

Marcus Tullius CICERO

106 - 43bc

Some notes about his life and career:

Arpinum: in the Volscian mountains 70 miles south east of Rome
elder of two sons of a wealthy *eques*

Eques - the Equestrian Order:

important social class, originally those who formed the cavalry
in late 2nd century were enrolled by the censors from all non-senators with
minimum 400,000 sesterces, as well as being physically and morally worthy
military function changed to that of staff officers (cavalry contingents being
drawn increasingly from outside Italy)

magistracies only open to those of at least equestrian census (since they
were unpaid). Manning of certain law courts handed over to them by Gaius
Gracchus in 123bc, but which Sulla returned to the senators in 81bc
they were the 'publicani', bankers, businessmen and administrators, of
almost equal status to the Senators

They never formed a political unity, since their interests were so divergent
Cicero attempted a 'concordia ordinum' but it failed for this reason
The equites were a powerful political force in Cicero's day, but waned
under the empire.

Early promise:

suggested a career as advocate and politician; studied law at Rome

Military service:

aged 17 in the Social War, under command of Pompeius Strabo, father of
Pompey the Great who was an exact contemporary. Cicero supported him
life-long, as being the one man who could save Rome from external
enemies and internal lawlessness while preserving the republican
constitution. Catiline also served under Strabo.

- 81bc His forensic education completed, we have his earliest surviving speech: pro P. Quinctio a complicated case whose result is unknown but the opposing advocate was Hortensius, the greatest orator of the day.
- 80bc pro Roscio Amerino successful defence of a man accused of parricide. This made Cicero's reputation, since daringly attacked Sulla's powerful freedman, Chrysogonus.
- 79 - 77bc At Athens studying rhetoric and philosophy; met and befriended another student, Titus Pomponius ATTICUS.
- 76bc elected *quaestor* at minimum age (30), so qualified for membership of Senate. This set him on the *cursus honorum*

cursus honorum:

'the sequence of magistracies'; signifying the various political offices in the order in which they were to be held, and the periods of time required to elapse between tenure of various offices. Fixed by law in 180bc, but amended by eg Sulla after 82bc

- pattern: service in the army
- quaestorship (30) - mainly financial duties
- aedileship (optional) - upkeep of temples, pub.buildings, markets
- praetorship - mainly concerned with the law courts and justice
- consulship (42) - mainly military duties
- ensorship - took census every five years, revised the roll of senators, could remove and replace those guilty of sleaze!
- minimal interval between magistracies = 2 years, but this varied and was sometimes ignored.
- the praetorship and consulship could be extended by a further year's service in the provinces as *propraetor* and *proconsul*
- to gain a magistracy 'suo anno' meant at the earliest possible age.
- 75bc Served as Quaestor in Sicily; won their respect and confidence.

in Verrem

73bc 1) Verres appointed propraetor of Sicily, remained for 3 years. It was one of the richest of provinces, Verres plundered it, using bribery, extortion, robbery, cruelty.

70bc 2) leading Sicilians invited Cicero to prosecute him for extortion *de pecuniis repetundis*.

Verres retaliated by trying to get a prosecutor who would fail to get him convicted (*praevaricator*)- this arrangement not uncommon at Rome - known as *praevaricatio*. Q. Caecilius Niger put forward, but defeated in the *Divinatio in Q. Caecilium*, the first speech in the Verrine series.

3) Verres concluded that he would have to corrupt the court: but present members would not be amenable. Glabrio, praetor and judge in the trial, was honest, as was the panel of jurors secured by Cicero.

Postponement of the trial to the following year gave only hope of safety:

- a) furore over his crimes will have diminished
- b) a corruptible jury more likely
- c) his advocate, Q. Hortensius, would probably be consul
- d) the new praetor would also probably be his friend

Delay seemed likely, in any case. Cicero had to collect evidence (he was allocated 110 days for this) and Verres arranged a spurious prosecution of an unknown senator, whose prosecutor could be ready 2 days earlier than Cicero, and so occupy the court and its time.

Cicero spoilt the plan, he was ready and returned to Rome within 50 days.

4) Verres still had formidable influence and support on his side:

- a) Q. Hortensius had been elected consul (with another friend of Verres', Q. Metellus, as colleague)
- b) M. Metellus, brother of consul elect, was the new *praetor urbanus*
- c) L. Metellus, another brother, was now *praetor* in Sicily

His acquittal seemed sure, *if only the trial could be protracted beyond the end of the year*. Impending holidays made time short in any case.

Cicero moved quickly: his *actio prima* avoids the traditional long opening address, moves swiftly on to the strongest part of his case, the examination of his witnesses. Cicero warned that the jury of Senators, as much as Verres himself, was on trial - for its integrity and honesty.

70bc August 5th

Trial began: the indictment:

"Gaius Verres, in addition to many other deeds of lust and cruelty, committed against Roman citizens and their allies, and besides many other acts of wickedness against gods and men, has in particular illegally carried off from Sicily forty million sesterces."

5) Examination of witnesses occupied nine days - but by end of third day the case was so clear that Verres fled to Massalia, was condemned in his absence to exile and a heavy fine.

6) The trial ended, without Cicero's remaining five speeches being delivered. They represented what Cicero would have said in the *actio secunda*, after Verres had had made his reply to the charges brought against him. The Sicilians probably requested the completion of these speeches so that the full facts of the case (extortion, lust and cruelty) might be known.

7) This was one of only two occasions when Cicero acted as *prosecutor* (the other time was in 52bc). Even so, he seems to be *defending* the Sicilians as much as prosecuting Verres.

8) the court was a *quaestio perpetua*; a standing commission for the trial of political or criminal offences. Under the Lex Cornelia *de repetundis*, the penalty was *aquae et ignis interdictio*, the severest form of exile, as well as pecuniary compensation to the persons wronged.