

What might the prosecution have said?

“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.” (3)

“[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 ...

[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... 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.... 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..

[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.” (10-15)

“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.” (16: Berry n: *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).

“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.*” (17)

“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.” (18)
“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.” (19)

“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, [Herennius] 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! (27) [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.]

“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.” (29)

“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.” (29)

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 [Antonius]? 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?” (47)