In his outstanding recent study of Roman advocacy, John Crook has exhibited the kind of fair-minded judgments, stated with wit and wisdom, which are familiar over many years to his friends, colleagues and pupils. Here I wish to explore briefly some issues related to his theme but not central to the argument of his study, and which therefore were not subjected to detailed analysis. The primary interest will be the relationship between philosophy and advocacy.

This is an issue which Cicero touches on: namely, whether an advocate can properly defend a client he believes to be guilty of the crime alleged. Cicero justifies the defending advocate in persisting with his brief because the great expert of the Middle Stoa, Panaetius of Rhodes, had declared that such conduct was ethically permissible.

We must bear in mind the deep sympathy which that eminent Middle Stoic felt not merely for Platonism itself and the Old Academy as such, but also for the more sceptical New Academy under Carneades, who had believed that Absolute Truth was unknowable by men, and that both sides of any question therefore needed full and forceful presentation for those involved to achieve the most persuasive approximation to True Opinion, the nearest parallel to True Knowledge open to human minds. Therefore both an advocate in court and a statesman speaking in council or assembly might strive by every argument to undermine the case which his opponents were advancing in order that the issues on both sides might be properly assessed so as to achieve the most just, reasonable and convincing decision on the question in hand.

We should remember that Carneades himself gave an example of his doctrine with an Athenian embassy in Rome during his visit in 156–5 BC, lecturing on one day with great eloquence in praise of justice, but defending injustice on the next with equal vehemence.
His method of *disputatio in utramque partem* on this question was later adopted by Cicero himself in *De re publica* 3. So a blend of New Academy scepticism with Middle Stoic principles largely underlay the Roman rationale for advocacy as a respectable and needful skill.

But what of the laws under which it functioned? This question brings us to jurisprudence. So here we must examine the impact of Stoic thought on Roman jurisprudence. As Roman rule extended round the Mediterranean it became necessary to render Roman law more adaptable to the Empire's multicultural bilingual civilization by embedding it in the concept of *ius gentium*—a natural law based on human behaviour patterns common to all known societies. Cicero subscribes to such a view of the Law of Nations in the famous passage of *De re publica* 3 preserved by Lactantius.\(^5\) The concept of Right Reason stated there has Stoic overtones. However, the issue of where Stoicism most impacted on jurisprudence is consequential to Stoic physics\(^6\) rather than to Stoic ethics. In this system the whole cosmos is alive and conscious, and is seen as a *plenum* of interpenetrating energetic rational material called *pneuma* blending with inert matter to create tensional fields held in being by their pneumatic energy as it pulsed like magnetism, or the reciprocal mutual gravitation of earth and moon.\(^7\) Thus it survived by repelling other such fields by pneumatic polarity, so that, although all such matter is deemed to be in contact, the self-conscious *pneuma* of the universal consciousness pulsates with perfect regularity to sustain life and cosmos. However, in many of the tensional fields embraced by the cosmos, pulse irregularities (described as *πτοια* or 'flutter') in the activity of their hegemonic *pneuma* would not affect the whole cosmic consciousness, but merely the particular entity; and such irregularities of their 'flutter' could shake to pieces these irregular tensional fields. At the dissolution of such fields as held rational *pneuma*, this substance could drift away with the collapse or death of the particular field or body itself, and float up to the level of the moon if its irregularities were missing or diminishing, and thus persist there until *ecpurosis*, the cyclic sublimation of energy into the cosmic fire of the universe.\(^8\) Not being embodied in inert matter, no pneumatic fields

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\(^5\) Lactantius *Divine Institutes* 6.8.6–9.
\(^7\) Sambursky, *op. cit.* p. 42.
\(^8\) Sambursky, *op. cit.*, p. 36.