] Could they in fact have chosen a better moment to jump out than when Licinius had arrived on the scene and was holding the box of poison in his hand? Indeed, if Licinius had already handed it over to the slaves, and the woman's friends had immediately gone out of the baths and arrested him, he would surely then have been imploring their protection and strenuously denying that it was he who had handed over the box. And how would they have proved him wrong? By saying that they had seen him? In the first place, that would only have served to bring down on themselves the suspicion of having committed so terrible a crime. And secondly, they would be claiming to have seen what they could not possibly have seen from the point where they had been stationed. That is why they revealed themselves, instead, at the moment when Licinius had arrived on the scene and was getting out the box, stretching out his arm, and handing over the poison. So here we have the conclusion, not of a proper play, but of a mime—of the sort in which, when no one has managed to devise a satisfactory ending, someone escapes from somebody else's clutches, the clappers sound, and up goes the curtain.*

[68] I ask, then, why it was that, when Licinius was hesitating, dithering, retreating, and trying to flee, those woman-led warriors allowed him to slip through their hands? Why did they not arrest him, why did they not use his own confession, the testimony of the many eye-witnesses who were present, and the cry of the deed itself to press home the charge of so terrible a crime? Could they really have been afraid that they would not be able to overcome him, they being numerous and he all on his own, they strong and he weak, they confident and he terrified?

No arguments counting against my client can be found in the facts [pg 156] of the case, nor any grounds for suspicion, nor does the charge itself give rise to any conclusion. In the absence, therefore, of arguments, of inferences, and of those indications which normally shed light on the truth, this case is thrown back entirely upon the witnesses. These witnesses, gentlemen, I now await not just without any trepidation, but even with some expectation of amusement.

[67] I am bursting to set eyes on those elegant young men, the friends of a wealthy and noble lady, and on those valiant warriors stationed by their commandress in a fortified ambush at the baths. I intend to ask them how and where they hid themselves, whether it was the famous bath-tub or a Trojan horse that carried and concealed so many invincible heroes waging a woman's war. I shall also make them answer this, why so many big, strong men failed either to arrest this single, defenceless person (whom you see here) when he was standing still or else catch up with him when he was running away. If they do come forward to testify, I do not see how they will ever succeed in extricating themselves. They may be witty and clever at dinner parties, and sometimes even eloquent over a glass of wine. But a dining-room is one thing and the forum another; the couches there and the benches here are altogether different; the sight of revellers and the sight of jurors is not the same; and the light of lamps is quite unlike the light of day. We will therefore shake all their frippery and tomfoolery out of them—if, that is, they come forward. But let them take my advice: let them turn their energies in another direction, let them ingratiate themselves by a different means, let them show off in some other way, let them impress that woman by their elegance, let them outdo all others in their extravagance, let them cleave to her side, lie at her feet, be her slaves—but let them also spare the life and fortunes of an innocent man!

[68] 'But these slaves have been given their freedom on the advice of the woman's relations, illustrious men of the very highest rank.' At last we have found something that she is supposed to have done on the advice and authority of her valiant relations! But I am curious to know what is behind this act of liberation. It must mean either that a charge had been fabricated against Caelius,

or that the prosecution wished to prevent the slaves being interrogated, or that the slaves who were party to so many of her secrets were receiving their well-earned pay-off.* 'Nevertheless', the prosecution say, 'her relations did approve.' And why should they not, since, as you told us [pg 157] yourself, the information that you presented them with was not brought to you by others but was personally discovered by you?

[69] At this point are we even surprised if that fictitious box has given rise to a highly indecent story? With a woman like that, anything is possible. Everyone has heard the story and talked about it. For some time now, gentlemen, you have been aware of what I would like—or rather would prefer not—to say. But even if what I am referring to did take place, then it is quite certain that Caelius, at least, was not responsible for it (for what did it have to do with him?): it was no doubt the work of some young man whose sense of humour was more highly developed than his sense of propriety. But if the tale is an invention, it is of course quite improper—but also quite funny! And certainly people would never have spoken of it and believed it as true were it not for the fact that every story involving a pennyworth of scandal* seems to square perfectly with that woman's reputation.

[70] My defence is over, members of the jury, and I have come to the end. You will now be able to appreciate the importance of the decision you have to make and the seriousness of the case before you. You are investigating a charge of violence. The law concerned is one that has to do with the dominion, the sovereignty, the condition of our country, and the safety of us all, the law which Quintus Catulus carried at a time of armed civil strife and almost desperate national crisis, and the law which, after those fires which blazed during my consulship had been brought under control, extinguished the smoking embers of the conspiracy.* And now it is under this same law that demands are made for the young life of Caelius, not because the national interest requires his punishment, but to gratify the whim of a licentious woman!

[71] In this context the prosecution also cite the conviction of Marcus Camurtius and Gaius Caesernius.* How stupid of them! Or should I call it not stupidity but bare-faced cheek? Do you really have the nerve to come from that woman and mention the names of those men? Do you have the nerve to revive the memory of so shocking an outrage—a memory that had not been not wholly effaced, I admit, but one that had at least faded with time? For what was the charge and what the offence for which those men were condemned?

Surely it was because they avenged that woman's spite and resentment by committing an unspeakable sexual attack on Vettius? So was [pg 158] the trial of Camurtius and Caesernius brought up again just so that Vettius' name could be mentioned and that veteran tale about the coppers be re-told? Although these two men were certainly not liable under the violence law, the crime in which they were implicated was so shocking that, whatever law they were charged under, they could hardly have extricated themselves from its meshes.

[72] But returning to Marcus Caelius, why has he been summoned before this court? No charge appropriate to this court has been brought against him, nor indeed any charge that is outside the scope of the law but nevertheless within the range of your own just censure.* His early years were devoted to training, and to those studies which prepare us for work such as this in the courts, for public service, and for honour, glory, and position. He also made friends with older men* whose qualities of hard work and self-restraint he was very anxious to imitate, and this, together with the pursuits he shared with his contemporaries, showed him to be following the same course of renown as the best and most high-ranking of our citizens.

[73] When he had grown a little older and more mature, he went out to Africa on the staff of the governor Quintus Pompeius,* a highly moral man, and a man who performs all his duties with the greatest conscientiousness. Africa was a province in which Caelius' father had business interests and property, and Caelius himself acquired some experience of provincial government there at an age which our ancestors rightly considered suitable. When he left the province he was very highly regarded by Pompeius, as you will hear from Pompeius' own testimony.

It was now Caelius' wish to undertake some spectacular prosecution, so that his hard work should receive its due recognition from the Roman people; and in doing this he was following the long-

established custom and precedent set by those young men who afterwards went on to become the most distinguished and illustrious citizens in the state.

[74] I should have preferred it, in fact, if his thirst for glory had taken him in some other direction; but it is no use complaining about that now. He prosecuted my colleague Gaius Antonius, whose misfortune it was that the memory of a signal service to our country proved of no avail to him, while speculation about an intended crime did him harm.* From that point on, Caelius never yielded to any of his contemporaries in his attendance in the forum, in his dedication to court cases and the defence of his friends, [pg 159] and in the strength of his influence over those with whom he was connected. All the benefits that men are unable to obtain unless they are alert, sober, and hard-working were obtained by Caelius as a result of his industry and application.

[75] At this turning-point in his life (I am going to trust to your sympathy and wisdom, gentlemen, and keep nothing from you), his youthful reputation did briefly come a cropper. This was the result of his recent acquaintance with that woman, the unfortunate proximity of their houses, and his unfamiliarity with those forms of pleasure which, when they have long been bottled up and have been repressed and restrained during one's early years, are sometimes apt to burst out and pour forth all of a sudden. But from this way of life—or rather, I should say, from this chatter (since the reality was nothing like as bad as people said)—anyway, from this, whatever it was, he emerged unscathed and completely broke free and escaped. And today he is so far removed from the disgrace of being associated with that woman that he is actually having to defend himself against her enmity and hatred!

[76] To put a stop to the gossip about idleness and pleasure that had arisen in the mean time—and he did this against my wishes, by Hercules, and against my strong opposition, but still he did it—he prosecuted a friend of mine* for electoral malpractice. My friend was acquitted, but Caelius is now returning to the attack and prosecuting him again; he is not listening to any of us, and is showing himself more violent than I could have wished. But I am not considering his wisdom, a quality not to be expected in a man of his age: it is his impetuous spirit, his thirst for success, and his burning desire for glory that I am speaking of. In men of our age, such passions are best kept in their place, but in young men, as in plants, they give an indication of what that virtue will become when it is ripe, and how great the fruits of industry will one day be. It has always been the case that highly talented young men have had to be reined back from glory rather than spurred on towards it; at that age, if their brilliant ability bursts into flower, it is not so much grafting as cutting back that is required.

[77] So if anyone feels that Caelius' energy, spirit, and persistence in taking up and pursuing hostilities has gone too far, or if even such trivial details as the shade of purple he wears, the following he attracts, and the brilliance and sparkle he displays have offended anyone, then let me assure you that in due course all these [pg 160] traits will have subsided, and age, experience, and time will have mellowed them all.

I ask you, then, members of the jury, to preserve for our country a citizen of sound education, sound principles, and sound loyalties. I promise you this and I make this pledge to our country that if I myself have served the country adequately, Caelius will never deviate from my own political standpoint. This I feel able to promise partly because of the friendship that exists between the two of us, but also because Caelius has already bound himself personally by the strongest guarantees.

[78] For it is impossible that a man who has prosecuted a senator of consular rank,* alleging that he had done damage to our country, should himself turn out to be an unruly citizen of our country; and it is equally impossible that a man who will not accept the acquittal even of someone already acquitted of bribery* should himself go unpunished were he ever to commit that crime. So, gentlemen, our country has received from Marcus Caelius two prosecutions, to serve either as hostages against dangerous behaviour or as pledges of his good intentions.

This, gentlemen, is a city in which only a few days ago Sextus Cloelius* was acquitted—a man whom for two years now you have observed as either a participant in civil discord or else its originator, a man without money, without credit, without hope, without home, and without resources, whose lips, tongue, hands, and entire way of life are defiled, a man who personally set

fire to a sacred temple,* to the census of the Roman people, and to the public records, who knocked down the monument of Catulus, demolished my own house, and set fire to that of my brother,* and who on the Palatine, in full view of the whole of Rome, incited slaves to commit a massacre and to burn down the city. In this same city I therefore beg and beseech you not to allow Cloelius to be acquitted through a woman's influence while at the same time allowing Marcus Caelius to be sacrificed to her lust, nor to let it be said that this same woman, together with her brother and husband,* has succeeded both in rescuing a depraved brigand and in crushing a young man of the very highest sense of honour.

[79] But when you have set the picture of this young man in front of you, place before your eyes also the picture of his old and unhappy father here; he totally depends on this his only son, he places all his hopes on him, and he is afraid for him alone. This old man is a [pg 161] suppliant before your compassion, a slave before your power, and a beggar not so much before your feet as before your instincts and your sensibilities. Recall the memories you have of your parents or the delight you take in your children and raise this man up, so that in assuaging another person's grief you may indulge your own filial duty or else your own fatherly love. Do not desire, gentlemen, that this old man, who is already in his declining years, should meet his end prematurely from a wound dealt not by his own fate but by yourselves! Do not strike down, as by some sudden storm or tornado, this young man who is now in the first flower of his prime and whose excellent qualities have already taken root! Save the son for the father, the father for the son! Never let it be thought that you have scorned an old man whose hopes are now almost at an end, or that you have not only failed to help but have actually cast down and ruined a young man with the brightest prospects! If you restore Caelius to me, to his family, and to the country, you will have a man who is dedicated, devoted, and bound to you and your children; and from all his exertions and labours, it is you in particular, gentlemen, who shall reap the abundant and lasting fruits.

Berry Notes:

1 *on a day of festivities and public games*: Cicero was speaking on 4 April, the first day of the *ludi Megalenses* (Megalesian games), which lasted until 10 April.

there is a law: the *lex Plautia de vi* (Plautian law concerning violence), of c.70 bc. See note on § 70 below.

someone he has prosecuted ... again: Lucius Calpurnius Bestia, the father of Atratinus, whom Caelius had unsuccessfully prosecuted for electoral malpractice on 11 February.

by a prostitute: Clodia.

2 *some other person*: Clodia again.

3 *Marcus Caelius*: the father.

4 *before these jurors ... myself as advocate*: two-thirds of the jurors were equestrian, and Cicero was from an equestrian family.

filth: see first note on *Mur.* 42.

5 *Praetuttians*: Caelius came from Interamnium (Teramo) in the Praetuttian territory, in Picenum (on the eastern side of Italy, north-east of Rome).

7 *the kindness ... your father*: Cicero had defended Atratinus' father, Lucius Calpurnius Bestia, five times, and was now preparing to defend him a sixth time.

9 *the toga of manhood*: see fourth note on *Arch.* 5.

10 *a friend of Catiline*: in §§ 10–15 Cicero attempts to explain away the embarrassing fact that Caelius had been a friend of Catiline. This was a damning point against Caelius, and it was particularly awkward for Cicero to have to defend him on this count since Cicero had been unequivocal in his condemnation of Catiline and his supporters over many years.

was standing for the consulship: in 64 bc.

later on: in 63 bc.

when I was praetor: 66 bc.

praetor in Africa: Catiline was governor ('praetor' is used loosely for 'propraetor') of Africa in 67–66.

Catiline was tried for extortion: in 65; he was acquitted, allegedly as a result of collusion with the prosecutor Publius Clodius Pulcher. Cicero had considered defending him (*Att.* 1.2.1), despite believing him to be guilty (*Att.* 1.1.1).

11 standing for the second time: in 63.

keeping our arms inside our togas: trainee orators were forbidden to gesticulate in the way that experienced orators did.

when we wore our tunics: this detail is added purely for the contrast with togas. The reader will detect many other such contrasts.

12 a great many indications of the highest qualities: in this extraordinary (and famous) passage (§§ 12–14), Cicero argues, in stark contrast to the view he takes everywhere else (e.g. in his *Catilinarians*), that Catiline had good qualities as well as bad, and that this enabled him to fool people (like Caelius) into giving him their support. This is in fact the characterization that we find in Sallust's *Catiline*: there Catiline possesses many traditional Roman virtues, but has been corrupted by the times in which he lived; born several centuries earlier, he might have become a great patriotic hero. One suspects that the more complicated and interesting picture that we find in these sections and in Sallust is closer to the truth than the usual picture we have of Catiline.

13 men of high rank: definitely a reference to Crassus and Caesar.

14 on one occasion: see sixth note on § 10 above.

15 a charge of conspiracy: in April 59 bc Caelius successfully prosecuted Gaius Antonius Hybrida, Cicero's colleague in the consulship of 63, on a charge connected with his governorship of Macedonia (62–60), probably extortion. Cicero defended him, since Antonius had been the general nominally responsible for the defeat of Catiline. Antonius, however, was believed to have been a Catilinarian sympathizer (he absented himself from the final battle), and Cicero's reference here to 'a charge of conspiracy' implies that Caelius had brought up this point against Antonius in his prosecution. On the trial, see E. S. Gruen, *Latomus*, 32 (1973), 301–10. We have a lively extract from Caelius' speech, quoted by Quintilian (*Inst.* 4.2.123–4); it seems to me to be modelled on Cicero's *Verrines* (no doubt every prosecutor for extortion took these speeches as his model).

16 the question of ... bribes: the prosecution have accused Caelius of bribery at an election, but we do not know which one. The likeliest guess is that it was at his own election to the quaestorship, which he probably held in 58 or 57—although Cicero strangely makes no mention anywhere of his tenure of this office. See G. V. Sumner, *Phoenix*, 25 (1971), 247 f. The suggestion that the election was the one in 57 at which Lucius Calpurnius Bestia stood unsuccessfully for the praetorship can be ruled out: Atratinus would hardly have incriminated his father, who was facing a second prosecution for this very offence.

another person: the references to 'another person' and 'someone else' (the same word in Latin, but English demands some variety) are all to Lucius Calpurnius Bestia, whom Caelius had prosecuted unsuccessfully for electoral malpractice on 11 February (Cicero defending), and was now prosecuting again.

17 have adjusted ... his purpose: i.e. have exaggerated the rental income from the property in order to help Clodius achieve a better sale. The property was on the Palatine, the rich and fashionable area overlooking the forum where Cicero himself lived.

18 in a political case: his prosecution of Antonius (see note on § 15 above).

our houses: Cicero may be referring to Crassus' house as well as his own.

by his own people: by his friends and his clients, since he aspired to a political career.

'Would that never in Pelion's forest ...': this and the following quotations are from the opening lines of Ennius' *Medea* (*trag.* fr. 103 Jocelyn). Crassus was referring (as Cicero says) to the arrival of Ptolemy XII Auletes in Rome in 58 bc: this was the first in a series of events which led ultimately to the murder of Dio and the prosecution of Caelius.

Medea of the Palatine: Atratinus had rashly called Caelius a 'pretty-boy Jason', *pulchellus Iason* (Fortunatianus, *Ars rhetorica* 3.7 (=124 Halm)); he must have referred in some way to the golden fleece. This prompted Crassus and Cicero to quote from Ennius' *Medea*, and allowed Cicero to trump

Atratinus by comparing Clodia to Medea, a terrifying woman driven by her passion to take excessive revenge against the man who had rejected her.

19 *a senator*: Quintus Fufius Calenus, a friend of Clodius and later a prominent enemy of Cicero's. He became consul in 47.

that very fountain-head: Clodia.

(*On the witness Fufius*): as at *Mur.* 57 (where see second note), Cicero has chosen to leave some original material out of the published speech. Here, however, it is questionable whether he himself wrote the heading which is substituted in its place, since this heading gives the name of the senator, whereas Cicero in § 19 carefully preserves his anonymity.

23 *about Dio*: i.e. about the murder of Dio, the leader of the Alexandrian deputation, killed at the house of Titus Coponius in Rome at the instigation of King Ptolemy Auletes.

or even admits his responsibility: Cicero is conjecturing, not stating, that Ptolemy admits responsibility for Dio's murder. The wording seems intended to confuse.

Publius Asicius: Publius Asicius was prosecuted for the murder by Gaius Licinius Macer Calvus and successfully defended by Cicero; Calvus' speech survived to Tacitus' time, but was not much read (Tacitus, *Dialogus* 21.2). Caelius was accused of having been in league with Asicius.

26 *He claimed ... for the praetorship*: Herennius' complaint is that Caelius was a friend of Lucius Calpurnius Bestia (the father of Atratinus), supporting him in the praetorian elections of 57, but that he afterwards betrayed him, prosecuting him for electoral malpractice on 11 February 56 (when Cicero secured his acquittal), and then bringing a second prosecution (cf. § 56).

I am not troubled ... in the Luperci: Herennius' complaint here is that Caelius has in some way failed to show him the loyalty expected of a fellow-member of a religious association, the Luperci; Cicero turns the charge around by pointing out that to prosecute one's fellow-member is hardly an act of loyalty, and that Herennius, instead of alluding to his connection with Caelius in his speech, ought more properly to feel ashamed of having prosecuted him. Rome had many religious associations (*sodalitates*), and their members were always expected to help and support one another. The Luperci were an ancient fraternity of primitive origins; at the Lupercalia (15 February) they were required to dress only in girdles made from the skins of sacrificed goats and run round the Palatine whipping female bystanders with goatskin thongs. In spite of this, the Luperci boasted some high-ranking members, including Mark Antony; the festival survived until ad 494, when it was turned into the feast of the Purification of the Virgin.

27 *Publius Clodius*: the prosecutor, not the famous Clodius who was Cicero's enemy.

Balbus: i.e. Lucius Herennius Balbus. Cicero sometimes calls him 'Herennius' and sometimes 'Balbus'.

Baiae: a fashionable coastal resort to the west of Naples. Many rich Romans owned houses there, and the place had a reputation for luxury and decadence.

30 *There are two charges ... poison*: Cicero has now dismissed all the charges except the two which he wants to concentrate on, because they concern Clodia. These are: (i) the charge that Caelius borrowed gold from Clodia under false pretences, intending to bribe Lucceius' slaves to murder Dio at Lucceius' house (§§ 51–5); (ii) the charge that Caelius, when Clodia had found out what he intended to do with the gold, attempted to poison her with the help of her own slaves (§§ 56–69). Cicero's vagueness about these charges is of course deliberate.

32 *Gnaeus Domitius*: the presiding magistrate, a man not otherwise known, but possibly praetor in 54 (unless he is Gnaeus Domitius Calvinus, who was praetor this year; but praetors did not usually preside over violence cases).

I mean her brother: Cicero implies that Clodia is guilty of incest with her brother Clodius. The allegation was made against all three of Clodius' sisters, but originally only against the youngest of them, Clodia Luculli; Catullus (79) also accused his 'Lesbia' (one of the Clodia sisters: it is not known which) of incest with Clodius. See T. P. Wiseman, *Catullan Questions* (Leicester, 1969), 52–5. Cicero's joke is in bad taste; it is also very funny, and very revealing of his hatred of Clodia and her brother.

33 *masks*: see note on *Mur.* 88.

the famous Caecus: Appius Claudius Caecus, censor in 312 and consul in 307 and 296, and the earliest clear-cut personality in Roman history. As censor he commissioned the Appian Way from Rome to Capua and the Aqua Appia, Rome's first aqueduct. In 280, when he was old and blind (hence the *cognomen* Caecus ('Blind'), and Cicero's joke in the next sentence), he dissuaded the senate from making peace with Pyrrhus.

34 *Quintus Metellus*: Quintus Caecilius Metellus Celer, a legate of Pompey in Asia in 66 (and perhaps 67), praetor in 63, governor of Cisalpine Gaul in 62, and consul in 60; as consul he opposed Clodius' transfer to the plebs. He was Clodia's cousin as well as her husband; they married in c.79. They did not get on, and when he died in 59 she was suspected of having poisoned him (cf. §§ 59–60). We have a letter from Metellus to Cicero (*Fam.* 5.1), written in 62; it is haughty and insulting.

the famous Quinta Claudia: when the sacred image of Cybele was being transported from its temple at Pessinus in Phrygia to Rome in 204 bc, the ship carrying it became grounded in the Tiber; Claudia, however, pulled the ship free, thereby demonstrating her chastity, which had been questioned.

the famous Vestal virgin Claudia: when her father (or perhaps brother) Appius Claudius Pulcher as consul in 143 wished to celebrate a triumph for his victory over the Salassi but was prevented by a tribunician veto, Claudia saved the triumph by the action which Cicero describes. On Vestal virgins see fourth note on *Mur.* 73.

36 *your youngest brother*: Clodius.

he always used to sleep ... sister: see second note on § 32 above.

Why do you ... of nothing?: a line from a comic poet, perhaps Caecilius Statius (see second note on *S. Rosc.* 46).

37 *Caecilius*: see second note on *S. Rosc.* 46. Nothing is known of the comic fragments quoted in this paragraph; they are all assumed to be from Caecilius, but Cicero says only that the first one is. We lose much by not knowing the contexts.

Why did you go ... aware of her allurements?: these words are not in verse, and are not therefore from a comedy (attempts have been made, however, to emend them into verse); the words which follow are snatches of verse.

38 *her own brother ... unkind gossip*: see second note on § 32 above.

'He has broken ... be mended': a quotation from Terence, *Adelphi* 120–1.

that woman: Clodia.

39 *Camillus, Fabricius, and Curius*: Marcus Furius Camillus (dictator in 396, 390, etc.) destroyed Veii in 396, doubling Rome's territory; Gaius Fabricius Luscinius (consul in 282 and 278, and censor in 275) won victories in southern Italy in the war against Pyrrhus, and expelled an ex-consul from the senate for possessing 10 pounds of silver tableware; Manius Curius Dentatus (consul in 290, 275, and 274, and censor in 272) defeated Pyrrhus near Malventum in 275. Fabricius and Curius were famed for their frugality and incorruptibility.

40 *times have changed for Greece*: the Greeks lost their freedom to Rome in 146 bc.

41 *For there are some*: Cicero refers to the Epicureans, the Academics and Peripatetics, and the Stoics respectively.

43 *any valiant ... personage*: Cicero may be thinking of Caesar, among others.

45 *as a prosecutor*: Caelius had prosecuted Lucius Calpurnius Bestia on 11 February and Gaius Antonius Hybrida back in 59 (see note on § 15 above). Cicero had been his teacher, hence the remark about not wishing to boast.

47 *a prosecution against an ex-consul*: another reference to Caelius' prosecution of Antonius.

maintain ... a struggle: another reference to Caelius' prosecutions of Bestia, and to the present trial.

that neighbourhood: the Palatine, where Caelius and Clodia lived.

49 *her blazing eyes*: Cicero refers to Clodia as 'Ox Eyes' (Boöpis) in his letters to Atticus; the word is an epithet applied in the Homeric poems to Hera, who was significantly both the wife and the sister of Zeus.

50 *when I was away*: in exile (58–57 bc).

51 *First there is the gold ... Clodia's death*: cf. § 30, with note, above.

Lucius Lucceius: Dio's host in Rome, until Dio moved on to stay with Titus Coponius. Lucceius was a friend of Cicero; he prosecuted Catiline unsuccessfully in 64 and supported Cicero in 63. In the 50s he took up writing history, and Cicero in a famous letter of 55 bc (*Fam.* 5.12) begged him to glorify his achievements. See also *Fam.* 5.13–15, letters to and from Lucceius in the 40s.

52 *that Venus of yours*: Cicero claims that Clodia had a statue of Venus on which she kept items of jewellery given to her by her lovers. Unless invented, this information will have come from Caelius.

54 *For I have ... a most impressive witness*: contrast the line taken at §§ 22 and 66.

55 *whether an impetuous ... conscientiously*: the text as it stands is of course illogical. It could be made logical by the insertion of a 'not' ('... has not given his evidence conscientiously'); 'not' is a word easily omitted by scribes. But Cicero is quite capable of arguing along the lines of 'Heads I win, tails you lose'.

56 *the charge about poison*: cf. § 30, with note, above.

To avoid being accused?: of the attempted murder of Dio at Lucceius' house. Clodia would have been a witness to his guilt, so Caelius would have had a motive for murdering her.

And would anyone ... himself?: i.e. no one would ever have thought of connecting Caelius with the attempted murder of Dio were it not for the fact that Caelius had prosecuted Lucius Calpurnius Bestia twice, and his son Atratinus had consequently been in need of a charge to bring against him.

Caelius has now brought ... been acquitted: Caelius' first prosecution of Bestia for electoral malpractice on 11 February was unsuccessful, and he had now brought a second prosecution on the same charge. The charge had been lodged but the case had not yet come to court.

so horrific a crime: the attempted poisoning of Clodia.

an extremely serious charge: the attempted murder of Dio. Cicero says that this charge was fabricated simply to provide a motive for the main charge, the attempted poisoning of Clodia.

59 *Quintus Metellus*: the husband of Clodia. He died in 59 bc, and Clodia was suspected of having poisoned him. See first note on § 34 above.

how terrible a storm ... threatened the state: a reference to the tribunate of Clodius and exile of Cicero in 58 bc.

Quintus Catulus: Quintus Lutatius Catulus, son of the consul of 102 and himself consul in 78 and censor in 65. He was the leader of the conservatives in the senate in the 70s and 60s, opposing the *lex Gabinia* in 67 and the *lex Manilia* in 66; he also opposed Caesar in 63. His death in 61 or 60, like that of Metellus in 59, was a serious blow to Cicero and the conservative cause.

60 *his deranged cousin*: Clodius, whose mother was a sister of Metellus' father. Cicero goes on to mention Metellus' opposition to Clodius' activities in 60 bc; this is a reference to Clodius' intended transfer to the plebs, which took place in the following year.

the celerity: a malicious pun on the name of Metellus Celer.

61 *that explains the tears*: a quotation from Terence, *Andria* 126; the phrase became proverbial.

62 *her usual one-penny transaction*: a *quadrans* (a low-value copper coin, here translated 'penny') was the usual price of admission to the baths; but here Clodia is supposed to have received the fee in return for her sexual favours rather than paid it as an admission charge. The main point of the joke, however, is that it connects with a remark that Caelius had made in his speech: he had memorably described Clodia as 'the one-penny Clytemnestra' (*quadrantaria Clytaemestra*), i.e. a husband-murderer who sells her sexual favours cheaply (*Inst.* 8.6.53; cf. *Cic.* 29.4 for the origin of Clodia's nickname 'Quadrantaria' (with note on § 71 below)).

64 *an experienced poetess ... to her credit*: it is possible that Cicero's words are to be taken literally, that Clodia did indeed write for the stage (cf. *Sest.* 116).

Licinius: Cicero's frequent repetition of the name emphasizes the farcical absurdity of the situation.

65 *So here ... up goes the curtain*: mime was a crude and makeshift form of comic drama, akin to pantomime or vulgar farce; it enjoyed great popularity. Clappers (*scabilla*) were hinged boards operated with the foot to beat time for dancers (for an illustration of them in use see T. P. Wiseman, *Cinna the Poet* (Leicester, 1974), pl. 2a). The stage-curtain was lowered at the beginning of a performance and raised at the end; while a play was in progress, it lay concealed in a trough set into the floor.

68 *It must mean ... pay-off*: i.e. it must mean either (i) that the slaves were being rewarded for having helped to frame Caelius, or (ii) that the prosecution wished to remove all possibility of the slaves being interrogated under torture and revealing Caelius' innocence (although there was no legal obligation on Clodia to submit her slaves for interrogation (see first note on *S. Rosc.* 77), not to do so was seen as an admission of guilt (as Cicero says at *S. Rosc.* 120), and so it was better to free them), or (iii) that the slaves were being rewarded for their silence regarding Clodia's crimes and immoralities.

69 *that fictitious box ... indecent story*: Cicero now makes a connection between the box in which the poison was allegedly contained and an obscene story which was afterwards told against Clodia. The story is unknown: not even T. P. Wiseman is able to recover it (*Cinna the Poet*, 170–5). But it must have reflected very badly on Clodia, given that Cicero brings it up at such a prominent point in the speech (the end of the argumentation, immediately before the conclusion). As for the box (the word *pyxis* denotes a small sealed jar or pill-box), we know from Quintilian (*Inst.* 6.3.25) that Caelius produced a *pyxis* during one of his speeches and used it to make an obscene joke (Quintilian thought such behaviour undignified). The speech was no doubt Caelius' own defence speech; but what the joke was, and how it connects with the story Cicero alludes to here, we simply do not know.

a pennyworth of scandal: a pun on Clodia's nickname 'Quadrantaria' (see note on § 62 above). In the Latin the pun is contained in the word 'square' (*quadrare*), but it is not possible to reproduce it in the translation there, so I have instead introduced it here (where the Latin says merely 'a certain amount of scandal').

70 *The law concerned ... of the conspiracy*: Cicero points out the absurdity of Caelius' being brought to trial under a law designed for use in national emergencies such as the insurrection of the consul Lepidus in 78–77 bc and the Catilinarian conspiracy in 63–62 bc. He refers to an otherwise unattested *lex Lutatia* carried by Lepidus' opponent and fellow consul Quintus Lutatius Catulus (see third note on § 59 above) in 78. The Catilinarian trials, however, are known to have been held under a different violence law, the *lex Plautia* (c.70 bc). The easiest way of explaining how Cicero can treat these two separate violence laws as one and the same is to assume that the *lex Lutatia* was an *ad hoc* measure whose provisions were later incorporated into the *lex Plautia*, and that it was the *lex Plautia* under which Caelius was tried: see D. H. Berry (ed.), *Cicero: Pro Sulla* (Cambridge, 1996), 14–16.

71 *Marcus Camurtius and Gaius Caesernius*: these men are not otherwise known, and the identity of the Vettius mentioned below is also unknown; this paragraph is as obscure to us as § 69. It appears that the prosecution had cited the conviction of Camurtius and Caesernius under the *lex Plautia de vi* as a precedent for the trial of Caelius under the same law. It seems that Camurtius and Caesernius had committed a homosexual assault on Vettius to punish him for some offence committed against Clodia. That offence may well be the one described at *Cic.* 29.4, when one of her lovers sent her a purse of copper coins instead of silver, this being the origin of the nickname 'Quadrantaria' (see note on § 62 above); cf. 'that veteran tale about the coppers' below ('veteran', incidentally, is a play on 'Vettius'). Essentially Cicero is asking how the prosecution can have the stupidity or the cheek to cite the case of Camurtius and Caesernius when Clodia had instigated the crime for which they were condemned.

72 *nor indeed ... just censure*: i.e. there is no parallel with the case just cited. The law referred to is the *lex Plautia de vi* (see note on § 70 above).

older men: Crassus and Cicero himself.

73 *Quintus Pompeius*: Quintus Pompeius Rufus, praetor in 63 and then governor of Africa from 62 until (at the latest) 59. (He is not to be confused with the Quintus Pompeius Rufus who was tribune with Caelius in 52 and was afterwards successfully prosecuted by him.)

74 *Gaius Antonius ... did him harm*: on Caelius' prosecution of Gaius Antonius Hybrida, see note on § 15 above. The signal service was Antonius' defeat of Catiline (in fact achieved in Antonius' absence by his subordinate Marcus Petreius); the intended crime was his suspected involvement with the conspirators.

76 *a friend of mine*: Lucius Calpurnius Bestia, successfully defended by Cicero on 11 February.

78 *a senator of consular rank*: Antonius again.

someone already acquitted of bribery: Bestia again.

Sextus Cloelius: the leader of Clodius' gang. He was narrowly acquitted on an unknown charge in March 56 bc. The prosecutor was probably Titus Annius Milo. On Cloelius see T. P. Wiseman, *Catullus and his World: A Reappraisal* (Cambridge, 1985), 39–41.

set fire to a sacred temple: the temple of the Nymphs (in the Campus Martius). At *Mil.* 73 Cicero refers to Clodius as 'a man who set fire to the temple of the Nymphs in order to extinguish the official revision of the censors' register inscribed in the public records' (the crime was presumably authorized by Clodius and carried out by Cloelius). Clodius' motive in seeking to destroy 'the official revision of the censors' register' is uncertain, but C. Nicolet (*The World of the Citizen in Republican Rome* (London, 1980), 199) has made the attractive suggestion that the revision referred to may have been one undertaken by Pompey in his capacity as superintendent of the grain supply (57–52 bc). If this revision excluded those who had benefited under Clodius' grain law (58 bc), Clodius would have had a good reason for wishing to destroy it.

knocked down ... that of my brother: when Cicero had gone into exile in 58 bc, Clodius demolished his house on the Palatine together with the adjoining portico of Quintus Lutatius Catulus (see second note on *Arch.* 5) and consecrated the site (in an attempt to prevent rebuilding); the following year he set fire to the house of Cicero's brother Quintus.

78 her brother and husband: see second note on § 32 above.