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The Rhetorical Implications of *Clementia* in Cicero's Caesarian Speeches



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Abstract

Cicero's Caesarian speeches were delivered in 46-45 B.C. to Caesar after his victories in the Civil War. Caesar faced a number of critical issues as he dealt with the political and social aftermath of the years after 49 B.C., including what to do with the supporters of his enemies. Cicero, preeminent orator and a key political, was well-placed to speak on behalf of these individuals. Clementia, as an intrinsic theme, impinges upon social, political, and linguistic spheres and became a nexus for anxieties and manipulation between the senatorial and plebian orders. This research compares and contrasts the understanding, presentation, and use of clementia in these speeches, in a discussion set within the social, political, and linguistic contexts that lend this word its powerful significance. It is clear that clementia becomes a point of negotiation of power for Caesar and Cicero alike, the one asserting his political dominance, the other speaking as the social conscience of Rome.

Cicero's Caesarian speeches were delivered by Cicero in 46-45 B.C. to Gaius Julius Caesar after his victories in the Civil War and his acquisition of supreme constitutional and extra-constitutional powers. Caesar faced a number of critical issues as he dealt with the political and social aftermath of the wholesale slaughter that filled the years after 49 B.C., including what to do with the supporters of his enemies. Marcus Tullius Cicero was well-placed to speak on behalf of several of these individuals as they sought clemency from Caesar, not only because he was the preeminent orator at Rome and a key political figure (even at this late stage in his life), but because he and Caesar had negotiated their own tenuous reconciliation. The three speeches have this common goal: to secure pardon for the offending parties. They are also displays of intellectual, thematic, and literary brilliance—and rightfully so, with Caesar himself being a masterful author and orator in his own right. The speeches thus stand as a multilayered communication between two of the most accomplished literary artists at the end of the Republic. The Roman concept of *clementia* (mercy) is, of course, a theme intrinsic to the speeches. *Clementia* impinges upon social, political, and linguistic spheres, however, and under Caesar's troubled rule becomes a nexus for anxieties and manipulation between the senatorial and plebian orders. It is my purpose to analyze this theme in these three speeches with an eye towards the social, political, and linguistic considerations surrounding it. Here I compare and contrast the understanding, presentation, and use of *clementia* in these speeches, setting my discussion within the social, political, and linguistic contexts that lend this word its powerful significance.

Research has entailed a close reading of the Latin texts, analysis of political trends and important figures in the period from Sulla to Caesar, lexicographical research using library electronic resources (especially the *Thesaurus Linguae Latinae*), and a thorough survey

of relevant secondary source scholarship on both Caesar's political policies in the years between 49 and his death in 44 and Cicero's changing role in Roman politics under the dictator. Materials span the range of scholarly resources, from print materials to electronic databases and journals.

Insofar as context lends meaning to language, the sociopolitical circumstances of the period leading up to the speeches are an inherent part of the discussion. The Social War between 91 and 88 B.C. considerably influenced the remaining affairs of the Late Republic, significantly changing the way in which the fabric of Roman society was woven. The fact that various Italian communities had not been granted Roman citizenship became a point of stress and rebel groups formed against Rome to settle the matter. While these rebel forces were not strong enough to gain the upper hand, they did manage to persuade Rome to grant them citizenship—but not without considerable fighting and bloodshed (Boatwright). War, to be sure, was not a new or even infrequent circumstance in Rome, but the Social War did introduce Rome to its first full-scale civil conflict. This factor brought change to the social and political landscape in Rome and foreshadowed things to come.

Another important consequence of the Social War was the emergence of Sulla as a powerful general and political figure in Rome. Though he was of patrician blood, his family was no longer an influential political force. The Social War gained him a reputation and considerable *imperium* as a result of his remarkable success as a military leader. In 88 B.C., he was arguably the most powerful man in Rome. Due to Sulpicius' political machinations aimed at securing full citizen rights for the Italians, Sulla lost his command against Mithridates in the East to Marius. To regain the post, Sulla assembled his loyal troops in an unprecedented march on Rome itself. He nullified the measures of Sulpicius, ordered the deaths of the opposition, and headed off to the East, leaving Rome to fall back into the hands of those whose primary interest was in the status of the new Italian citizens (Cary and Scullard). This eventually led to another march on

Rome and another round of bloody proscriptions in 82-81 B.C.—this time with the help of Pompey and Crassus in their various capacities.

Perhaps out of fear, or perhaps because of Sulla's Republican values, the senate legalized all the actions he had carried out leading up to November of 82 and without delay set him up as dictator to restore order to the Republic (Boatwright). He swiftly set out to accomplish this goal by, in addition to the proscription list, adding to the number and power of the senate. By increasing the influence of the senate and reducing the power of the tribunate, Sulla effected a significant power-shift in Rome from the Plebeians to the patricians. When he had accomplished this and restored order, he stepped down from his position of dictator and served one year as consul before retiring in 78 B.C. His dictatorship would later serve as a model by which to compare Julius Caesar's use of absolute power.

The measures enacted by Sulla were soon challenged by those who followed him, and by the time of the rise of Pompey, substantial power had once again been shifted back to the Plebeian assemblies from the senate. In the meantime, Rome had dealt with a slave revolt, regained the Mediterranean from rampant pirates, and finally put down the East's perennial pest, Mithridates. It was during this time that Pompey proved himself as general, Crassus as a man of means, and Cicero as an orator and statesman—all important figures during the dusk of the Republic.

By 63 B.C., Gaius Julius Caesar was also making serious inroads into Rome's political milieu. At the rather young age of 37, he bribed his way into the position of *pontifex maximus*, an office usually reserved for high ranking Roman noblemen. This portended not only his future success but also his style. Like Sulla, he was of patrician but not recently distinguished blood. Nevertheless, he maintained ties to other nobility by marriage first to Cinna's daughter Cornelia and, after her death, to Pompeia, Sulla's own granddaughter. In 59, he was consul and immediately set himself up as a dominating force whose allegiances fell more to the Plebeian (or popular) assemblies than

to the senate.

It was also in 59 B.C. that Pompey, Crassus, and Caesar formed a political friendship and became the so-called "first triumvirate." Their shaky alliance was held together by their mutual dependency and a set of shared obligations, which aimed to satisfy their individual thirsts for power. It was something of a clientage among patrons, a delicate manifestation of Roman *amicitia* or political friendship carrying with it rights and duties in measured proportions. Pompey eventually attached himself closely to the Senate while Caesar continued to associate himself with the power base of the Plebeian assemblies.

As Pompey and Caesar became more successful and wealthy, they eventually emerged as the leading forces and their dependence on Crassus' wealth diminished. Furthermore, when Pompey's marriage to Caesar's daughter began to fail, so did the strength of their political alliance. Much of the resulting political controversy centered on how Caesar's military and political powers should be extended in Gaul and at Rome. These measures—all of which revolved around Caesar's continued exercise of power from afar, the legal immunity his position offered him, and the political leverage of a loyal, battle-hardened army—strained the precedents of the constitution. The personal and political conflicts that ensued devolved into Civil War on a massive scale.

In January 49 B.C., Caesar crossed the Rubicon in a march on Rome. His wildly successful campaigns in Gaul had left Caesar with many loyal and indebted soldiers willing and able to validate his interests. Pompey, backed by the established government, opposed Caesar, but Caesar's forces shortly drove Pompey out of Italy and kept driving until they were able to defeat him at Pharsalus in northern Greece in 48 B.C. Caesar was now in a position to negotiate a role as dictator of Rome, a position that would give him absolute authority to command an army for restoring order to the Republic. It was a definite role for a specific task. Eventually he disastrously declared himself perpetual dictator of Rome, a position which indefinitely gave Caesar absolute power that was beyond the

check of anyone. Because Caesar, Sulla, and the monarchs had each negotiated sole rule for themselves, this brought to mind not only Sulla's rule but also the Regal period (von Ungern-Sternberg). Caesar was the first, however, to secure it for an indefinite period of time.

This high-priced end of the Republic carried with it its own problems. Because Caesar, unlike Sulla, had pardoned so many of his enemies, ensuring stability took keen leadership and a brutal exercise of personal power and influence. The mass death resulting from the civil war coupled with the fact that so many of his enemies were still alive and resentful of their current position created a shortage of trustworthy individuals to man various political and military posts. It was against this backdrop of the aftermath of destructive civil war that Cicero delivered the three speeches that are the focus of this paper.

Lacking noble birth, Marcus Tullius Cicero worked his way up the Roman political ladder not by military achievement but through literary genius (Gottf). A decade before the civil war, Cicero was the leading orator of his day and highly respected, having made a reputation for himself in political and criminal debates and speeches (Cambridge). He was able to chart a middle course between competing political interests while maintaining strong public and private integrity. In spite of being a 'new man' in Rome, he attained Rome's top political offices including quaestor and senator in 75 B.C., aedile in 69, praetor in 66, and consul in 63.

However, being a middle-path negotiator with conservative, senatorial values, he had sided with Pompey leading up to the civil war. This created significant tensions between Cicero and Caesar. He was invited to join the political alliance of the triumvirate in 61 but declined on principle. Shortly thereafter in 58, he was exiled through the machinations of personal enemies (Clodius in particular) also allied to Caesar. He was recalled the next year largely on account of his own popularity and the influence of Pompey. Cicero continued to oppose Caesar's disregard for the political system until 56 when Cicero began to show some support for Caesar's military command

in Gaul. This seems to hint at a shift in Cicero's political sensibilities. By 49, Caesar was actively trying to solicit Cicero's support, but the latter's commitment to Republican ideals, together with his hope for harmony among the orders, was still too great for a wholesale bid for Caesar's program.

After Pompey's death in Egypt in 48 B.C., Cicero realized that the time for opposition had past and he hoped that he might be able to act as a restraint on Caesar. The two seem to have developed a mutual respect for each other as literary artists, and Caesar even leaned on Cicero at times for political advice. Additionally, Cicero's middle-path nature suited him for negotiations between Caesar and others. Because Caesar's main political tool, once the time for violence had passed, was to extend *clementia* (mercy) to his former enemies in order to involve them in the new political framework, Cicero used this theme to full effect.

In taking up the term *clementia* as a major talking point in his speeches to Caesar, Cicero engages in a sort of rhetoric that becomes clear only when one surveys how the term is used not only by Cicero throughout his career but also by others before him. It is important, for example, that there are relatively few uses of the term *clementia* in extant Latin texts prior to the late Republic. Terence uses the term in his comedic play the *Adelphoe* in 160 B.C., where it expresses a carefree disposition or attitude that stands in contrast to one which is *durus*—the Latin word for harsh or stern. In line 861 of the *Adelphoe*, *clementia* describes the kind of lifestyle which Demea plans to adopt when he ironically gives up his stern ways. This becomes an important reference because it shows the *pater familias* (head of household) exhibiting mercy for actual wrongdoings already committed.¹

In the first century B.C., the examples we have of the word suggest that it takes on a much more political usage and primarily references the sort of mercy or pardon extended by someone with *imperium* acting in an official capacity. *Imperium* might be described as the constitutional authority to exercise military power. Among Cicero's contemporaries, there are representative examples of this

usage in the writings of Caesar, Hirtius, Sallust, and Livy. In Caesar's record of the "Gallic War," *clementia* is attributed to Caesar as a descriptive characteristic of his role as political leader (VIII.3 and 21) or as something being sought from him, saying that "not only the *Bellovacii*, but also the *Aedui*, entreated him to use his [accustomed] clemency and lenity toward them" (II.14). How Caesar uses the term prior to being addressed by Cicero in the speeches is of considerable importance for Cicero's strategy. Sallust likewise uses it as an act or disposition ascribed to Caesar as judge in his second epistle significantly written to Caesar.² A bit later during the Augustan period after Cicero's and Caesar's generation, Livy takes up the term. Reflecting back on values of his present day, he uses the term in the context of military dealings, the leaders of which all would have had constitutionally sanctioned *imperium*. In the 3rd book of *ab Urbe Condita*, he writes of Q. Fabius's desire for the Aequi to cast themselves back to his clemency as consul rather than suffer at the hands of an enemy: "If they did repent they could safely throw themselves on the clemency they had already experienced, but if they found pleasure in perjuring themselves, they would be warring more against the angered gods than against earthly foes." (3.2.5). In each of these examples, it is important to notice that the term is used of someone operating in his capacity as a political official and that, as far as our evidence goes, Caesar introduces it as a quality to be admired in a power-holder.

It is no surprise then that Cicero himself uses *clementia* and he adopts this sociopolitical term to great effect. Because the term shows up rarely if ever in his philosophical and rhetorical works and is instead found mostly in his speeches and letters dealing with public and political life, we are assured of its sociopolitical nature. This becomes especially interesting insofar as these works were written at the nearly the same time as the Caesarian speeches. Already early in his career as orator, we see him adopting standard usage of the term in reference to the lenity or pardon offered by those with *imperium* in official positions. In the oration against Catiline, delivered while Cicero occupied the most important elected

position in the Roman state and exercised decisive force against a civil and military uprising, he expresses the desire to extend this sort of mercy but fears the safety of the Republic (in *Catilinam* I.2.4). Cicero acknowledges that there are certain risks involved in the exercise of *clementia* to the extent that it releases potentially dangerous people back into society. Except for a few exceptional references in the letters to Brutus, this is the way Cicero uses the term throughout his career (Cicero).

In contrast to the other two Caesarian speeches that were seeking pardon for a client, the *pro Marcello* was delivered before Caesar as a thanksgiving speech for his pardoning of Gaius Marcellus, one of his longtime political enemies. It is divided into two primary sections. The first half (sect. 1-20) is dedicated largely to praising Caesar's clemency and military accomplishments. Cicero begins by citing Caesar's *clementia* as the reason that Marcellus has been restored to the Republic and he himself has been re-engaged in public oratory. He goes on to delineate the glories of Caesar's accomplishments during his various military commands, including those during the Civil War. Cicero especially commends Caesar for overcoming anger and vengeance, the traditional part of victors, by instead exercising *clementia*. The second half of the speech (sect. 21-34) is essentially a call to action. Cicero, having credited Caesar with the victory is in a position to lay the responsibility of restoring the Republic on him as well. He deals with Caesar's concerns about a plot on his life by reminding him that the Roman people are depending on him for their own safety. Cicero further motivates Caesar to the task of picking up the pieces left by the Civil War by suggesting that true glory and public memory would be attained thereby.

While Caesar's rise to absolute power was accomplished by the wielding of swords, he nevertheless regarded *clementia* as a personal virtue. Consequently, it is noteworthy that Cicero incorporates the term into the opening lines of the *pro Marcello* and does so in a way that reflects previous and contemporary usage. This sets the tone for the entire speech. Cicero indicates here that Caesar's

clementia is the cause of his restoration to public oratory when he says, "For so great humanity, so unusual and unheard of clemency, so great restraint of all affairs in the highest position of authority, and finally such unbelievable and almost divine wisdom, I am in no wise able to pass over in silence" (*pro Marc.* I). As in other earlier examples from Cicero and his contemporaries, the term here refers to the capacity of a magistrate or judge to pardon the guilty. Because Caesar is sitting as judge, Cicero thus legitimates Caesar's position as dictator of Rome.

So likewise in the second usage of the term of the *pro Marcello* when Cicero proposes in section XII that Caesar's *clementia* illustrates that the latter has conquered the privileges of victory. Traditionally the victor negotiates harsh terms of peace and kills any remaining threats, as did Sulla. Cicero sets this up saying, "For although we having been conquered all had fallen in the terms of victory, we have been saved by the sentence³ of your clemency" (*pro Marc.* XII.) Here too we see Cicero using this term to express Caesar's power as judge to pardon the guilty.

The final use of the term comes at the end of the speech's first half. After speaking at some length about the fears of Caesar's opponents, Cicero summarizes by indicating that their fears have been turned to hope when he says in section XVIII: "So that it appears to me that the immortal gods, even if they were inflicting punishment on the Roman people for some offence, when they stirred up so serious and melancholy a civil war, are at length appeased, or at all events satiated and have now made all our hopes of safety depend on the clemency and wisdom of the conqueror" (*pro Marc.* XVIII). Again the term references the act of a military or political official pardoning the guilty, thereby acknowledging Caesar's position of absolute power.

The rhetorical strategy worked out by the using the theme of *clementia* then has to do with the way it legitimates Caesar's position of power while pushing him towards a strictly ethical position by indicating that *clementia* is not to be doled out on a case-by-case basis. By using the term early in the speech with reference to Marcellus, Cicero sets

Caesar up as the judge who holds the position of extending mercy. Rhetorically this serves to obligate Caesar to follow through with the implications that holding such a position has for the restoration of the Republic; namely, that because he has the power to exercise *clementia* in the case of one man, he is obligated to extend it to all Romans. To pick and choose which individuals may be pardoned reduces the term to a mere favor which is not *clementia* at all. By validating his authority to extend *clementia*, Cicero adopts something of a "you broke it; you bought it" argument before Caesar. Caesar's role as dictator gave him absolute power, but this entails responsibility as well. He has the power to extend *clementia* because he is in a position to judge the guilty. If he is to validate his position he must restore what he has been appointed to restore, and Cicero exploits the concept of *clementia* to point this out. It is a speech which is very political and in need of considerable caution on Cicero's part. Thus rather than making tenuous demands on Caesar, he urges him to be consistent with his own principles and responsibly lay in the bed he has made (Dyer).

The second of Cicero's Caesarian speeches, the *pro Ligario*, was offered before the dictator late in 46 B.C. not as a thanksgiving speech as the *pro Marcello* had been, but rather as a petition and argument for the clemency of Quintus Ligarius. Ligarius had been sent to Africa as a legate to the provincial governor and was already settled when the war reached the continent. He served in the government there under Varus and ultimately did fight against Caesar at Thapsus after which he fled into exile to avoid whatever judgment might befall him.

The trial was apparently held in the forum with Caesar himself as sole judge. An anecdote from Plutarch suggests that he came with a guilty verdict, as it were, signed and sealed (Gotoff). Because the charges are not specifically laid out and defended against in a systematic fashion, the speech has been classified as a *deprecatio*. However this may oversimplify Cicero's strategy and underestimate his polemic in the speech.

However adamant against Ligarius Caesar was at the trial's beginning, in

the end, he was persuaded by Cicero's moving rhetoric and ultimately honored the wishes of Ligarius' brothers and friends by pardoning him. This ironically proved to be detrimental for Caesar when Ligarius was one of the assassins enlisted by Brutus against Caesar on the infamous Ides of March in 44 B.C.

As in the *pro Marcello*, the term and concept of *clementia* play a pivotal role in the speech. Cicero uses the word six times in the course of the oration, twice the number of times he chose the term in the *pro Marcello*. Unlike in the case of Marcellus, Ligarius was not yet pardoned and Cicero makes full use of the theme to accomplish this end. The first usage comes in section 6 just a few paragraphs into the speech. Cicero is setting up how he is defending Ligarius much to his own risk since he himself has committed worse crimes than those he now seeks pardon for on behalf of Ligarius. He immediately praises the *clementia* of Caesar saying, "O the admirable clemency, deserving to be celebrated by all possible praise, and publicity, and writings and monuments" (trans. Young). Here in the opening sections of the speech Cicero refers to the pardon of himself not only as precedent for clemency but also as the emboldening agent giving him voice, much as in the opening lines of the *pro Marcello*.

Again a bit later in section 10, Cicero takes up the term to remind Caesar that the malediction of those Pompeians who opposed him in the Civil War stood as praise for his *clementia*. He has just asked Tubero, the accuser, what he had been trying to accomplish if not the very same thing that Caesar is now in a position to accomplish. Afterwards addressing Caesar, Cicero says, "Shall, then, O Caesar, the speech of those men spur you on to the deeds of cruelty whose impunity is the great glory of your clemency?" (trans. Young) In using the term, Cicero seems to be indicating to Tubero that Caesar is now placed to do what he no longer can while at the same time urging Caesar to do it—namely to extend *clementia* to his enemies in order that the Republic might be stabilized.

The third instance of *clementia* in the *pro Ligario* comes in section 15 and again shows Caesar extending mercy in

his capacity as judge. Cicero, as he had in the *pro Marcello*, extols Caesar for using his position as victor to pardon the conquered. Rather than being deterred by those on both the winning and the losing side who would have had him exercise his dictatorial right to judge, Caesar extends the hand of mercy. "How many," says Cicero, "who, wishing no one to be pardoned by you, would have thrown obstacles in the way of your clemency, when even those men whom you yourself have pardoned are unwilling that you should be merciful to others" (trans. Young). Cicero acknowledges that many of Caesar's enemies who had been pardoned did not wish the same fortune for other offenders either because of the competition or merely to facilitate pushing their own agendas.

Four sections later, Cicero takes up the term again, pointing out that the only men who died in the civil conflict were those who died fighting. Though not specifically referenced, Cicero must indeed be contrasting Caesar's program for restoring order to that of Sulla a generation earlier—a sentiment echoed in section 12 of the *pro Marcello*. Here in section 19 of the *pro Ligario*, the orator implies that Caesar must maintain a certain amount of respect for those he preserves and that the ambiguities of war made it difficult to call out a definitively virtuous side, since both did what they thought best for the Republic. He continues though by noting that the better side (Caesar's) is manifested by his clemency and its being assisted by the gods when he says: "But now that your clemency is known; who is there who does not think well of that victory, in which no one has fallen except those who fell with arms in their hands?" (trans. Young) This separates Caesar from previous conquerors and legitimates his victory.

The final two uses of the term come at the end of section 29 and again at the end of 30. The first is set in the context of Cicero's searching out the authenticity of the accuser's (Tubero) motives. After asking Tubero if he is looking out for the Republic or for himself, Cicero turns to Caesar and explains that if he seems to be engaged in the interests of Ligarius, he is even more engaged in focusing on Caesar's mercy. He ends the section

saying: "In whatever I have said, I have endeavored to refer everything to the leading idea of your humanity, or clemency, mercy, whichever may be its most proper name" (trans. Young).

At the end of section 30, Cicero takes up the term for the last and perhaps most significant time. He points out that when pleading before a judge, it is not a good rhetorical strategy to suggest that the accused has made a mistake, was not thinking, or to utter various other pitiful admissions of guilt. Instead the advocate should maintain the innocence of his client. But then he lays hold of Caesar by the handle of his *clementia* and says that he entreats him as son before a father pleading: "I have erred; I have acted rashly; I repent; I flee to your clemency; I beg pardon for my fault; I entreat you to pardon me" (trans. Young). In employing this analogy of a son before a father, Cicero does not break with the way he has been using *clementia* all along to refer to the pardon offered by someone acting in the capacity of judge.⁴ Instead he reinforces this usage by openly admitting that it is clemency for a wrong act that is needed—not a mere favor or even justice for an act that was only misunderstood to be wrong.

Cicero finds himself in an interesting position as a rhetorician in his defense of Ligarius. On the one hand, he is before a judge and under ordinary circumstances would do well to argue for the innocence of his client. However, if he is to lean on a plea for *clementia*, Cicero must acknowledge guilt (Craig). To do otherwise would be to reduce *clementia* to a mere favor—not the pardon proffered by a judge for demonstrated wrongdoing. To accomplish this, Cicero uses heavy doses of irony and sarcasm to attain a balanced diversion from arguing for Ligarius' innocence while seeking his pardon. This is noticeable throughout the speech, but a good example comes at the beginning when Cicero sarcastically suggests that his whole strategy has been foiled now that Caesar is aware (as was everyone else) that Ligarius was in Africa. He continues by noting that Tubero, the accuser, is in a most enviable position to have a defendant who confesses his own fault—even if the crime is not greater than that of which Tubero had already

himself been pardoned by Caesar. And so amid this sort of irony and sarcasm, Cicero incorporates the notion of *clementia* in such a way that at times it can seem difficult to discern which one serves the other.

Cicero's first reference to *clementia*, in section six, has in mind his own pardon by Caesar. By doing so, he shifts the attention from whatever the specific charge may have been to a general discussion of opposition during the war. This serves to equalize the degree of culpability of the opponents—a point that becomes important for his strategy in the speech. He praises Caesar for having forgiven him, and while he plainly admits in the following section that he had been against Caesar, he nevertheless does not come away terribly sullied. In confessing guilt, Cicero does so in such a manner that presents his actions as principled, uncoerced, and the result of his desire to do the best thing for the Republic. He then notes that in spite of his being on the opposing side, he was pardoned by a willing Caesar. From there, Cicero turns his focus away from himself and towards Tubero, whom he paints in a much harsher light. He points out that Tubero had desired willingly to be in Africa and had taken up arms against Caesar at Pharsalus not against his own will. The contrast then is that what Ligarius did as a matter of circumstance and loyalty to the Senate, Tubero did as an act of will against the Senate. Cicero here turns to Caesar in his second use of the term *clementia* and asks him if talk from the likes of Tubero, whose very ability to speak has been made possible by Caesar's clemency, will persuade him to engage in cruelty (against Ligarius). This is echoed the next time the term is used in section 15.

The rhetorical consequence of this structure in the first three uses of the term is to place Cicero, who has been forgiven for crimes that were serious enough, and Tubero, who has been forgiven for crimes that were a good deal more severe at opposite poles as recipients of Caesar's (impartial) clemency. The facts of the case and the speech itself place Ligarius between Cicero and Tubero in terms of degree of his own offences against Caesar. By placing the

offences of Ligarius between those of two previously pardoned men while appealing to Caesar's sense of constancy, Cicero argues for the zero-sum nature of *clementia*. Caesar can not retain his credibility as someone who fancies himself merciful if he picks and chooses whom he wishes to pardon. In the *pro Marcello*, Cicero argued that consistent application of *clementia* demanded that certain actions be taken to restore the Republic; in the *pro Ligario* that consistency demands the pardon of Ligarius.

The final three instances of *clementia* serve to remind Caesar that he has offered clemency before and that it is now in plain view and being sought. Section 19 notes that it is his clemency that has inclined everyone to think well of Caesar's victory. Sections 29 and 30 focus the speech on *clementia* by suggesting that Cicero has tried to refer everything to that particular capacity of Caesar and that, having confessed Ligarius' guilt, he comes before the judge for full pardon as a son would seek mercy of a father. In doing so, Cicero shifts the focus away from any sort of defenses of Ligarius or praises of his virtue as touched on in early parts of the speech, and instead rests his case firmly on free *clementia*.

The last of the Caesarian speeches, the *pro Rege Deiotaro*, was performed in 45 B.C. before Caesar as sole judge in his own home as opposed to the others which had been delivered publicly in the Forum. Deiotarus was king of Galatia and a longtime friend of Cicero and, like Cicero, Ligarius, and Marcellus, had supported Pompey in word and deed during the Civil War. As such Caesar was already acutely disposed against him when Deiotarus' grandson brought charges against him before Caesar for an alleged plot on the dictator's life four years previous. The somewhat unusual circumstances of the speech being behind closed doors before Caesar as sole judge elevates the stakes as Cicero does not hesitate to point out early in the speech. In the privacy of Caesar's house, not only would there be no accountability for the Caesar as judge, but there would also be none of the external stimulation that Cicero as a public speaker would have relied on for the performance aspect of his oration.

As in the other two Caesarian speeches, *clementia* is a noteworthy theme in the *pro Rege Deiotaro*, though to a somewhat lesser extent. It shows up first in section eight where Cicero begins to speak about what he considers to be the hope of the accusers. After painting them in a seditious light, he beseeches Caesar saying: "Wherefore, O Gaius Caesar, first of all by your good faith, and wisdom and firmness, and clemency deliver us from this fear, and prevent our suspecting that there is any ill-temper lurking in you" (trans. Younge). He goes on to prevail upon Caesar's right hand—the right hand that had promised friendship to King Deiotarus and which was no more trustworthy on the battlefield than in a private contract. It is an interesting example because of the way Cicero entreats Caesar for the clemency that only a judge can convey while appealing to the dictator's consistency (*constantia*).

The remaining three instances all occur much later in the closing sections of the speech. They emphasize clemency as being a personal characteristic of Caesar and each, as in the first example, is modified by a form of the Latin possessive pronoun *tua* meaning "your." The second appearance of the term is found in section 38 where Cicero is drawing attention to King Deiotarus' personal virtues of wisdom, consistency, valor, etc., and presents the king as so considering these things that "he attributes the whole of the tranquility and quiet of his old age which he enjoys to your (Caesar's) clemency" (trans. Younge). Section 40 contains, in *praeteritio* form, an appeal to Caesar's compassion in which he acknowledges Caesar's predisposition towards mercy and indicates that "there are many monuments of your clemency, but the chief, sure, are the secure happiness of those men to whom it is you have been the author of safety" (trans. Younge). Cicero goes on to say that such actions performed for private individuals are all the more glorious in the case of a king. In similar fashion, he ends the speech in section 43 by entreating Caesar to be mindful that his sentence will convey either disgrace or noble safety to the kings in question. The latter he says "is an action suitable to your clemency" (trans. Younge). As before, this legitimates his

position of authority by acknowledging his capacity to pardon and calls upon his consistency to do so.

As in the other two speeches before Caesar, Cicero exploits *clementia* for rhetorical advantage in this speech for King Deiotarus, though he does not rely on it to the extent that he does in the *pro Marcello* or *pro Ligario*. Instead, Cicero first spends the greater part of the first three-quarters of the *pro Rege Deiotaro* introducing the task set before him and then responding to the various charges against Deiotarus himself. Cicero notes early in the speech, and several times consequent, that he speaks on behalf of a king. This seems for Cicero to raise the stakes to some degree, insofar as what is just concerning a private citizen is all the more applicable in the case of a king (sect. 40). In addition to responding to the accusations themselves, he also makes a great deal of the groundlessness of the charges since they had been formed on the authority of a slave.

At section 35, Cicero changes gears significantly. He ceases to respond to the charges weighed against King Deiotarus, saying he considers nothing lacking in his speech but that he has reserved several topics for the end. He then sets forth reasons why Caesar ought not to be suspicious of King Deiotarus' loyalty or friendship and focuses on the king's virtue. In doing so, Cicero again appeals to (or for) Caesar's constancy by emphasizing, as in the other speeches, that *clementia* is a zero-sum game. Cicero had laid the foundation for this in section eight where he reminds Caesar that he had already extended King Deiotarus his right hand of friendship. While the case is not strictly one of double jeopardy, Cicero has rhetorically reduced it to that by having dealt with the new charges against the king (at least to Cicero's satisfaction). Thus, not to grant clemency again to the king, whom he had once already based on past bad blood, would appear inconsistent and would violate the nature of *clementia*.

It is clear then that *clementia* becomes a point of negotiation of power for Caesar and Cicero alike, the one asserting his political dominance, the other speaking from a position of moral authority. By exploiting the "all or nothing" nature of

clementia, Cicero uses the term and its related concepts to secure pardon for his friends while maintaining his own safety in a dangerous and politically charged environment. In doing so, he retains his own political presence in Rome, finding a delicate balance between risk and reward. ■

Notes

1. The *pater familias* was the oldest living male agnate and had absolute control over not only all resources, but also the life and death of the family members.
2. These may well have been written later as rhetorical exercises rather than actual letters to Caesar.
3. In such contexts, the Latin word *sententia* would normally refer to a vote of a corporate, governing body. Here Caesar alone holds the place of that body.
4. This harkens back to Terence's use of the term in line 861 of the *Adelphoe*. I can refer to Caesar's title of *pater patriae* (father of the fatherland) since he received it shortly after the speech was written.

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