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Philosophy in Cicero's speeches

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Philosophy plays much less prominent and conspicuous a role in Cicero's speeches in comparison with the other genres of writing that he used. Indeed, there are just two discussions of philosophy of any scale in Cicero's surviving speeches, and in each case philosophy, in the guise of adherence to a specific philosophical sect, is introduced as the basis for an invective against an opponent. Thus a brief consideration of the topic might conclude that Cicero's speeches are not a helpful line of enquiry for his philosophy, being only marginally interested in the topic and only from a hostile perspective. The purpose of this chapter is to suggest that the picture is perhaps more complicated. A closer look at *pro Murena* and *In Pisonem*, the two speeches which deal explicitly with – respectively – Stoicism and Epicureanism shows that neither suggests that philosophy, philosophical study or even philosophical adherence are, in themselves, problematic or dangerous phenomena. Cato and Piso, the objects of Ciceronian criticism (albeit of rather different levels of hostility) are at fault not because they are interested in philosophy but because each, in their own way, has misunderstood how to be a philosopher. Even within the confines of oratory with its immediate ends, Cicero's approach to philosophy does not fundamentally clash with that adopts he elsewhere. It is also possible to suggest that Cicero's philosophical studies can be linked to aspects of his political theory as expressed in his speeches. In particular, the development in *pro Milone* and the second *Philippic* of an argument around the justification for murder can be connected to the argument around tyrannicide and human society which is articulated in the third book of *De Officiis*. The aim of this chapter is to show that the speeches should not be ignored in an assessment of Cicero as a philosophical writer.

The forensic speech *pro Murena* was delivered late in 63 in defence of L. Licinius Murena, one of the consuls-elect for the following year, on charges that he had used bribery in his campaign to be elected consul. Cicero uses the adherence by one of his client's prosecutors, the younger Cato, to Stoicism to build an argument against the credibility of the prosecution as a whole.² Cato was one of four speakers involved in the prosecution of Murena but, unlike the other three, he did not have a direct personal motive for his

¹ I am grateful to the editors for their invitation to contribute to this volume and their suggestions on an earlier draft; and to Walter Englert for his generosity in sharing his work on these speeches prior to its publication and for his comments on this chapter.

² On *Pro Murena*, Leeman 1982; Adamietz 1989; Stem 2006; Fantham 2013.

involvement.³ Instead, the prosecution played to Cato's hostility towards corruption in public life, a stance which would come to be dominant in his public persona, and which had already become evident in his tenure of the quaestorship the previous year.⁴ Despite his junior position at the time of the trial (he was tribune-elect) Cato's personal probity gave authority to the prosecution: the only reasonable explanation for his involvement must be his belief that Murena was guilty. Cicero's response to the problem which that moral authority created for the defence can be seen to underpin his presentation of Cato. He argues that Cato's morality is unrealistically rigid, and he does so on the basis of Cato's known adherence to Stoicism. If he could convince the jury not to see any implication of guilt in Cato's presence as a prosecutor, he would have gone some way to counter the feeling against Murena that arose from the circumstances under which the charges had been brought and reassuring the jurors that their own (hoped-for) leniency in reaching a judgement on Murena's behaviour was not an indication of any moral failing on their own part.

The section of the speech (60-66) in which Cicero sets out this argument has been extensively studied.⁵ It is distinctive in Cicero's oratorical corpus for its wit and lightness of touch, and an anecdote that Plutarch (*Cat. Min.* 21.5) records points to its effectiveness at the time:

Cicero was consul when the case was heard and one of Murena's defendants. By criticising and making a great deal of fun of Stoic philosophers and the so-called Paradoxes, because of Cato, he made the jurors laugh. They say that Cato smiled at what was going on and said, "Gentlemen, what an amusing consul we have".

Cicero wanted, and apparently had, his audience in gales of laughter at this point in the speech. Cato's recorded response to Cicero's witticism arguably draws on this authority as well, since the phrase ὕπατος γελοῖος, surely a translation of *consul ridiculus*, is no compliment: *ridiculus* can describe something which is the object of laughter as well as its cause.⁶

³ Ser. Sulpicius (cos. 51), the other main prosecutor, was one of the unsuccessful candidates in these elections and, if Murena were convicted and thus disqualified, he would have the opportunity to stand again. The two *subscriptores* were closely associated with Sulpicius: see Alexander 2002: 121-127.

⁴ Morrell 2017: 160-162. Cato had announced in the Senate that he would prosecute the successful candidates, given the prevalence of bribery, though he excepted his brother-in-law Silanus (who was in fact elected): Cic. *Mur.* 62; Plut. *Cat. Min.* 21.2-3.

⁵ Craig 1986; Riggsby 1999: 21-49; Fantham 2013: 166-173

⁶ See, e.g., Cic. *Rosc.* 50; *Phil.* 11.13.

It is important to note that the jurors' laughter was directed very carefully at a specific kind of philosophical engagement. Cicero does *not* argue that Cato is a bad guide to conduct because he is influenced by his philosophical studies. Indeed, he demonstrates through a series of *exempla* that philosophical studies are eminently suited to the Roman elite.⁷ The men whom he identifies were, however, he claims, affected by their philosophical studies, even those conducted with Stoics, towards greater moderation and mercy, not less. The younger Cato has, it emerges, made a fundamental error in his philosophical practice. He has attached himself too firmly to one school, that of Zeno (when there were alternatives more suited to the reality of Roman life, in which mercy and moderation are valuable qualities) and he has misunderstood *how* to do philosophy. It should not be a matter of rigid adherence to a particular code of conduct but a process of investigation, in which one *sententia* can overcome another (65) and minds can be changed.⁸ If Cato would only use the Roman *exempla* that Cicero has brought forward (66), he would understand what to do; the attitude which has led to his mistakenly over-zealous adherence is, after all, is one that even Cicero as a young man shared: 'I admit, Cato, that I too as a young man distrusted my own judgement and sought the assistance of rules' (Cic. *Mur.* 63). Cicero thus sets up philosophical study, if done properly, as a valuable part of Roman elite practice with a considerable history. It is entirely acceptable to spend time with philosophers, engage in discussion with them, and even, if you are young and inexperienced, to rely on *doctrina* – provided you have the sense, as Cicero did and Cato did not, to turn to Plato and Aristotle, whose tenets suit Roman practice in a way that those of Zeno do not.⁹

Throughout this section form complements content, as Cicero switches from oratorical address to the jury to setting up a philosophical dialogue with Cato himself. He marks the shift early on: 'Since my speech is not delivered to an ignorant crowd or in a gathering of rustics, I shall discuss the civilised studies which are well-known and dear to you as well as to me with rather considerable freedom' (Cic. *Mur.* 61).¹⁰ He then initially expounds Stoic doctrine and describes Cato's adherence to it, but then turns to direct address to Cato, and then (65) apparently shifts to prosopopoeia of Cato's voice, in which 'Cato' states his position and Cicero demolishes it. Cicero thus demonstrates to the jury the

⁷ He cites Scipio Aemilianus, Gaius Laelius, L. Furius Philus, C. Sulpicius Galus and the elder Cato; all of whom would subsequently be used as characters by Cicero in his philosophical dialogues.

⁸ For the practice of arguing *in utramque partem*, see further Remer in this volume.

⁹ Cf. Cic. *De Orat.* 3.63-68.

¹⁰ In fact, Cicero's exposition of the Stoic doctrines that he attacks is so full that prior knowledge is not required to follow his argument.

appropriate use of philosophy by a Roman: it is not dogmatic, but uses debate in order to identify the best course of action. It is a matter of method, not content. As a result, the jury is to understand, the problem with Cato is not that he is a philosopher, but that he is a bad philosopher.

In Pisonem is one of the many speeches that Cicero gave after his return from exile which endeavour to re-establish his authority within the Senate and political community. One of the regular targets of his invective in these speeches is L. Calpurnius Piso, consul in 58 who, on Cicero's view, had betrayed him by failing to take steps to prevent Clodius' attacks on him which drove him into exile. At the time of Cicero's return in 57 Piso was absent in his provincial command in Macedonia; when he returned to Rome in 55, he and Cicero clashed in the Senate, and Cicero disseminated *In Pisonem* as a record of their encounter.¹¹ Piso's adherence to Epicureanism is presented as a major element in his moral worthlessness which is at the heart of Cicero's invective; he, unlike most of Piso's audience, can see through the sham character of moral probity which Piso presents to the world.¹² Similarly to *pro Murena*, *in Pisonem* presents an individual's erroneous adherence to a particular school of philosophy as a fault which undermines authority within the public sphere. But there are pronounced differences between the two speeches.¹³ Piso's adherence is to Epicureanism rather than Stoicism, and Epicureanism is presented as a much less plausible philosophical position, even if Cicero holds back in this speech from outright condemnation. Moreover, Piso's misunderstanding of what it is to do philosophy feeds a fierce invective, in contrast to the patronising benevolence directed at Cato. Piso is drawn to Epicureanism because of his vicious nature, and because it is Epicureanism to which he feels allegiance, philosophical study cannot amend his faults.

Piso's Epicurean adherence is treated as a given throughout the speech.¹⁴ Systematic discussion of philosophy is concentrated at 63-72, where Cicero develops a series of

¹¹ Piso also produced a written version of his speeches; Cic. *Q.fr.* 3.1.11.

¹² On *In Pisonem*, Nisbet 1961; Corbeill 1996: 169-173; Dugan 2005: 55-74.

¹³ One important difference, as Walter Englert has shown, is in language: Cicero does not use *philosophus* or *philosophia* in *pro Murena* whereas there are eight occurrences in *in Pisonem* (56, 58, 65, 68, 69, 70, 71 [twice], 72).

¹⁴ Cic. *Pis.* 20, *barbarus Epicurus* (a barbarian Epicurean); 37, *Epicure noster ex hara producte non ex schola* (you, our Epicurean drawn not from the schools but a pigsty); 92. The only explicit mention of Epicurus in the speeches apart from *In Pisonem* is at *Red. Sen.* 14, where Cicero includes in his description of Piso the following observation: 'when indeed he began to engage in literary study, and this prodigious monster began to philosophize with his little Greeks, he then was an Epicurean, not because he was deeply committed to that school (whatever it may be) but captured by this one word: pleasure'. In brief compass Cicero sketches the approach he takes at greater length in *In Pisonem*: a general caution around Epicureanism alongside Piso's incompetence as a student because of his moral depravity.

arguments whose purpose is to discredit Piso both as a practitioner of Epicureanism and because of his Epicurean adherence. He is unable to live by Epicurean precepts (65), since he is affected by the fact that he is unpopular, though Epicureanism regards ‘reputation, shame, disgrace and degradation as trifling words’ (Cic. *Pis.* 65). He interprets Epicureanism in accordance with his own degraded standards, placing physical pleasure ahead of intellectual and aesthetic pleasure, and failing to understand the nature of true luxury; his study of Epicureanism lacks any rigour, as he was attracted to it because of his own voluptuous tendencies (Cic. *Pis.* 68-69). Finally, his practice is so debased that it has corrupted (the unnamed) Philodemus, his teacher, of whom Cicero says, ‘If he had had better luck in getting a pupil he could perhaps have been a more serious and respected figure’ (Cic. *Pis.* 71). Cicero formally eschews judgement on the validity of Epicurus’ arguments (‘whether or not he is right is not our business, or if it is our business now is not the time’, Cic. *Pis.* 86); the problem is thus not so much that Piso is an Epicurean, but that he is a bad Epicurean.¹⁵

In both these speeches Cicero uses defective philosophical adherence as a means to discredit his opponent.¹⁶ His invective does not lack philosophical content, but there is no requirement on the audience to possess any detailed knowledge of the philosophical ideas to which he refers, though Cicero implies that he and the jurors share a civilised understanding of philosophy and its proper use. It also appears that there is a basic level of fact underpinning his presentation. The philosophical allegiances of Cato and Piso were publicly known.¹⁷ Moreover, the differences in the handling of Stoicism and Epicureanism correspond to what is known of Cicero’s attitude to each school.¹⁸ It would seem that effective use of philosophical allegiance as a character trait in oratory required some correspondence with reality.

¹⁵ How far Cicero’s framing of Epicureanism here is affected by the Epicurean allegiances of some of his friends is difficult to ascertain.

¹⁶ Other places in the speeches where Cicero explicitly refers to a specific philosophical school are at the start of *Pro Scauro* (3-6) and at *Rab. Post.* 23. In *pro Scauro* Cicero appears (the text is fragmentary) to invoke Plato’s account of Socrates’ death as part of an argument suggesting that the prosecution is ridiculous to claim that a Sardinian woman committed suicide because Scaurus was threatening sexual assault. The tone is distancing (*ut uideo...ut opinor*) and contemptuous (*Graeculi ...multa fingunt*). At *Rab. Post.* 23, Plato’s relationship with Dionysius is one of three examples of an intellectual whose life was jeopardized or even lost by his association with a tyrant, thus justifying Postumus’ mistake in trusting Ptolemy XII; here Plato is presented as an acceptable guide to conduct.

¹⁷ On Piso, Griffin 2001; Cato, Craig 1986.

¹⁸ In contrast to Piso and Cato, however, it is less clear that Cicero was widely known to have particular philosophical allegiances, though the presence of Diodotus in his household was presumably no secret. In *pro Murena* (*Mur.* 63) he claims to be guided by Plato and Aristotle, which establishes a middle ground in contrast to Cato’s more rigid adherence to Stoicism. On the potential dissonance between our knowledge of Cicero and that of his oratorical audiences, Morstein-Marx 2004: 207-230

One function of philosophy in Cicero's oratory is, then, as a source for invective against opponents whose moral authority would otherwise prejudice Cicero's success, political or forensic. Another important area where philosophy potentially affected Cicero's oratory arises from the nexus between rhetoric and philosophy in his theoretical works on speaking.¹⁹ These two disciplines were intertwined as intellectual pursuits at Rome from the foundational visit of the leaders of the three Athenian philosophical schools to address the Senate in 155 B.C., and the lectures they gave during their stay.²⁰ Even in Cicero's earliest work on rhetoric, *De Inventione*, he seeks to transcend its handbook format with opening reflections on rhetoric and the origins of society which draw on Isocrates. The productive relationship which should exist between oratory and philosophy and be embedded in rhetorical tuition underpins *De Oratore*, in both its explicit demands for an orator to have philosophical competence and its allusions to Platonic dialogue in the details of its framing.²¹ The consequences affect every aspect of speaking. The implications for argumentation were developed in *Topica*: there, he set out the Aristotelian theory of τόποι in order to provide a method of generating arguments about general topics and thus escape the limiting specificity of standard status-theory to specific questions.²² In the safe generic context of a treatise in which Roman aristocrats can acknowledge their intellectual interests, Cicero introduces his treatment with a description of how his dedicatee, C. Trebatius, came across Aristotle's *Topica* in Cicero's library and asked Cicero to expound the work. Cicero initially refused, suggesting that Trebatius should do the reading himself and ask for help, should he need it, from 'a most learned teacher of rhetoric'; but when Aristotle was too much for Trebatius, and his teacher confessed ignorance, Cicero felt himself obliged to step in.²³ The resulting work seeks to integrate the technique of using τόποι with existing rhetorical instruction, to expand but not radically recast the methods available to the well-educated orator.

Before considering other ways in which Cicero uses philosophy in his oratory it is, however, important to distinguish broader and narrower usages of the term 'philosophy'. Thus far this chapter has only looked at those points in the speeches where Cicero explicitly

¹⁹ See further Remer in this volume.

²⁰ Erskine 1990: 188-192; Glucker 2001.

²¹ Wisse 1989; Zetzel 2003; Fantham 2004: 161-185.

²² Reinhardt 2004: 3-17.

²³ Cic. *Top.* 1-5. Cicero's initial reluctance to accede to Trebatius' request (whether or not it happened) can perhaps be explained as a reluctance to crystallize a disparity between him and Trebatius by assuming too openly the role of teacher. In Cicero's most openly didactic treatises (*Tusc.*, *Part. Orat.*) his interlocutor is either anonymous or his own son, with whom an unequal relationship is appropriate. On the issues raised by the interlocutor in the *Tusculans*, Gildenhard 2007: 70-76.

refers to philosophy as an intellectual pursuit. These references depend on identifiable schools of philosophy and their associated philosophical positions. It is however possible to adopt a broader meaning of ‘systematic thinking’, and so doing can reveal further potential relevant aspects of the speeches. Gildenhard offers an example of such an approach, setting out a comprehensive analysis of Cicero’s oratory in terms of its understanding of human psychology, society and relationship with the divine.²⁴ He argues convincingly that the world that Cicero creates in his oratory across more than three decades offers a coherent picture of the nature of man and the consequences of this understanding of human nature for an orderly society, particularly in its dealings with internal threats. The cluster of modern academic disciplines which Gildenhard uses to structure his enquiry extend very widely; they intersect with the lines of enquiry pursued by ancient philosophy only at points. But at those points of intersection, it is worth exploring whether Cicero may be relying on his philosophical studies in articulating or implying a political theory underpinning the cases and advice he presents in his speeches. The fact that he may do so without explicit invocation of any philosophical authorities is not in itself evidence that there was no connection; caution over overt intellectualism, particularly in relation to Greek material, is a recurrent feature of his oratory.

The intersection of Cicero’s philosophical standpoint and his oratory in political theory can perhaps most productively be explored in the relationship he establishes in various speeches between the security of the *res publica* and the rights of the individual. This tension faced Cicero in 63 when, as consul, he faced Catilina’s uprising; in his fight with Clodius in the 50s; and at the end of his life in his opposition to Marcus Antonius. In each case Cicero used the priority of the *res publica* as the basis of his campaign to destroy his opponent, and in so doing he connected existing Roman legal frameworks and political practice with a theoretical framework developed from Stoicism and Academic scepticism. The result was a justification of how internal threats could trigger emergency states and for the unilateral expulsion from the *res publica* of certain individuals.²⁵ The Roman Senate had developed a state of internal emergency through a form of decree which instructed the consuls ‘to see that the state suffered no harm’; first used in 121 B.C., it had been institutionalized by its repetition in subsequent crises in 100 and 77. Although its legality had never been established on a general basis, and was therefore subject to legal challenge on a case by case basis, practice indicated that it removed a citizen’s individual protection from arbitrary capital

²⁴ Gildenhard 2010.

²⁵ See Harries 2006: 204-229; Hall 2013; Straumann 2016: 149-190.

punishment by magistrates in a civilian context.²⁶ In a parallel development, the irrevocability of citizen status was tested through the Senate's declaration that certain Roman citizens were *hostes*; this too was a preliminary to violent death. Sulla's creation of the process of proscription extended that process in terms of numbers and by breaking a link to a single moment of crisis.²⁷ Cicero was, therefore, operating within a political environment in which the Senate had intermittently claimed the capacity to protect the *res publica* by eliminating internal threats without the authorisation of the people as a whole. He took the possibility of a set of enabling conditions for the suspension of individual rights and combined it with a Stoic-inflected theory of society to identify aspiration towards tyrannical power as the key to identifying those whose actions removed them from the *res publica*.

The underpinning philosophical theory has its fullest articulation in *De Officiis*, whose discussion of tyrant-killing is clearly influenced by Caesar's death. In this work, written as Cicero began his campaign against Antonius in the autumn of 44 B.C., he provides the theoretical basis for rejecting tyranny. Killing a tyrant is the example he sets out to open up the topic of the work's third book (*Cic. Off.* 3.19) on the (apparent) conflict between doing what is right and doing what is useful.

Often, as a result of circumstances, what is generally considered to be dishonourable is found not to be dishonourable. As an example, consider a case with wider ramifications. What can be a greater crime than killing someone who is not only a human but also a friend? Yet surely someone who kills a tyrant, however much a friend, has not embroiled himself in criminal activity?

As a result, the judgement concerning tyrants is 'very straightforward' (*perfacile*, 32). 'We have no bond with tyrants; indeed, there is a total disjunction, and it is not against nature to rob him, if you can, whom it is honourable to kill, and this whole destructive impious group must be driven out from the society of men'. Cicero's argument upholds the conclusion that tyrannicide is not dishonourable by asserting the bonds which link all humans, whether or not they belong to the same political community. Actions which threaten those bonds are

²⁶ For an overview, Straumann 2016: 63-117.

²⁷ Sulla had also attempted to remove the citizen status of entire communities. In some speeches earlier in his career (*Pro Caecina*, *Pro Muliere Arretina*) Cicero had argued that citizenship could not be lost without the holder's agreement. Cicero's inconsistency can be explained by the specific forensic contexts of these speeches, but it was also an area in which the legal framework was developing fast.

invariably dishonourable. By threatening the basis of human society, tyrants put themselves outside that society, and as a result must be eliminated.²⁸

It is possible to trace this theoretical position in the way that Cicero handles the death of Clodius in his defence of Milo some years previously in 52 B.C.²⁹ Milo was accused under the *lex de ui* for his role in Clodius' death; *pro Milone* is notable, among other features, for its dual structure, in which Cicero's demonstration of Milo's innocence of the offence of *uis* (because his killing of Clodius was in self-defence), which forms the first and largest part of the speech, is followed by a further demonstration that even if Milo had set out to kill Clodius his actions would have been justified because of the threat that Clodius posed to the *res publica*.³⁰ The speech, at least in the form which Cicero circulated it, thus offers in sequence two incompatible arguments.³¹ The second, so-called *extra causam* section, can be seen as the culmination of Cicero's arguments over the previous four and a half years since his return from exile that Clodius had expelled himself from the *res publica* through his behaviour and actions.³² In it Cicero summarizes Clodius' past actions in order to construct the praetorship for which he was campaigning at the time of his death as a threat to the entire community: 'If he had obtained that *imperium* – I pass over our allies, foreign nations, kings and tetrarchs – you would be praying that he launched himself against them rather than against your property, your houses, your money – do I say money? He would never have kept his uncontrollable appetites away from your children, god is my witness, and your wives' (*Mil.* 76). The argument moves towards Cicero's invocation of tyranny as the frame in which Clodius can best be understood: 'If he were this man's killer, would he, in acknowledging it, expect punishment from those he had freed? Greek people ascribe divine honours to those men who have killed tyrants – which I saw in Athens and in other Greek cities! What religious ceremonies, hymns and songs are dedicated to such men!' (*Cic. Mil.* 79-80). Clodius is a *hostis* (78), and not only humans but also the gods have taken an interest in his obliteration.³³ The overt framework for Clodius' death is one informed by tyrannicide in Athenian political history and the divinity which adhered to those who committed it. Nonetheless, it is at the very least evident that, by creating an opportunity to explore Clodius'

²⁸ See further Atkins in this volume.

²⁹ Clark and Ruebel 1985.

³⁰ The structure of the speech can be summarized thus: 1-71, defence of Milo on charge of *uis* (the death of Clodius was self-defence); 72-91, hypothetical defence of Milo for deliberate killing of Clodius; 92-105, peroration (heroism and resignation of Milo). On the structure of the *pro Milone*, Fotheringham 2013.

³¹ On the *Pro Milone*, Stroth 1975: 31-54; Stone 1980

³² On this 'standard version', Kaster 2006: 1-14

³³ *Mil.* 85-86, building on the location of Clodius' death near a shrine to the *Bona Dea*.

death as an event planned by Milo, Cicero sets out a vision of tyrannicide as a justifiable community response to individual power, and that this vision can be related to the subsequent analysis of the philosophical justification for tyrannicide in *De Officiis*.

The argument in *Pro Milone* depends on an emotional response to Clodius, compounded of disgust and horror in the face of sacrilege, violence, and assault on property rights. Cicero deploys a similar approach to Antonius in the *Philippics*, combining specific personal details such as Antonius' relationship with Curio, with a more generalised threat to the integrity of the *res publica*. In Antonius' case, this threat emerges most clearly after Caesar's death, though its potential is present in the career of activity that Cicero describes at length prior to that moment. Cicero claims his immediate reaction to Antonius' behaviour after Caesar's death was apprehension: 'the *res publica* seemed securely established to others, but not remotely to me, who feared shipwreck with you as our helmsman.' (Cic. *Phil.* 2.92). Antonius' return to Rome in early summer 44 throws Rome into confusion and provokes recollection of the rising triad of Cinna ('too powerful'), Sulla ('as master') and Caesar ('as ruler') (Cic. *Phil.* 2.108). These fears are not groundless: Antonius has confirmed them by summoned the Senate to a closed session under armed guard. 'Surely it is better to die a thousand times than to be unable to live in one's own community without an armed guard? But that is no protection, believe me; you need to be protected by the affection and benevolence of the citizens, not by arms' (Cic. *Phil.* 2.112). By invoking the trope of being under armed guard, Antonius' behaviour aligns himself even more clearly with tyranny than that of Clodius. By suggesting that the only effective protection against assassination is his reputation with his fellows citizens, Cicero pushes his readers to reflect on this extent to which Antonius has indeed behaved in such a way as to create this protection for himself. The inescapable conclusion, brought out over the following two chapters, is that he has not; rather, he is responsible for a state of slavery. His actions show him to be a tyrant, and as such subject to the judgement of tyrants articulated in *De Officiis*.

Within Cicero's oratory philosophy plays a limited though significant role. His speeches were always directed towards a specific persuasive end, and philosophy plays a part only if it can contribute to that end. The breadth of the audiences of his speeches on the occasion of their delivery made them inhospitable to any technical or esoteric discussion; even when speaking to senatorial jurors, Cicero was careful to distance himself from

excessive or alienating learning.³⁴ Philosophy as a branch of intellectual activity fell clearly under this heading and was thus to be invoked with great caution. Nonetheless, it fulfils two functions. It is evident in Cicero's oratory of crisis insofar as it provides the theoretical basis for his construction of the *res publica* and the relationship between the *res publica* and his (and, on Cicero's telling, its) enemies. In this context, however, it is striking that the articulation of this theory is not framed in overtly philosophical terms. Greek philosophy combined with Roman jurisprudence to provide tools but did not, it appears, contribute any authority which would make it worthwhile to invoke this aspect of the idea's history.³⁵ Indeed, Cicero's explicit invocation of philosophy is concentrated, within his oratory, in invective contexts. Although philosophical adherence itself is not presented as a weakness (a position which could easily have backfired for Cicero himself) he constructed his opponents' engagement with philosophical doctrine as flawed in a variety of ways, shaped by what seem to have been the public profiles of Cato and of Piso and by the level and nature of the attack which Cicero wished to launch. His approach is also adjusted to his audience, who are not required to deploy any specialized understanding in order to understand what he says: all that is required is, at most, a broad familiarity with the terms Stoic and Epicurean and a willingness to identify Cato and Piso with those respective positions.

Cicero's use of philosophy in his speeches thus matches the prescription which Crassus offers in *De Oratore*.³⁶ Philosophy is one of a number of bodies of knowledge which the orator should possess as a source of effective arguments. It also, in Cicero's case, underpins the beneficent relationship between the orator and the *res publica*: Cicero's philosophical knowledge and understanding enabled him to identify the ways in which he could serve the *res publica* and support his oratorical skill in explaining to a range of audiences what was required from everyone in its protection.

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³⁴ See *Verr.* 2.4; cf. *Arch* 3 (this to an audience of senators and equestrians). Written speeches involved much smaller audiences than their spoken counterparts but verisimilitude of tone and approach, if not verbatim accuracy, was of central importance in the transition from speech to writing; for a useful survey of the issue, Powell and Paterson 2004: 52-57.

³⁵ Cf. *Fin.* 4.74, where Cicero contrasts his approach in *Pro Murena* with the serious philosophical discussion with which he is currently engaged.

³⁶ *Cic. De Orat.* 1.52-57; cf. Remer in this volume.

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