

A New *Clementia* in Cicero's *Pro Marcello*

1) Cicero, *Verrines* 2.5.19

non agam tam acerbe, non utar ista accusatoria consuetudine, si quid est factum clementer, ut dissolute factum criminer, si quid vindicatum est severe, ut ex eo crudelitatis invidiam colligam.

For I won't act so bitterly; I won't use that practice of the prosecutor who considers anything done with clemency to have been done with laxity and—if any punishment has been made with severity—produces from that action hateful cruelty.

2) Cicero, *Pro Marcello* 6

nam bellicas laudes solent quidam extenuare verbis easque detrahere ducibus, communicare cum multis, ne propriae sint imperatorum; et certe in armis militum virtus, locorum opportunitas, auxilia sociorum, classes, commeatus multum iuvant, maximam vero partem quasi suo iure Fortuna sibi vindicat et quicquid prospere gestum est, id paene omne ducit suum.

For there are those accustomed to diminish the glories of war with words, to drag these same glories away from the generals, and to share them with the many so that they no longer belong to the generals alone. And certainly the courage of the soldiers, the convenience of the location, the help of allies, fleets, and provisions help significantly, but indeed Fortune claims for herself the greatest share, as if it is her right, and she considers almost every success as her own.

3) Cicero, *Pro Marcello* 7

at vero huius gloriae, C. Caesar, quam es paulo ante adeptus, socium habes neminem: totum hoc, quantumcumque est, quod certe maximum est, totum est, inquam, tuum. Nihil sibi ex ista laude centurio, nihil praefectus, nihil cohors, nihil turma decerpit; quin etiam illa ipsa rerum humanarum domina, Fortuna, in istius societatem gloriae se non offert: tibi cedit, tuam esse totam et propriam fatetur.

But certainly, Gaius Caesar, you have no peer in this glory that you secured shortly before now. This in its entirety, however great it is (and it is surely the greatest), this in its entirety, I say, is yours. No prefect, no cohort, no squadron tore away any part from this glory of yours. Even that master of human affairs herself, Fortune, does not thrust herself into the company of that glory of yours. She yields to you, and she confesses that it is entirely yours and yours alone.

4) Cicero, *Pro Marcello* 8

domuisti gentis immanitate barbaras, multitudine innumerabilis, locis infinitas, omni copiarum genere abundantis: sed tamen ea vicisti, quae et naturam et condicionem ut vinci possent habebant; nulla est enim tanta vis quae non ferro et viribus debilitari frangique possit...

You have subdued savage foreign nations, countless in their multitude, infinite in their land, abundant in every kind of resource. But, nevertheless, you have conquered those whose nature and circumstances made them open to being conquered. For there is no force so great that it cannot be weakened and crushed by the strength of the sword.

5) Cicero, *Pro Marcello* 8, continued

...animum vincere, iracundiam cohibere, victoriam temperare, adversarium nobilitate, ingenio, virtute praestantem non modo extollere iacentem, sed etiam amplificare eius pristinam dignitatem, haec qui facit, non ego eum cum summis viris comparo, sed simillimum deo iudico.

To conquer one's spirit, to restrain one's anger, to temper victory—not only lifting up a defeated adversary who is outstanding in nobility, natural talent, and virtue but also amplifying his former dignity—the one who does this I don't compare to the highest men, but rather I judge him most similar to a god.

6) Cicero, *Pro Marcello* 12

ipsam victoriam vicisse videris, cum ea, quae illa erat adepta, victis remisisti; nam cum ipsius victoriae condicione omnes victi occidissetus, clementiae tuae iudicio conservati sumus. Recte igitur unus invictus es, a quo etiam ipsius victoriae condicio visque devicta est.

You seem to have conquered victory itself, since you have sent back to the defeated those things which victory took from them; For although we all, conquered, were destroyed by the condition of victory itself, we were saved by the judgment of your clemency. Rightly, therefore, you alone are invincible, by whom even the terms and force of victory itself are conquered.

7) Cicero, *Pro Marcello* 3

*ille quidem fructum omnis ante actae vitae hodierno die maximum cepit, cum summo consensu senatus tum **iudicio** tuo gravissimo et maximo...*

That man indeed received the greatest reward of his whole life so far, not only by the highest agreement of the senate but also by your most serious and greatest judgment.

8) Cicero, *Pro Marcello* 13

*atque hoc C. Caesaris **iudicium**, patres conscripti, quam late pateat attendite: omnes enim, qui ad illa arma fato sumus nescio quo rei publicae misero funestoque compulsi, etsi aliqua culpa tenemur erroris humani, scelere certe liberati sumus...*

And pay attention to how widely this judgment of Caesar's extends, conscript fathers: For all of us who were compelled to arms by some miserable and deadly fate of the republic, even if we are held by some fault of human error, we have certainly been freed from crime.

9) Cicero, *Pro Marcello* 13, continued

*non ille hostis induxit in curiam, sed **iudicavit** a plerisque ignoratione potius et falso atque inani metu quam cupiditate aut crudelitate bellum esse susceptum.*

He did not lead enemies into the senate house, but he judged that most of them took up war from ignorance and a false and empty fear rather than from desire or cruelty.

10) Cicero, *Pro Marcello* 31

*vicit is, qui non fortuna inflammaret odium suum, sed bonitate leniret; neque omnis, quibus iratus esset, eosdem etiam exsilio aut morte **dignos iudicaret**.*

This man is victor, who would not kindle his own hatred with his good fortune, but would soften it with his goodness, the sort of man who would not judge all those who had angered him as worthy also of exile or death.

11) Cicero, *Pro Marcello* 18

...ut mihi quidem videantur di immortales, etiam si poenas a populo Romano ob aliquod delictum expetiverunt, qui civile bellum tantum et tam luctuosum excitaverunt, vel placati iam vel satiati aliquando omnem spem salutis ad clementiam victoris et sapientiam contulisse.

...so that it seems to me, indeed, that even if the immortal gods sought punishments from the Roman people on account of some crime, for exciting so great and lamentable a civil war, they now, either pleased or sated, have directed all hope of health to the clemency and wisdom of the victor.

12) Cicero, *Pro Marcello* 29

Servi igitur eis etiam iudicibus, qui multis post saeculis de te iudicabunt et quidem haud scio an incorruptius quam nos; nam et sine amore et sine cupiditate et rursus sine odio et sine invidia iudicabunt.

Therefore show deference to those judges, who after many ages will make judgments about you, and indeed I don't doubt whether they will do so more incorruptibly than us; for they will judge both without love and without desire and at the same time without hatred and without jealousy.

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