CHAPTER ONE

Introduction: Cicero's Significance

Why should anyone today be concerned with the social and political ideas of the late Roman republican thinker and statesman Marcus Tullius Cicero? Is it not flailing a dead horse? Cicero's merit as philosopher has been so deflated and his popularity as sage and stylist has so declined that the endeavor would appear to be without intellectual or practical merit. Who today troubles to read Cicero, save a handful of Latinists and ancient historians, and an ever-diminishing number of students? Yet despite the many alterations in mentality and literary taste over the last two centuries, there are several good reasons for examining his social and political views and introducing them to an English-speaking audience. He is, after all, the only Roman republican social and political thinker of supreme importance, and if we are to recapture something of the experience of the Roman state, structure of rule, and cast of mind, his many works are a rich source and an indispensable guide. Ancient social and political thought is Roman as well as Greek, including Cicero and St. Augustine in addition to Plato and Aristotle; and from the standpoint of a fuller understanding of modern political culture, the Roman element is of crucial significance. Whatever Cicero's reputation today, he was deeply admired by eminent social and political thinkers of early modern Europe. He was to that epoch what Aristotle had been to the late medieval world of ideas: an inspiring, informative, and illuminating preceptor. Cicero may be all but forgotten, but in the period of our past that gave rise to distinctly modern institutions and attitudes, he of all ancients was possibly the most esteemed

and influential. Apart from these considerations, however, some of Cicero's ideas, because of their originality and insight, deserve more attention than they have hitherto been accorded.

A brief summary of Cicero's rise and fall in modern Europe can for our purposes commence with the Renaissance.[1] Once the *Letters to Atticus* were uncovered by Petrarch in 1345, to be followed by the discoveries of the *Familiar Letters* by Salutati and the legal speeches by Bracciolini, Cicero began to be seen in a new light. He was no longer solely the moderate and self-disciplined savant whom he had been to his many medieval readers, but a genuine human being and statesman. For the humanists he became a venerated teacher of civic virtue, the staunch republican apostle of liberty and relentless foe of tyranny; and until the early Cinquecento, a stylistic model affecting in form and content works of the stature of Castiglione's *Il Cortegiano*. In sixteenth-century schools of Italy, France, and England, Cicero's writings were read and studied: the letters, the orations, *On Friendship, On Old Age,* and *On Duties*. While his style was increasingly to be criticized, most notably at the beginning of the sixteenth century by Erasmus, and a preference was shown for Seneca and Tacitus, Cicero continued to be a highly respected thinker. Like other humanists, Machiavelli had closely studied Cicero.[2] Given the Florentine's dedication to republicanism and liberty, his love for ancient Rome, emphasis on civic virtue, and recommendation of the mixed constitution, he undoubtedly recognized the authority of the Roman, although rejecting him as a literary mentor and on numerous substantial issues.[3] Cicero was also a cherished figure in Renaissance France. That he was the "patron saint" of French civic humanism should be obvious not only from the theorizing of Jean Bodin but also from the writings of lesser intellects.[4]

Cicero's prose style declined in reputation in the seventeenth century; nevertheless, he continued to be widely read and honored. The father of international law, Hugo Grotius, was a self-acknowledged disciple of the ancient. Hobbes objected to Cicero's republicanism and doctrines of the mixed constitution and tyrannicide but owed much to his views on ideal imitation and imagination and referred in his 1629 translation of Thucydides to the *Orator* as an authority for the writing of history.[5] A contemporary of Hobbes, James Harrington, whose *Commonwealth of Oceana*

appeared five years after the publication of *Leviathan,* thought highly of Cicero for the very reasons that he was either explicitly or implicitly criticized by Hobbes. The English "classical republicans" like Harrington and his disciples, John Neville and Algernon Sidney, spawned a "commonwealth" tradition of "real whigs" extending well into the next century, a time in which, as we shall see, Cicero's popularity reached its zenith. Perhaps no seventeenth-century English political thinker was more indebted to Cicero than John Locke. Seldom generous in his praise of others, Locke included Cicero among the "truly great men," possibly treasuring him above all authors. The judgment of the distinguished French scholar Raymond Polin is that Cicero was an important influence on Locke's thought. Significant differences between the ideas of the two thinkers certainly exist, but Cicero undoubtedly proved to be an illuminating teacher on a number of subjects.[6]

The peak of Cicero's authority and prestige came during the eighteenth-century Enlightenment. In terms of the enthusiastic revival of interest in classical antiquity, it was a Ciceronian century. Unquestionably Cicero was a leading culture-hero of the age: revered as a great philosopher and superb stylist, hailed as a distinguished popularizer, and praised as a humanistic skeptic who scourged superstition; a courageous statesman and dedicated patriot, the ardent defender of liberty against tyranny. Voltaire, Montesquieu, and Diderot were effusive in their compliments, and even Rousseau, who could be critical, dubbed him the "Prince of Eloquence."[7] The esteem for Cicero was widely shared by French revolutionaries, of all shades of opinion from Mirabeau to Robespierre, who relished his skepticism, republicanism, and libertarianism. The British during the Enlightenment were no less captivated by Cicero than the French. It was a period of accomplished Ciceronian stylists and orators: Gibbon, Burke, Johnson, Pitt, Fox, Sheridan. Conyers Middleton's best-selling two-volume work, *The History of the Life of Marcus Tullius Cicero,* appeared in 1741, and several translations of Cicero's writings were issued.[8] David Hume and Adam Smith were particular admirers, but perhaps there was no more devoted Ciceronian, as to both literary style and ideas, than Edmund Burke, whose thought has been called "a Cicero filtered through the Christian scholastic tradi-

tion."[9] Just as the Enlightenment was not confined to Europe, so Cicero's high status among French and British thinkers was at least equalled by the regard of the American founding fathers. As in Europe recognition of Cicero cut across political divisions, so it was in America: for example, both John Adams and Thomas Jefferson were inspired by him. All evidence seems to validate a recent verdict that "among the numerous classical rôle models in America . . . pride of place was given above all to Cicero."[10] American constitutionalists, no less than French revolutionaries a decade later, thought of themselves as heirs to the Roman republicans and most appropriately looked to their greatest political thinker, the cultured statesman and *pater patriae,* for tutelage in the colossal task of founding a new order.

What, then, is the explanation for the spectacular popularity and influence of Cicero throughout the early modern era? He profoundly affected thinkers of different, even contrary social and political persuasion, some "conservative" and others "radical," with all tinctures of view in between. They seem to have taken from him what they wished to underpin their own differing positions, ignoring the more uncongenial aspects of his thought. Among the most obvious social/political and related elements that they selectively exploited in manifold ways were the principles of natural law and justice and of universal moral equality; a patriotic and dedicated republicanism; a vigorous advocacy of liberty, impassioned rejection of tyranny, and persuasive justification of tyrannicide; a firm belief in constitutionalism, the rule of law, and the mixed constitution; a strong faith in the sanctity of private property, in the importance of its accumulation, and the opinion that the primary purpose of state and law was the preservation of property and property differentials; a conception of proportionate social and political equality, entailing a hierarchy of differential rights and duties; a vague ideal of rule by a "natural aristocracy"; and a moderate and enlightened religious and epistemological skepticism.

Far from being new, some of these ideas had been voiced by other ancient seers. Yet the particular conjunction of such ideas in Cicero's works, often presented with greater clarity and precision than they were elsewhere, and always in an elegant and persuasive rhetorical style, must have been especially seductive to

early modern readers. Perhaps it was his very eclecticism that drew so many to his writings; perhaps it was his rationalism, his constant appeal to reason, his reliance on argumentation, canvassing opposing points of view, and weighing one against the other. Whatever the reasons, he had several advantages over other ancient thinkers. His writings, with some exceptions, had physically survived the vicissitudes of time and fortune, more so than was true of any other single Roman republican thinker; and he managed to combine social and political ingredients drawn from many sources into some kind of detailed and not entirely inconsistent whole, articulated in unsurpassed prose. Many of the ideas of important Greek thinkers are known solely through his works. Of the Greek philosophers, of course, only the works of Plato and Aristotle rival if they do not surpass his own for survival value. But even here, Cicero can be seen to have an edge in respect to a potential for popularity among the early moderns. For unlike the surviving works of the two Greek philosophers, Cicero's voluminous corpus of extant correspondence could and did reveal to modern readers many of the most intimate thoughts, feelings, and actions of a private life—an all too human philosopher and statesman—at a time when the educated were bent on self-discovery, when biographies, autobiographies, memoirs, and novels began to express a new individuality. While Europeans were increasingly reflecting on themselves and their society and natural setting, Cicero was perhaps just the type of *uomo universale* who might be most attractive. To the polymath of early modernity, from Bodin to Hume and Jefferson, striving for orientation and self-realization on a new frontier, who could be more enticing than Cicero: youthful poet, consummate literary artist, versatile man of letters, philosophic educator, eloquent orator, brilliant advocate, witty and urbane cosmopolite, perceptive statesman, possible acquaintance of Lucretius, friend of Varro, and enemy of Caesar?

Cicero's acclaim was aided no doubt by his writing in Latin, which had become the *lingua franca* of educated European gentlemen. The fact that he was an eminent Roman lawyer perhaps added to his luster with the revival of Roman law and its spread as the basis of most European legal systems, and the increasing prominence of jurists. Moreover, the vernacular of government and politics was basically derived from Latin, and given the emer-

gence of the modern state, the rise of absolutism, the notion of sovereignty, and the development of international law, Cicero's works must have been avidly read, for they were encyclopedic in political and legal terms, definitions, and concepts. When nebulous republican sentiments were crystallizing in reaction to the despotism of kingly rule and attaining fruition in an earth-shattering way, who could be turned to for instruction if not the most famous republican and foe of tyranny in all of antiquity? Conversely, traditionalists like Montesquieu and Burke, who yearned for a return to the ancestral constitution, could find solid comfort in the conservatism of the Roman. The fact that he offered something for everyone, however, should not blind us to his true social and political outlook.

This may go some way in accounting for Cicero's fame and authority among early moderns, but then the further question of the reasons for his downfall and discredit in the nineteenth century arises. If, as Kant wrote in his well-known essay, the Enlightenment was the attainment of the age of reason, a coming of age of Europeans previously in bondage to superstition and traditional authority, much of the enchantment and novelty of this "youthful" questioning and self-examination had worn away by the next century. Educated Europeans had to some extent freed themselves from the past without, however, losing their optimism and faith in human progress. Moreover, the gentlemanly values of Cicero, so much a part of precapitalist agrarian society and landed class, were rendered anachronistic by the rapid economic and demographic changes in Western Europe. The rise of capitalism, the abuses and deprivations brought about by a growing industrialism and urbanization, the mobilization of a massive factory work force laboring and living under the most onerous physical conditions led to demands for social justice and democracy. Socialism and the labor movement were born. Under such circumstances, Cicero, the sworn enemy of popular rule, the implacable foe of social amelioration and economic reform, a leader of the Roman landed oligarchy who decried any drift toward arithmetical equality or social parity, could hardly have attracted the intellectual spokesmen of the new impetus for fundamental change. The reaction of the young Marx in 1839 was perhaps typical of the altering evaluation of the Roman. Although using the *Republic,* the *Laws,*

and *On Duties* for anthropological data, young Marx wrote that Cicero "knew as little about philosophy as about the president of the United States of North America."[11]

But in the very circles that feared the mounting pressures from below for basic social reform, other forces helped to deflate Cicero's former reputation. During a time of unprecedented practical inventiveness and great artistic and intellectual genius, the century of Goethe and Hegel, Balzac and Dickens, Darwin and Faraday, Beethoven and Wagner, and Marx and Nietzsche, prized originality far beyond the popularization of time-honored ideas. When positivism and agnosticism were spreading among the intellectuals, the pompous, pretentious, and long-winded moralizing of Cicero was simply alienating, out of harmony with the prevailing zeitgeist. In England ancient Greece was rediscovered, and Hellenism was being forwarded by the historical efforts of William Mitford, Connop Thirlwall, and George Grote. All this prodigious work on Greece left little room for Cicero and Rome. Moreover, Plato was resurrected by Grote, and Benjamin Jowett continued the work at Balliol, translating the dialogues of the philosopher and molding the minds of a generation of distinguished political figures.

German scholars, on the other hand, after the earlier Hellenism of Fichte, Lessing, Schelling, Hegel, Boeckh, and Winckelmann, became entranced with Rome and less concerned with the particularism of Greece, largely in response to the persisting political fragmentation of their own nation. The landmark of the tendency was Theodor Mommsen's *Roman History* (1854–1856), a detailed and sweeping analysis inaugurating modern Roman studies and dealing a final blow to the prestige of Cicero. A dedicated liberal, Mommsen saw his hopes for German unity dashed in the failure of 1848. He discovered in Julius Caesar the charismatic hero who had brought order into the chaos of the last days of the Republic by checking the divisive activities of the Roman mob and the oligarchic reactionaries. Thus Caesar founded what Mommsen took to be a strong and enlightened regime of moderation. Just such a figure, he believed, was needed to unify Germany by curbing the masses and the Junkers. As viewed by Mommsen, Cicero was a second-rate, indecisive, disruptive politician and muddled thinker who paled beside the clear-minded, purposeful, and mag-

netic Caesar, a brilliant and cultured leader in war and peace. Cicero's reputation has never recovered from the stresses and shifts in fashion of the nineteenth century, despite such attempts to rehabilitate him as Zielinski's classic reply in 1912 to both Mommsen and his equally anti-Ciceronian predecessor, Wilhelm Drumann.

Today Cicero is seldom taken very seriously except by classicists. As one might expect, he is praised by them for being one of the most indispensable and richest mines of knowledge about the late Roman Republic; for having popularized ancient political and philosophic ideas that might otherwise have been lost, thus preserving them for posterity; and perhaps above all for his literary style and culture. So Gilbert Highet writes that he was "the greatest master of prose who ever lived."[12] For R. G. M. Nisbet, he also "was the greatest prose stylist who ever lived . . . with the single exception of Plato"; and J. P. V. D. Balsdon labels him "perhaps the most civilized man who has ever lived."[13] Many, however, while not disputing these estimates, are inclined to agree with Sir Frederick Pollock's verdict in the popular *Introduction to the History of the Science of Politics* (1890): "Nobody that I know of has yet succeeded in discovering a new idea in the whole of Cicero's philosophical and semi-philosophical writings."[14] This evaluation in one form or another is reproduced ad nauseam in later widely read commentaries on European political thought, one of the more recent being that of Mulford Q. Sibley: "Cicero was neither an original nor a particularly profound social and political thinker."[15] Apparently the last book-length study in any language on his political ideas was published over eighty years ago in Berlin.[16] No book on his social and political thought has appeared in English. The nearest thing to it is the lengthy introduction by G. H. Sabine and S. B. Smith to their translation of the *Republic,* entitled *On the Commonwealth,* originally issued half a century ago and reprinted in 1976.[17] Their essay discusses his political thought in general, although concentrating on the *Laws* and especially the *Republic.* Reference is made to a broad range of the other works including *On Duties,* but little effort is made to discuss their most important ideas. In regard to the *Republic* and *Laws,* they conclude: "their noble insistence that it is

the duty of all men to serve their country, in their inculcation of the principles of justice and fair-dealing, in their recognition of the universal society, founded upon reason and including all rational beings within its ambit . . . denotes an advance in political thinking."[18]

Sabine and Smith's stress on Cicero's views on natural law, justice, and equality is repeated in most subsequent popular commentaries, where these subjects are treated in highly abbreviated form to the exclusion of other aspects of his social and political thought so greatly admired in the past. Such works are ample testimony to a depressing aspect of intellectual life: the sterile repetition from generation to generation of a stereotyped interpretation of a specific thinker without deviation or spirit of critical inquiry. Perhaps another reason for the cool reception given to Cicero's social and political ideas has been that the relevant commentators are either philosophers or imbued primarily with a philosophic instead of an historical approach. Since Cicero is not much of a philosopher, philosophers who study him are customarily dismissive, neglecting his non-philosophic ideas. Yet his crucial social and political ideas basically fall outside the strictly philosophic sphere.

Of nearly two dozen commentaries and anthologies of source materials widely used at various times in this century by English-speaking students of social and political thought, two omit any consideration of Cicero whatsoever.[19] Only one adequately discusses Cicero on private property and its relationship to the state, a mere three take *On Duties* seriously, and one deals with the question of tyranny and tyrannicide.[20] Little if any attention is devoted to his conception of the state. The doctrine of the mixed constitution, if it is mentioned, receives no rigorous examination, nor is the reader ever given an adequate impression of Cicero's conception of the activity of politics.[21] In the main, the many analyses have been cast in the Sabine-Smith mold. Suggestive of the almost total lack of interest among social scientists in Cicero's thought is the absence of an article on him in the *International Encyclopedia of the Social Sciences,* published in 1965 to replace the *Encyclopedia of the Social Sciences* of 1930.[22] For the earlier work, Sabine wrote the essay (slightly longer than one column)

on Cicero, with a conclusion similar to the one he and Smith had reached the previous year.[23] We can only surmise that for the social sciences today, Cicero is of little or no significance.

A matter of further interest in regard to Cicero's dismissal by contemporary social science deserves attention. At the beginning of the century, in the first volume of the Carlyles' valuable study, A. J. Carlyle remarked that Cicero was the dividing line between the ancient Greek political ideas of Plato and Aristotle and modern political thought.[24] Thirty years later, Charles H. McIlwain stated his agreement with Carlyle, for, in the case of Cicero, "we are plainly in the presence of the beginnings of 'modern' political thought," an opinion apparently shared by Sabine in 1937 in his widely read and exceedingly influential *History of Political Theory*.[25] The reasons originally given by Carlyle for his estimate, approved by McIlwain and Sabine, were Cicero's doctrine of natural law and justice, his stress on moral equality, and his conception of the state. On this latter subject little or nothing is said by way of explanation. More recently, Cumming in a brilliant but frequently overlooked two-volume examination of the intellectual roots of John Stuart Mill's liberalism, *Human Nature and History* (1969), also accepts the pronouncement of Carlyle, while rejecting his reasons. Cumming interestingly argues that Polybius and Cicero can rightly be called the co-founders of modern political thought. Polybius made history the context for treating social and political problems, thereby influencing the Continental tradition of political thought that included Machiavelli, Bodin, and Montesquieu. In contrast, Cumming maintains, Cicero's postulation of human nature as the basis for considering social and political matters shaped the British tradition of Hobbes, Locke, and Hume. The historical and psychological modes of analysis were joined in the liberal outlook of Mill.

It is not my purpose either to discuss or challenge the Carlyle-McIlwain-Sabine and Cumming theses, but instead to learn from them and to use them as perceptive points of departure. What can be accepted from both positions is that Cicero, for whatever reasons, represents a new direction for social and political thought. Perhaps "transition to modern political thought" is preferable to "beginnings of modern political thought." Cicero is obviously ancient in values and viewpoint. A republican anti-monarchist with

no notion of political representation, he upheld the traditional virtues of a warrior class (glory, magnanimity, nobility, courage, and liberality), condemned manual labor and accepted slavery as a matter of course, and reflected an agrarian precapitalist mentality on economic concerns. At the same time, however, he began to fashion and articulate certain ideas that were to be much more fully developed in the early modern period and in many ways to become the focus of social and political speculation.

Cicero may have been a mediocre philosopher, unoriginal and eclectic, but to say this is not to suggest an absence of anything new and valuable in his thought. Can it be that such a brilliant advocate and learned student of philosophy, who alone of all major social and political thinkers attained the summit of political power as consul of the Roman Republic in 63 B.C., and who influenced so many illustrious minds—among them, Bodin, Grotius, Harrington, Locke, Montesquieu, Hume, Adam Smith, and Burke—should have had so little of significance to say about society and politics as to warrant neglect by most social scientists at the end of the twentieth century? There can be no question of the importance of his transmission to the early modern era of the Stoic conceptions of natural law and justice and of universal moral equality. But his claim to distinction would seem to rest on more than simply being a middleman or broker of such influential ideas.

More than any other ancient thinker he foreshadowed some of the views that were to be basic to the early modern conception of the state whose principal architects were Machiavelli, Bodin, Grotius, Hobbes, and Locke. Cicero was the first major social and political thinker of antiquity to offer a concise formal definition of the state. He was also the first to stress private property, its crucial role in society, and the importance of the state for its protection. In other words he gave to the state, with reservations, a central non-moral purpose. For Cicero the state exists primarily to safeguard private property and the accumulation of property, not to shape human souls according to some ethical ideal of the virtuous. He was the first major social and political thinker to distinguish clearly state from government, and to begin in a very rudimentary fashion to separate conceptually state from society, ideas that were to become hallmarks of the early modern conception of the state. He was the first thinker, as one might expect of

an adroit master of the political art, to be concerned with the mechanics of politics, with political tactics and strategy, and with the serious problem of the role of violence in political life. He was the first thinker to devote considerable attention to the details of governmental economic policy: to public credit, taxation, the cancellation of debts, distribution of corn to the urban poor, land reform, and agrarian colonization. After him Bodin was the first to deal comprehensively with problems of economic policy, to be followed by the even greater concern of John Locke. Cicero was really the first major thinker who can be called a thoroughgoing and systematic constitutionalist, a dedicated upholder of the rule of law, conceiving of government as a trust with a sacred responsibility to the governed, and advocating civil resistance to tyranny. Although he was definitely not the first proponent of proportionate equality or theorist of the mixed constitution, he related the two in a fairly precise way; and perhaps more clearly than most ancient thinkers, including Polybius, he expounded the doctrine of a governmental mixture and the basic assumptions on which it rested. Permeating his reflections on all these subjects was a marked moral, economic, and political individualism—possibly in part reflective of the social atomism of his age—that was so uncharacteristic of the thought of Plato and Aristotle and was to be such a pronounced trait of much of the early modern social and political outlook. No wonder that his writings were so carefully studied by the leading theorists of that time.

In light of these reasons for calling Cicero a social and political thinker of significance, a grave injustice seems to have been committed in our own century by relegating him to the obscurity of unoriginal popularizer and philosopher hardly worthy of the name. He is decidedly not one of the greatest social and political thinkers of our culture, if by "greatest" we have in mind Plato, Aristotle, Hobbes, Locke, Rousseau, Hegel, and Marx. On the basis of his accomplishments, however, he is certainly entitled to a place with major political thinkers of the second rank: Machiavelli, Hume, Bodin, Montesquieu, Burke, and J. S. Mill.

To whatever status Cicero is assigned, the intention of this book is to stimulate an awareness among inquiring social scientists of his social and political thought. Political scientists, sociologists, non-classical historians, and specialists on social and political the-

ory can ill afford to overlook his ideas, their relationship to his age, or their profound influence throughout the centuries. Classicists and historians of ancient Rome have perhaps little to learn in detail about Cicero, yet no single work published by them treats the range of questions addressed below. No claim in what follows is made to being particularly original, exhaustive, or erudite. Much of it is a synthesis of Cicero's views, neither breaking new scholarly ground in respect to the origins of his thought nor investigating those origins. Nevertheless, these pages will be justified if a curiosity about Cicero's social and political ideas is aroused in those who have never taken him intellectually very seriously or even troubled to read him.