

THE ORATION OF M. T. CICERO IN DEFENSE OF L. MURENA, PROSECUTED FOR BRIBERY.

THE ARGUMENT.

Lucius Murena was one of the consuls elect; the other being Silanus, the brother-in-law of Cato. Cato, however, instigated Sulpicius, one of the most eminent lawyers in Rome, and a defeated competitor for the consulship, to prosecute Murena for bribery, under the new law passed by Cicero (mentioned in the argument to the first oration against Catiline), though he brought no charge against Silanus, who was as guilty as Murena, if there was any guilt at all. Murena had served as lieutenant to Lucullus in the Mithridatic war. Murena was defended by Crassus, Hortensius, and Cicero. We have neither of the speeches of his other advocates; and even the speech of Cicero is not in a perfect state. Murena was unanimously acquitted, partly perhaps from consideration of the argument which Cicero dwelt upon very earnestly, of what great importance it was, at such a perilous time (for this oration was spoken in the interval between the flight of Catiline to the camp of Manlius, and the final detection and condemnation of the conspirators who remained behind), to have a consul of tried bravery and military experience. It is remarkable that Sulpicius, the prosecutor, was a most intimate friend of Cicero, who had exerted all his influence to procure his election in this very contest for the consulship; and so also was Cato; nor did the opposition which Cicero made to them in this case cause any interruption to their intimacy, and we shall find, in the Philippics, Cicero exerting himself to procure public funeral honors for Sulpicius.

I. WHAT I entreated of the immortal gods, O judges, according to the manners and institutions of our ancestors, on that day when, after taking the auspices in the comitia centuriata,¹ I declared Lucius Murena to have been elected consul—namely, that that fact might turn out gloriously and happily for me and for my office, and for the Roman nation and people—that same thing do I now pray for from the same

¹ The *comitia centuriata*, or as they were sometimes called *majora*, were the assembly in which the people gave their votes according to the classification instituted by Servius Tullius; they were held in the *Campus Martius* without the city, and in reference to their military organization they were summoned by the sound of the horn, not by the voice of the licitor. All magistrates were elected in these comitia.

immortal gods, that the consulship may be obtained by that same man with safety, and that your inclinations and opinions may agree with the wishes and suffrages of the Roman people, and that that fact may bring to you and to the Roman people peace, tranquillity, ease, and unanimity. And if that solemn prayer of the comitia, consecrated under the auspices of the consul, has as much power and holy influence as the dignity of the republic requires, I pray also that the matter may turn out happily, fortunately, and prosperously to those men to whom the consulship was given when I presided over the election.

And as this is the case, O judges, and as all the power of the immortal gods is either transferred to, or at all events is shared with you, the same consul recommends him now to your good faith who before recommended him to the immortal gods; so that he being both declared consul and being defended by the voice of the same man, may uphold the kindness of the Roman people to your safety and that of all the citizens. And since in this duty which I have undertaken the zeal of my defense has been found fault with by the accusers, and even the very fact of my having undertaken the cause at all, before I begin to say any thing of Lucius Murena, I will say a few words on behalf of myself; not because at this time the defense of my duty seems to me more important than that of his safety, but in order that, when what I have done is approved of by you, I may be able with the greater authority to repel the attacks of his enemies upon his honor, his reputation, and all his fortunes.

II. And first of all I will answer Marcus Cato, a man who directs his life by a certain rule and system, and who most carefully weighs the motives of every duty, about my own duty. Cato says it is not right, that I who have been consul and the very passer¹ of the law of bribery and corruption, and who behaved so rigorously in my own consulship, should take up the cause of Lucius Murena; and his reproach has great weight with me, and makes me desirous to make not only you,

¹ There had been several previous laws against bribery and corruption (*de ambitu*). The *Lex Acilia*, passed B.C. 67, imposed a fine on the offending party, with exclusion from the senate, and from all public offices. The *Lex Tullia*, passed in Cicero's consulship, added banishment for ten years; and, among other restrictions, forbade any one to exhibit gladiators within two years of his being a candidate, unless he was required to do so on a fixed day by a testator's will.

O judges, whom I am especially bound to satisfy, but also Cato himself, a most worthy and upright man, approve the reasons of my action. By whom then, O Marcus Cato, is it more just that a consul should be defended than by a consul? Who can there be, who ought there to be, dearer to me in the republic, than he to whom the republic which has been supported by my great labors and dangers is delivered by me alone to be supported for the future? For if, in the demanding back things which may be alienated, he ought to incur the hazard of the trial who has bound himself by a legal obligation, surely still more rightly in the trial of a consul elect, that consul who has declared him consul ought most especially to be the first mover of the kindness of the Roman people, and his defender from danger.

And if, as is accustomed to be done in some states, an advocate was appointed to this cause by the public, that man would above all others be assigned to one invested with honors as his defender, who having himself enjoyed the same honor, brought to his advocacy no less authority than ability. But if those who are being wafted from the main into harbor are wont with the greatest care to inform those who are sailing out of harbor, of the character of storms, and pirates, and of places, because nature prompts us to favor those who are entering on the same dangers which we have passed through, of what disposition ought I to be, who after having been much tossed about am now almost in sight of land, toward him by whom I see the greatest tempests of the republic about to be encountered? Wherefore, if it is the part of a virtuous consul not only to see what is being done, but to foresee what is likely to happen, I will show in another place how much it is for the interest of the common safety that there should be two consuls in the republic on the first of January. And if that be the case, then it is not so much my duty which ought to summon me to defend the fortunes of a man who is my friend, as the republic which ought to invite the consul to the defense of the common safety.

III. For as to my having passed a law concerning bribery and corruption, certainly I passed it so as not to abrogate that law which I have long since made for myself concerning defending my fellow-citizens from dangers. If, indeed, I confessed that a largess had been distributed, and *were to defend* it as having been rightly done, I should be acting wrongly,

even if another had passed the law ; but when I am saying in defense that nothing has been done contrary to law, then what reason is there that my having passed the law should be an obstacle to my undertaking the defense ?

He says that it does not belong to the same severity of character, to have banished from the city by words, and almost by express command, Catiline, when planning the destruction of the republic within its very walls, and now to speak on behalf of Lucius Murena. But I have always willingly acted the part of lenity and clemency, which nature itself has taught me ; but I have not sought the character of severity and rigor ; but I have supported it when imposed upon me by the republic, as the dignity of this empire required at the time of the greatest peril to the citizens. But if then, when the public required vigor and severity, I overcame my nature, and was as severe as I was forced to be, not as I wished to be ; now, when all causes invite me to mercy and humanity, with what great zeal ought I to obey my nature and my usual habits ? and concerning my duty of defending, and your method of prosecuting, perhaps I shall have again to speak in another part of my speech.

But, O Judges, the complaint of Servius Sulpicius, a most wise and accomplished man, moved me no less than the accusation of Cato ; for he said that he was exceedingly and most bitterly vexed that I had forgotten my friendship and intimacy with him, and was defending the cause of Lucius Murena against him. I wish, O judges, to satisfy him, and to make you arbitrators between us. For as it is a sad thing to be accused with truth in a case of friendship, so, even if you be falsely accused, it is not to be neglected. I, O Servius Sulpicius, both allow that according to my intimacy with you I did owe you all my zeal and activity to assist you in your canvass, and I think I displayed it. When you stood for the consulship, nothing on my part was wanting to you which could have been expected either from a friend, or from an obliging person, or from a consul. That time has gone by—the case is changed. I think, and am persuaded, that I owed you as much aid as ever you have ventured to require of me against the advancement of Lucius Murena ; but no aid at all against his safety. Nor does it follow, because I stood by you when you were a candidate for the consulship, that on that account I ought now to be an assistant to you in the same

way, when you are attacking Murena himself. And this is not only not praiseworthy—it is not even allowable, that we may not defend even those who are most entirely strangers to us when our friends accuse them.

IV. But, in truth, there is, O judges, between Murena and myself an ancient and great friendship, which shall not be overwhelmed in a capital trial by Servius Sulpicius, merely because it was overcome by superior considerations when he was contesting an honorable office with that same person. And if this cause had not existed, yet the dignity of the man, and the honorable nature of that office which he has obtained, would have branded me with the deepest reproach of pride and cruelty, if in so great a danger I had repudiated the cause of a man so distinguished by his own virtues and by the honors paid him by the Roman people. For it is not now in my power—it is not possible, for me to shrink from devoting my labor to alleviate the dangers of others. For when such rewards have been given me for this diligence of mine, such as before now have never been given to any one, to abandon those labors by which I have earned them, as soon as I have received them, would be the act of a crafty and ungrateful man.

If, indeed, I may rest from my labors—if you advise me that I can do so—if no reproach of indolence, none of unworthy arrogance, none of inhumanity is incurred by so doing, in good truth I will willingly rest. But if flying from toil convicts me of laziness—if rejection of suppliants convicts me of arrogance—if neglect of my friends is a proof of worthlessness, then, above all others, this cause is such a one as no industrious, or merciful, or obliging man can abandon. And you may easily form your opinion of this matter, O Servius, from your own pursuits. For if you think it necessary to give answers to even the adversaries of your friends when they consult you about law, and if you think it shameful, when you have been retained as an advocate for him in whose cause you have come forward, to fail; be not so unjust, as, when your springs are open even to your enemies, to think it right that our small streams should be closed even against our friends.

Forsooth, if my intimacy with you had prevented my appearing in this cause, and if the same thing had happened to Quintus Hortensius and Marcus Crassus, most honorable

men, and to others also by whom I know that your affection is greatly esteemed, the consul elect would have had no defender in that city in which our ancestors intended that even the lowest of the people should never want an advocate. But I, O judges, should think myself wicked if I had failed my friend—cruel if I had failed one in distress—arrogant if I had failed the consul. So that what ought to be given to friendship shall be abundantly given by me; so that I will deal with you, O Servius, as if my brother, who is the dearest of all men to me, stood in your place. What ought to be given to duty, to good faith, to religion, that I will so regulate as to recollect that I am speaking contrary to the wish of one friend to defend another friend from danger.

V. I understand, O judges, that this whole accusation is divided into three parts; and that one of them refers to finding fault with Murena's habits of life, another to his contest for the dignity, and a third to charges of bribery and corruption. And of these three divisions, that first, which ought to have been the weightiest of all, was so weak and trifling, that it was rather some general rule of accusing, than any real occasion for finding fault, which prompted them to say any thing about the way of life of Lucius Murena. For Asia has been mentioned as a reproach to him, which was not sought by him for the sake of pleasure and luxury, but was traversed by him in the performance of military labors; but if he while a young man had not served under his father when general, he would have seemed either to have been afraid of the enemy, or of the command of his father, or else to have been repudiated by his father. Shall we say that, when all the sons who wear the *prætecta*¹ are accustomed to sit on the chariot of those who are celebrating a triumph, this man ought to have shunned adorning the triumph of his father with military gifts, so as almost to share his father's triumph for exploits which they had performed in common?

But this man, O judges, both was in Asia and was a great assistance to that bravest of men, his own father, in his dangers, a comfort to him in his labors, a source of congratulation to him in his victory. And if Asia does carry with it a suspicion of luxury, surely it is a praiseworthy thing,

¹ The *toga prætecta* was a robe bordered with purple, worn by the higher magistrates, and by freeborn children till they arrived at the age of manhood.

not never to have seen Asia, but to have lived temperately in Asia. So that the name of Asia should not have been objected to Lucius Murena, a country whence renown was derived for his family, lasting recollection for his race, honor and glory for his name, but some crime or disgrace, either incurred in Asia, or brought home from Asia. But to have served campaigns in that war which was not only the greatest but the only war which the Roman people was waging at that time, is a proof of valor; to have served most willingly under his father, who was commander-in-chief, is a proof of piety; that the end of his campaign was the victory and triumph of his father, is a proof of good fortune. There is, therefore, no room in these matters for speaking ill of him, because praise takes up the whole room.

VI. Cato calls Lucius Murena a dancer. If this be imputed to him truly, it is the reproach of a violent accuser; but if falsely, it is the abuse of a scurrilous railer. Wherefore, as you are a person of such influence, you ought not, O Marcus Cato, to pick up abusive expressions out of the streets, or out of some quarrel of buffoons; you ought not rashly to call a consul of the Roman people a dancer; but to consider with what other vices besides that man must be tainted to whom that can with truth be imputed. For no man, one may almost say, ever dances when sober, unless perhaps he be a madman, nor in solitude, nor in a moderate and sober party; dancing is the last companion of prolonged feasting, of luxurious situation, and of many refinements. You charge me with that which must necessarily be the last of all vices, you say nothing of those things without which this vice absolutely can not exist; no shameless feasting, no improper love, no carousing, no lust, no extravagance is alleged; and when those things which have the name of pleasure, and which are vicious, are not found, do you think that you will find the shadow of luxury in that man in whom you can not find the luxury itself?

Can nothing, therefore, be said against the life of Lucius Murena? Absolutely nothing, I say, O judges. The consul elect is defended by me on this ground, that no fraud of his, no avarice, no perfidy, no cruelty, no wanton word can be alleged against him in his whole life. It is well. *The foundations of the defense are laid; for we are not as yet defending this virtuous and upright man with my own panegyric,*

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