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Liberty in Obedience: Cicero's Appeal for Roman Liberty in *Pro Rabirio perduellionis reo*

In 63 BCE, Gaius Rabirius faced a charge of treason for the murder of the tribune Lucius Appuleius Saturninus some thirty-seven years earlier. Upon being summoned by the consul Gaius Marius, who acted on the grounds of a *senatus consultum ultimum*, Rabirius obeyed consular authority by taking up arms, rushing to the Capitol, and participating in the crowd's murder of Saturninus. Cicero, who was consul at the time of the trial, delivered a defense of Rabirius, where he challenged Labienus, the prosecuting tribune, of threatening the foundation of the Roman Republic. By centering his attack on Labienus around a conversation of liberty, Cicero engages his audience and emphasizes the gravity of the moment. In his defense of Rabirius, Cicero envisions Roman liberty as the product of a relationship between the Roman citizens and the institutions of the Roman Republic. Since he is skeptical of an individual's ability to know the proper direction of the Republic, Cicero recognizes that the well-being of the Republic, and therefore the well-being of its citizens, originates in the deferral of judgment to the institutions. By obeying Marius' calls to take arms and act against Saturninus, Rabirius and his fellow citizens authorized the consuls to act for the well-being of the Republic and, therefore, exercised their liberty. In linking liberty with obedience and presenting Labienus' prosecution of Rabirius as an attack on the right to obey, Cicero urges his audience to defer to his advice in this pivotal moment for the sake of their liberty and their Republic.

Although Cicero recognizes the crucial role of institutions in the Roman Republic, he humbly acknowledges that the Republic is ultimately directed by the divine. Before getting into the bulk of the defense, Cicero offers a prayer to the gods. In the prayer, he begs the “most high and mighty Jupiter” for his “grace and favour” in saving Rabirius and the constitution of the Roman Republic (The Speeches, *Pro Rabirio*, Harvard University Press 457). Though he spends the rest of his speech urging his audience to defer judgment to *him* in the trial decision, Cicero first legitimizes his call by demonstrating his deferral to the gods. He asserts that humans can only act within the “[n]arrow...bounds within which Nature has confined our lives” and that the gods’ will is supreme, mysterious, and universal (*Pro Rabirio* 485). By encouraging humility to the divine will, Cicero places the trial in its larger context and challenges the conception that men, on their own, can lead the Republic effectively. No matter how wise or experienced a man may be, no one can be all-knowing like the gods.

Cicero’s acknowledgment that the Republic is divinely-directed questions the extent of man’s agency and points to institutions as providing the structure for a relationship between the citizenry and the divine. While he knows no man can become a god, Cicero recognizes that certain men are better equipped to lead institutions. According to Cicero, these men “look forward to the future with a gaze fixed only on eternity” and “lead us to think that the souls of good men are divine and immortal” (*Pro Rabirio* 483). Although their souls only *appear* divine, by highlighting their wisdom and goodness, Cicero positions them as intermediaries between men and the gods. Furthermore, while they die because they are still mortal beings, Cicero believes the souls of these men “[leave] behind the life of men and [pass] to the holy and sacred estate of the gods” (*Pro Rabirio* 485). If the gods direct the Republic, and these divinely-appearing men are the most direct connection to that divine realm, Cicero concludes

that those men will most closely reflect the gods' all-wise vision for the Republic. Ideally, the Roman citizens not only turn to these seemingly divine men for guidance but also defer decisions to their better judgment. Institutions like the Senate bring these wise men together and grant them a unified, respected, and authoritative voice for the Roman citizenry to obey. As such, the existence of the Senate allows for a productive relationship between the citizenry and the wisest citizens, between the wisest men and the gods, and thus between the citizenry and the gods. Notably, it is within this relationship, founded in the structure of the Senate, that Cicero locates liberty.

Knowing that the Senate as an institution allows the citizenry to defer to the divinely-inspired guidance of the "best" men, Cicero envisions liberty as a product of exactly that relationship. In his defense speech, Cicero describes this relationship in detail:

it is also the duty of good and courageous citizens, such as you have shown yourselves to be at every crisis in our history, to block all the approaches of revolution, to strengthen the bulwarks of the Republic and to hold supreme the executive power of the consuls, the deliberative power of the Senate, and by your verdict to declare that he who has followed their guidance deserves praise and honour rather than condemnation and punishment. (*Pro Rabirio* 455)

Cicero's description of the "duty" of the citizenry centers around their role in strengthening and affirming institutions in order to quell revolution. In calling for the strengthening of the deliberative power of the Senate, Cicero urges the citizens to support the functioning of the body of "best" men. In stating that citizens should hold the power of the consuls supreme, Cicero suggests that the decisions of the consuls should be respected and obeyed to secure the future of the Republic. Cicero then attributes these successes, and the continued existence of the Roman

Republic, to this conservative institutionalism of the citizenry. And since Cicero holds the longevity of the Republic to be necessary for the welfare of the Roman citizenry, strengthening the Roman institutions and authoritative structures not only fulfills the citizens' duty but fundamentally undergirds their welfare. And that is where Cicero brings in liberty. When the citizenry obeys the "best" men, they obey the gods who hold complete wisdom in preserving the Republic and securing their welfare. Therefore, by strengthening and obeying the wisdom of the Senate, liberty becomes freedom from the ignorance, short-mindedness, and limited knowledge of men. In deferring to the Senate, the citizenry secures their welfare and gains their liberty. Through this analysis, Cicero links the citizenry's liberty with obedience, specifically obedience to Roman institutions and the associated positions. Cicero concludes by affirming that anyone who acts in favor of the welfare and liberty of the citizenry deserves praise and honor.

In connecting this conception of liberty with a detailed account of the specifics of Rabirius' case, including the context of authority and consensus behind Rabirius' choice to obey, Cicero demands that Rabirius be honored for exercising his liberty. Cicero first emphasizes the authority-laden nature of the situation; he describes how the "Senate passed a decree" that dictated "that the consuls, Gaius Marius and Lucius Valerius, should summon such tribunes of the people and praetors as they thought fit" and that they should restore order to the Republic, no matter the means (*Pro Rabirio* 471). The consuls, in obeying the Senatorial decree, then "summoned all the tribunes except Saturninus" and "all the praetors except Glaucia," and those who "desired the safety of the Republic" were "ordered to take arms and follow them" to the Capitol (*Pro Rabirio* 471). Notably, "[e]veryone obeyed" (*Pro Rabirio* 471). And Cicero stresses the fact that *everyone* obeyed: "all the men at that time of consular rank had taken arms to defend the common safety...all the praetors and all the nobles of military age were hastening to join

them” (*Pro Rabirio* 475). Cicero details the concerted action of the citizenry and underscores the general societal respect and honor directed towards many of those men. For example, Catalus possessed “great wisdom, high character, and unequalled humanity,” while Scaurus was famous for his “dignity, judgement, and far-sightedness” (*Pro Rabirio* 481). All the “most honourable men and best of citizens” obeyed the consuls and “combined with the Senate in defence of the Republic” (*Pro Rabirio* 481). Rabirius obeyed consular authority by taking up arms and following the consuls to the Capitol. As established above, Cicero considers an individual free when that individual can promote their welfare as well as the well-being of the Republic. And since he recognizes that the knowledge of what benefits the citizens and the Republic is restricted to the divine and intermediated by the institutions, Cicero asserts that Rabirius exercised his liberty in his decision to defer judgment and obey the consuls. In fact, Cicero concludes that *all* “who held that their own well-being was bound up with the well-being of the Republic” (*Pro Rabirio* 473) took up arms in order to “defend the common liberty” (*Pro Rabirio* 481). In describing Rabirius’ obedience as tied up with his liberty, Cicero insists Rabirius acted legally and that he should be honored for his obedience.

Upon declaring Rabirius’ actions honorable by linking his obedience with his liberty, Cicero frames Labienus’ cruelty as a deterrent of obedience and, therefore, as an attack on Roman liberty. Since obedience inherently requires choice—albeit often narrow—an attempt to remove or obstruct that choice is an assault on liberty. Labienus inhibits the choice of Roman citizens by utilizing cruel language and inspiring a culture of fear. Cicero describes how Labienus has “handed [the liberty of the citizens] over to the executioner” (*Pro Rabirio* 463) through the “use of unwonted punishments” and the “unparalleled cruelty of [his] language” (*Pro Rabirio* 463). These cruel phrases and threats of punishment are in the “thoughts...eyes

and...ears” of Roman citizens, therefore deterring any citizen from actions that oppose the desires of, in this case, Labienus. In fact, Cicero holds that Roman liberty began when the “forefathers who...drove out the kings...retained among a free people no trace of their cruel ways” (*Pro Rabirio* 461). As Cicero said best, creating such an atmosphere of cruelty is “more suited to a tyrant than a tribune” (*Pro Rabirio* 469). In the context of Rabirius’ case, the existence of such an atmosphere and the subsequent removal of his choice would muzzle his decision to obey the consuls, especially since Labienus—the supposed controller of the atmosphere—would have sided with Saturninus. And since obedience is linked with liberty, inhibiting Rabirius’ *ability* to obey, Labienus would have impeded upon Rabirius’ liberty.

By inferring the effects of Labienus’ atmosphere of cruelty on Rabirius’ actions thirty-seven years earlier, Cicero contextualizes the danger of Labienus and urges his audience to answer his appeal for Rabirius in the interest of their liberty. Although Labienus and his atmosphere of cruelty came long after Rabirius’ heroic action in 100 BCE, Cicero states that Labienus “would certainly have been involved [in the situation] if [he] had been old enough” and, as mentioned, that he would have sided with Saturninus (*Pro Rabirio* 479). As stated, such an atmosphere would likely have altered not just Rabirius’ decision to obey the consuls but most of the other honorable men who chose to obey and exercise their liberty on that day. Cicero knows that to promote liberty, the Forum “must be purified from those traces of hideous crime,” the assembly must be “undefiled,” the “Campus holy,” and “the persons of every Roman citizen inviolable” (*Pro Rabirio* 463). Only when the “rights of a free people [are] unimpaired” will liberty remain (*Pro Rabirio* 463). As such, Cicero’s comparison puts Labienus’ actions in perspective and aims to inspire those present at Rabirius’ trial years later to “give [their] votes against this assault on [their] sovereign majesty” (*Pro Rabirio* 489). In connecting the two

moments, Cicero adds weight to the trial and the actions of his audience: “remember that to your hands and to your votes are committed at one and the same time the life of the hapless and innocent Gaius Rabirius and the welfare of the Republic” (*Pro Rabirio* 457). He continues: “if I needed to take arms to defend their renown, I would do so not less vigorously than they did when they took up arms to defend the common liberty” (*Pro Rabirio* 485). In this way, Cicero aims to demonstrate the urgency in thwarting Labienus’ agenda and the consequences to Roman welfare and, therefore, liberty was the audience to make the wrong decision and *not* obey his consular instruction. In understanding obedience as the origin of liberty and Labienus as a fundamental threat to obedience, Cicero directly connects the two moments in the Republic’s history and demonstrates the danger Labienus poses to Roman liberty. He affirms the honor of Rabirius’ obedience to the consuls back then, thus implying the honor inherent in obeying his consular guidance *now*.

It is precisely that honor that Labienus’ prosecution threatens; Labienus aims to rewrite Rabirius’ actions and the actions of countless other heroic and courageous men as *dishonorable*, thus rendering their decision to obey dishonorable and their liberty absent. As described above, Cicero conceives of a relationship between the citizenry and the gods—a relationship that is intermediated by the “best” men. An individual who strengthens any aspect of that relationship reinforces Roman welfare and liberty and therefore deserves honor and praise. Cicero recognizes that the trial is part of Labienus’ larger agenda to disrupt this relationship between the citizenry and the gods, of which Roman liberty is a product. By charging Rabirius with treason, the trial dissociates Rabirius’ obedience from his deserved honor. In Labienus’ eyes, Rabirius acted *dishonorably*, and if his prosecution succeeds, Labienus’ conclusion becomes legally established. As such, Labienus’ “baleful prosecution, [his] envenomed trial” (*Pro Rabirio* 489) “is nothing

less than an attempt to secure that there be henceforward no general council in the state, no concerted action of good citizens against the frenzy and audacity of wicked men, no refuge for the Republic in emergencies, no security for its welfare” (*Pro Rabirio* 455-7). Essentially, the prosecution threatens the institutional relationship between the citizens and the gods—a relationship that grants the Roman people their liberty. Cicero’s urgency, his “utmost zeal” in defending Rabirius, comes from a deep-rooted anxiety about the deterioration of Roman liberty (*Pro Rabirio* 453). Cicero demonstrates the imperiled state of Roman liberty to persuade the assemblymen of the grave consequences of a conviction and the necessity of deferring to his judgment as consul.

Cicero maintains that liberty emerges from a relationship between the citizenry and the gods. The authority of institutions, the removal of fear, and the proper allocation of honor all support the proper functioning of that relationship and, therefore, secure liberty for the people. By establishing Labienus’ attack on Rabirius as a fundamental threat to that relationship, Cicero broadens the scope of the trial and strengthens his appeal for Rabirius. In some ways, Cicero’s conception of liberty as grounded in the deferral of judgment reflects the Christian tradition’s relationship between God and a devout individual. Just as the good citizen recognizes that deferring to divine judgment liberates them from the relative ignorance and limited knowledge of men, a Christian devotee recognizes that obeying God liberates them from sin. And while a citizen of the Roman Republic obeys institutions such as the Senate to safeguard the well-being of the Republic, a Christian, particularly a Catholic, obeys the Catholic Church with the understanding that the institution provides divinely-inspired guidance. In turn, both Cicero and Catholics define liberty as obedience to particular institutions. And while the Roman Republic ended three hundred years before the Roman Empire was declared Christian, the parallels



between Cicero's and the Catholics' conception of liberty provide a compelling framework for studying the Empire's transition to Christianity and the subsequent fall of Rome.