

Cicero's Political Ideology in *De Re Publica* and *De Legibus*

Scott Ernest Hoaby – March 2013

Political theorists and classicists generally have not examined Cicero from an ideological standpoint. Although the body of work on the late Roman Republic that *mentions* ideology is growing, it remains quite small and one is hard pressed to find a mention of ideology in discussions on Cicero. Even smaller is the body of work that devotes substantial *study* of ideology in these ancient writers.¹

That said, political writings regardless of their era are historically situated and tend to address issues of the day in which they were written. For this reason they can hardly be ideological (absent of, or free of, ideology).

This is essentially the argument that Richard Ashcraft made roughly three decades ago in a series of articles endorsing the 'political theory as ideology' point of view. Ashcraft asserted that political theorists tended to write articles that explored various philosophical elements in political writings - those that political theorists, philosophers, and classicists consider to be laden with timeless truths, insights, and wisdom – to the neglect of the historical and therefore ideological considerations. Going so far as to question whether it was even proper to consider only the philosophical aspects of historical works in political theory, he cajoled a response from proponents of the political philosophy camp.² While both the 'political theory as philosophy' and 'political theory as ideology' approaches have merit, I suspect Ashcraft was right that the ideological has been underexplored.

In this article I will examine two of Cicero's most important works of political philosophy – his *De Re Publica* and *De Legibus*. I will be analyzing these works for their ideological content. Although Cicero wrote these as two separate works, they go together. They go together because both discuss the best possible state – the first focusing on the best constitution and the other on the optimal laws. Also in both works Cicero articulated concerns about the Roman Republic, which Cicero believed was in serious decline. Last, Cicero explicitly linked these works together in several places. For example, in the third book of *De Legibus*, Cicero writes: "I will adjust my laws to the type of government which I think best; in the six earlier books [of *De Re Publica*] I presented my views about the best constitution ...".³ Because these works are more or less two

¹ Raaflaub has written a 2003 article titled "Caesar the Liberator? Factional politics, civil war, and ideology." Batstone and Daman wrote a 2006 book titled *Caesar's Civil War*, which considers the ideological from a literary analysis point of view. Bartsch wrote an insightful 1997 book titled *Ideology in Cold Blood* that examined Lucan's epic poem paralleling Caesar's account of the Civil War. Cluett wrote a 2003 article titled "In Caesar's Wake: the Ideology of the Continuator." In his 2003 work, *The Assassination of Caesar: A People's History of Ancient Rome*, Parenti is critical of the ideology of the optimates.

² Germino (1980) and Foster and Marfin (1982) responded to Ashcraft's arguments.

³ *De Legibus* Bk. 3.4. Niall Rudd translation. I use the Niall Rudd translation throughout unless otherwise noted. In the excerpt from Bk. 3.4, the Latin is in the 1st person plural (we and our) – using the Latin words *nos*, *sentiremus*, *diximus*, *accommodabimus*, and *probamus* – but Rudd has translated this in the 1st person singular (using I and my). By contrast, the 1928 translation by C.W. Keyes (in the Loeb series) translates

parts of a whole, I will analyze these works together.

The output of this analysis will be a summary of Cicero's ideology of the Roman state. This summary can help one understand Cicero's motives as a political actor. Given that Cicero was part of the Roman political elite, it should also help us understand the motivations of other Romans in the late Republic.

De Re Publica and De Legibus as advice books

In the time of Machiavelli it was not uncommon for an enterprising writer, scholar, or noble to write a political advice book for the reigning royalty. Machiavelli dedicated his *Prince*, for example, to Lorenzo di Piero de' Medici and then wrote in his preface:

Let your Magnificence, then, accept this little gift in the spirit in which I offer it; wherein, if you diligently read and study it, you will recognize my extreme desire that you should attain to that eminence which Fortune and your own merits promise you. (Machiavelli, p.24 1955)

With Cicero we find no such dedication to any particular person or group in Rome, but we find him stating, through his characters, that *De Re Publica* and *De Legibus* are advice books. After discussing two suns in *De Re Publica* – a metaphor for a divided republic – Laelius stated: “To have one Senate and one citizen body is achievable; if it is not achieved, then we are in serious trouble. The opposite [of unity] is obviously true at present ...” Laelius then turns to Scipio and asks what he thinks is the best form of government,⁴ to which Scipio then begins a long *exposé* (that fills the rest of the book) of his thoughts and advice on what is the best government. Though the setting of *De Re Publica* was Rome of the 130s, when Rome's political elite squashed a Tiberius Gracchus-led populist surge by killing Tiberius, Rome of Cicero's day was also divided and there is no reason to think that Cicero was only making commentary on political dynamics of eighty years prior. Cicero actively distributed copies of his *De Re Publica* to leading magistrates in Rome – this was more than mere vanity.

In *De Legibus*, fairly early in the work, Quintus, with the support of Atticus, tells Marcus: “I was rather thinking that our people might well approve of it if you spent your time giving your advice on points of law” to which Marcus replied after some mild cajoling, “You are luring me into a lengthy disquisition, Atticus! Still, I will undertake it ... I am happy to state my views.”⁵

As books of advice, they were not solely philosophical treatments of Cicero's topics. Cicero sought to ameliorate political circumstances in Rome in accordance with his views and this, therefore, gives them an ideological element.

these words in the 1st person plural. In mentioning this oddity, Elaine Wida (Classics, CSU-Long Beach), informed me that Cicero, and a few other writers of that era, often used the 1st person plural to refer to themselves. Cicero also links *De Re Publica* to *De Legibus* where he writes: “We are ... talking about the harmoniously mixed constitution which Scipio praises in those books [of *De Re Publica*] ...”(DL 3.12) and a few leafs later “... though Scipio made an adequate defense of his position in those other books, here [in *De Legibus*] ...”(DL 3.38).

⁴ *De Re Publica*, Bk. 1.32-33.

⁵ *De Legibus*, Bk. 1.12-13

Ideology – What is it?

The term ‘ideology’ has many accepted definitions. Researchers and political theorists use the word ideology to refer to such things as political platforms, sets of beliefs dominated by false consciousness, the driver of class conflict, and descriptions of political (and economic) configurations typically represented by various isms – socialism, liberalism, anarchism, democracy, libertarianism, and so on – depending upon the context.⁶ By providing my characterization of ‘ideology’, I hope to be clear on what I mean by the term.

In this article, I employ ideology to refer to a belief system – a belief in a set of ideas. This belief system of related ideas is dearly held by the ideologist, holds sway over his life, and elicits great affect. Ideologies in this sense are not those which one might ponder in the course of an intellectual discussion (that might ask such questions as ‘What is socialism?’), but rather are those that spur an adherent to act. Ideologies, as I discuss them, are not external objects, but are rather something the ideologist has internalized and has become a part of his or her identity.

Sartori has provided a useful contrast between pragmatism and ideologism that provides further nuanced characterizations of ideology that are consistent with the way that I use the term:

Definition: Whenever ideology and pragmatism are confronted dichotomously, and thereby conceptualized as polar types, *ideology* is a belief system based on i) fixed [idea-]elements, characterized by ii) strong affect and iii) closed cognitive structure. *Pragmatism* is, conversely, a belief system based on i) flexible [idea-]elements, characterized by ii) weak affect and iii) open cognitive structure.⁷

By this view, the ideas in an ideology are no longer candidates for change. The closed cognitive structure means that the ideologist has closed his mind to reconsideration of the ideas in his ideology. The affective element signifies the degree of emotional (and perhaps psychological) attachment that the ideologist has to his or her ideology. As opposed to pragmatists, who remain open to debating their political ideas, and are weakly attached to their ideas (as if they are still candidate ideas), ideologists have settled on their ideas and have become strongly attached to them. Those ideas have become part of their identity and in the strongest cases, ideologists have placed their ideologies over them as if they are secular gods to whom they will loyally follow.

One might judge that the ideologist has simply become a dogmatist, and it does not matter anymore if the ideas make good sense, are well reasoned, or have been fully thought out. But there is another way of looking at this, and is the way that I view it. This view is that the holder of the ideology has thought out the ideas quite well and after much consideration, consternation, and discussion has decided the ideas are worth following. All things considered, there is no set of political ideas that as a whole represent a better alternative. Since the ideologist has concluded that the ideas in his or her ideology are the best, there is no reason (in that setting) to

⁶ Gerring, in an excellent article, summarized his study of how people used the word ‘ideology’ in dozens of works and found that it was used in many different ways.

⁷ Sartori, 1969. p.405.

continue subjecting them to debate and criticism. Instead it is time to act on them in law, policy, and other political dealings.

Finally the ideas in an ideology – the main and driving ideas – are not held with equal esteem. When a situation arises for the ideologist so that he cannot serve both of two valued ideas, the lesser held idea must give way. This is not to say that the lesser idea is not important, it is only to say that it is less important. In other words, the ideas in an ideology are ordered such that one idea is the adjudicating or chief idea. The chief idea will be the idea that the ideologist will seek to protect at all cost.

In the following analysis I will be seeking out the major ideas of Cicero as he articulates them in *De Re Publica* and *De Legibus*. In the process, I will recompose the political ideology that was informing him in the late Republic and identify his chief idea. Where and as appropriate, I will also attempt to show the affect that those views engendered in Cicero.

Informed by the Historical Setting

The following analysis will engage the text while also taking into account the context in which the text was written. While most of the analysis will focus on what Cicero wrote, the historical setting in which he wrote the text is vitally important because it motivated Cicero to write.

Rome of the 50s, when Cicero wrote *De Re Publica* and *De Legibus*, was a dysfunctional Republic. The political divisions in Rome did not begin in the 50s, however. Those divisions had had a discernable presence in the political undercurrent since the populist uprising led by the tribune Tiberius Gracchus in the 130s. The civil war between Sulla and Marius in the late 80s – Rome’s first civil war – was one such manifestation of the tension between Rome’s aristocratic and populist elements.

In 64, Cicero was elected one of Rome’s two co-consuls for 63, in part because its senators believed he could effectively deal with a threat from Catiline, whom had been fomenting populist sedition against the entrenched political elite. Near the end of his term, in December 63, Cicero was instrumental in squashing the conspiracy, having jailed and then executed the leading conspirators who were agitating in Rome. Catiline was killed the following month in a large military battle north of Rome. For his decisive action, grateful Romans bequeathed Cicero the title *Pater Patriae*, or “Father of his Country.”

The 50s began with Julius Caesar serving as consul of Rome in 59, his first term in Rome’s highest political office. His opponents amongst the patrician families – the long-time entrenched political elite in Rome – resorted to substantial bribery to ensure that Bibulus, one of their own, was elected co-consul with Caesar. They expected Bibulus to thwart Caesar. However, Caesar proved to be a more adroit political operator than his opponents had estimated. Caesar was able to garner support for legislation and pass it throughout the year, such as a land reform bill to help the poor and men who had soldiered for Rome. Passage of the bill upset some of the patrician families who desired the land. Bibulus, upstaged by Caesar, consequently quit attending Senate meetings, which by the letter of Roman law would nullify legislation since both

consuls are supposed to be present during votes.

During the prior year, in 60, Caesar had recruited the three most powerful men in Rome – all with roots outside the entrenched political elite – to join him in a political alliance. Those men were Pompeius Magnus (Pompey the Great), Crassus (Rome's richest man), and Cicero (*Pater Patriae*). Cicero declined the invitation, but Pompey and Crassus joined Caesar and helped persuade senators to support Caesar. In his letters to Atticus, Cicero decried this alliance, somewhat hyperbolically, as tyrannical, authoritarian, and absolutist.⁸ At one point in 59, he wrote Atticus that the republic is dead.⁹ Toward the end of his year as consul, Caesar persuaded the Senate to grant him a 5-year proconsulship (governorship) over the Gallic territories (approximately modern France), to which he embarked in 58.

This triumvirate had a large influence on Roman politics, much of it behind the scenes, for most of the decade. Though Caesar was leading military campaigns from southern Gaul, to the Belgic regions and even to Britannia, he managed to retain his influence through letter writing, his messengers, and his visits to Rome (mainly in the winter). In May 58, the Senate ostracized Cicero from Rome for not giving the Catiline conspirators a trial in 63 when he was consul – an exile that Cicero believed was unjust, and that he spoke out against for the rest of his life. With the help of Pompey's suasions, however, the Senate granted Cicero a return to Rome about fifteen months later. Upon his return, he maintained a peripheral role in Roman politics during the 50s. In early 55, the Senate, after several tumultuous months of trying to elect consuls and failing, asked Pompey and Crassus to be its co-consuls that year, giving up on the other candidates.

After 55 Roman politics became more dyspeptic. Bribery, already common, became more common. In 53, the Senate could not elect consuls for 52 because every candidate had been accused of corruption. So in early 52, the Senate asked Pompey to be sole consul of Rome. Pompey accepted, even though Roman law forbade someone from being consul more than once every ten years, and required two consuls. About this time, the triumvirate that Caesar created also had begun to break apart, making Roman politics more volatile. During a military campaign in 53 in Syria, Crassus was killed. In 52, Pompey's acceptance of the consulship allied him with men who had opposed Caesar when Caesar was consul. These men remained sedulously opposed to him through the 50s.

Caesar meanwhile, had overwhelming success in subduing the Gallic and Belgic peoples and adding their territories to the Roman empire. His success garnered great support from the *plebeians* of Rome and many senators, but a significant portion of Rome's traditional elites from patrician families became increasingly wary of Caesar and his popular and military power. Because of the divisions in Rome, some in Rome including Cicero, feared the possibility of a

⁸ Examples: Letter to Atticus II.17 (letter following the 29 April, 1 May 59 letter) – Cicero says of Pompey, "He is confessedly working for absolute power." Letter to Atticus (Oct/Nov 54, IV.18) Cicero writes that "dictatorship is in the air." Letter to Atticus (II.21, 25 July 59), Cicero talks about Caesar's consulship and the triumvirate as "the authoritarian régime" Letter to Atticus (II.14, 26 April 59) Cicero, perhaps sarcastically, talks about being "tyrannized over."

⁹ Letters to Atticus, Bk 2.21.

civil war.¹⁰

It was in this context of factions, of high-ranking senators foregoing the Roman constitution, of bribery, of self-interested political machinations, and other assorted political maladies that Cicero wrote his two political treatises *De Re Publica* and *De Legibus*. It is nearly unfathomable that Cicero, who cared dearly for his republic, wrote them merely as philosophical ruminations to fill his time of *otium* (leisure). Cicero felt the republic – his beloved republic – had become dysfunctional and was, in respects, dying. For example, at the opening comments of *De Re Publica*'s Book 5, Cicero wrote:

Our generation, however, after inheriting our political organization like a magnificent picture now fading with age, not only neglected to restore its original colors, but did not even bother to ensure it retained its basic form ... it is because of our own moral failings – that we are left with the name of the Republic, having long since lost its substance.¹¹

He also felt that many of his fellow senators had lost sight of what a *republic* should be. Toward the end of *De Legibus* his character Atticus remarks that “most magistrates, owing to their ignorance of their own legal system, know only as much as their clerks wish.”¹²

His *De Re Publica* and his *De Legibus* were his way of addressing these maladies, by stating not only what the ideal state should look like, but to suggest how to restore the Roman state to its former political luster. It is for this reason that the ideological – the ideas that compose his ideology for the Roman state – is inured in the philosophical elements of these two works. Now it will be my task to find and articulate them.

Who is Cicero in De Re Publica and De Legibus?

Cicero extensively used dialog between several interlocutors as the means to communicate his ideas in *De Re Publica* and *De Legibus*. This begs the question, of course: which character – if any – is Cicero's *persona* in each work?

For *De Legibus*, the answer is easy – it is Marcus. Marcus is Cicero's *praenōmina* – Marcus Tullius Cicero – and the character Marcus is clearly the leading expositor in the work. In addition, Marcus talks about acts of Cicero as if he did them himself. The entire work is written as a dialogue – the other two interlocutors are Atticus (also the name of Cicero's closest friend), and Quintus (also the name of Cicero's brother).

De Re Publica is more complex. Unlike *De Legibus*, Cicero writes as his own person for part of *De Re Publica*, though most of the work takes a dialogic form. Cicero opens each pair of books – Books I, III, and V – in his own voice to provide commentary. The rest of the work is a conversation between nine interlocutors – Scipio, Tubero, Philus, Laelius, Spurius Mummius,

¹⁰ In a few short years, events would prove them correct. Caesar invaded Italy early in 49 to begin the civil war.

¹¹ *De Re Publica*, Bk 5.2.

¹² *De Legibus* Bk 3.48. The clerks were the copyists of the Roman laws.

Gaius Fannius, Quintus Scaevola, Rutilius, and Marius Manilius – set in Rome of the 130s using the names of real Roman leaders. Of these, Scipio is the salient speaker. Much of the literature takes the position that Scipio is Cicero’s *persona*. Though Cicero chose Scipio to be the primary expositor of his views, I disagree that Scipio is Cicero’s *persona*, but I will concede that Scipio speaks for Cicero most of the time. In *De Legibus*, we get a hint that Scipio was not the *persona* of Cicero when Marcus says: “Though Scipio made an adequate defense of his position in those other books, here I am giving the people only that amount of freedom which will allow a thriving aristocracy to use its authority.”¹³ Here, Cicero seems to be saying that while Marcus and Scipio agree on much, Marcus is the truer representative.¹⁴

In this article I will treat Marcus as the *persona* of Cicero in *De Legibus*, and Scipio as the qualified *persona* of Cicero in *De Re Publica*. By qualified, I mean ‘in the main’.

Cicero’s best government in De Re Publica and De Legibus

Cicero organized *De Re Publica* to first describe the best state in theory, and to then follow that with a description of the best state in experience.

Cicero’s theoretical discussion begins with Laelius asking Scipio to tell the group what form of government he thinks best. Scipio responds by explaining that a republic is a *res publica* – a public thing, meaning it is the “property of the public,”¹⁵ “brought together by legal consent and community of interest.”¹⁶ A republic will seek, in other words, to benefit the various members of the community and will serve the public interest, not a private interest.

Given that a republic is a *res publica*, what constitution will best ensure that the state remains the property of the public? Scipio asserts that it is a mixed constitution, containing elements of each of the three basic constitutions – monarchy, aristocracy, and democracy. Each of the three have different strengths and weaknesses, and each of them can serve the *res publica* in some way.

Prompted by the questions of his friends, Scipio states that the strength of a monarchy, or rule by a king, is that the monarch is like a father who engenders the affection of the people, uniting them, and the monarch can provide the most expedient form of rule.¹⁷ Thus he concludes that the rule of one man is best “provided he is just.”¹⁸ However, rulers are not always just, and when they are not, the monarchy has become a tyranny.¹⁹ In addition, a monarchy has the chief defect that not enough people participate in decisions,²⁰ potentially causing divisiveness.²¹

¹³ *De Legibus* Bk 3.38.

¹⁴ Keyes, in his 1928 translation, basically equates Scipio and Cicero in Bk 3.38, but the possessive pronouns in the Latin do not signify ‘my position.’ Rudd’s translation of “his position” is therefore appropriate.

¹⁵ *De Re Publica*, Bk 1.39.

¹⁶ *De Re Publica*, Bk 1.39.

¹⁷ *De Re Publica*, Bk 1.54, 60, 63.

¹⁸ *De Re Publica*, Bk 1.61.

¹⁹ *De Re Publica*, Bk 1.65, 69.

²⁰ *De Re Publica*, Bk 1.43.

The chief strength of an aristocracy is that it is a meritocracy: the “men of superior character and ability,” rule.²² Its chief defect is that the masses “have hardly any share in liberty since they are deprived of any participation in discussion and decision-making.”²³

Finally, a democracy, according to Scipio, has different strengths. When people cling to their rights and remain united, no government brings more “power, liberty, and happiness” to its people.²⁴ A democracy is also the best form of government to assure the ideal of equality before the law.²⁵ Moreover, of the three forms, it best meshes with the ideal *res publica* because all the citizens can participate.²⁶ Its chief defect, however, is big: there is no distinction of merit between the people who serve. Thus the democracy can end up with rulers who are not fit to rule and can therefore ruin the state with bad decisions, particularly when there is an emergency.²⁷ A second and well known criticism is that a democracy can devolve into a “reckless” and “undisciplined” mob, which cannot then effectively rule a state.²⁸

To mitigate the defects of each type of constitution and concomitantly utilize the merits and strengths of each, Scipio asserts that a mixed constitution is the best constitution for a republic, because it employs the strengths of each of the three basic types.²⁹ He opines to his fellow discussants that “a fourth kind of government is to be judged the best; that is, a *carefully proportioned* mixture of the first three (*moderatum et permixtum tribus*) described above.”³⁰ In other places, Scipio refers to the mixed government as a “moderate and balanced form” and a “balanced combination” of the three simple forms.³¹

So how does Cicero proportion governmental authority between the three parts of a mixed constitution? It is here that Cicero reveals his ideological leanings.

The Democratic Element

Of the three parts, I will start by examining Cicero’s treatment of the democratic element. As already noted, a weakness of democracy is that it can devolve into an undisciplined mob that lacks the capacity to rule. A strength of democracy is that it gives the people the greatest amount of liberty. But Philus remarked that when the “people hold the supreme power and everything is

²¹ *De Re Publica*, Bk 1.49.

²² *De Re Publica*, Bk 1.51.

²³ *De Re Publica*, Bk 1.43.

²⁴ *De Re Publica*, Bk 1.48.

²⁵ *De Re Publica*, Bk 1.49.

²⁶ *De Re Publica*, Bk 1.48.

²⁷ *De Re Publica*, Bk 1.43.

²⁸ *De Re Publica*, Bk 1.52, 49.

²⁹ *De Re Publica*, Bk 1.45, 54, 69, 70.

³⁰ *De Re Publica*, Bk 1.45.

³¹ *De Re Publica*, Bk 1.69 and Bk 2.41. C.W. Keyes translations (Bk 1.69: *aequatum et temperatum ex tribus optimis*; Bk 2.41: *confusa modice*)

done according to their [individual] decisions, that is called liberty, though in fact it is license.”³² The danger of this, he goes on to say, is that it can result in “mutual fear between one individual and another, and one class and another.”³³ Lacking a “pact . . . between the people and the powerful few,”³⁴ people would then have to rely on their own strength (and sense of justice) to defend their interests and to pursue their interests. The worst case scenario is “to be constantly at daggers drawn, inflicting and suffering injury in turn” as people try to get what they can, defend what they have, or obtain retribution.³⁵ In other words, because of the liberty inherent to democracy, a democracy has the potential to put a society into a state of “total anarchy.”³⁶ When democracy’s “excessive license” has led to anarchy, it has produced the kind of environment “from which a tyrant grows.”³⁷ Laelius sums up by saying that “there is no state to which I should be quicker to refuse the name of republic than the one which is totally in the power of the masses. . . . The rabble is just as tyrannical as one man.”³⁸ Scipio concurs by saying, “I agree that of the three types, it is the least desirable.”³⁹

If Cicero’s characters find democracy so undesirable, what positive contributions, if any, would it have to make in a mixed government? One important contribution is that the democratic element can limit excessive power in the aristocratic and the monarchical elements. In Book 2 of *De Re Publica*, Cicero provides an historical example. In Rome’s early years, Lucius Brutus led a revolt against the tyrant-king Tarquin that resulted in the expulsion of Tarquin and his family from Rome. Brutus showed that the common people could be an effective check on excesses by Roman leaders,⁴⁰ a lesson that Scipio acknowledges other states, such as Crete and Sparta, had learned in years past.⁴¹ Not long after Tarquin’s expulsion, Roman leaders created the tribunate, a magisterial office composed of tribunes, to represent the *plebeians*’ (i.e., common people’s) interests in Senate meetings. Scipio informs us that the “tribunes of the *plebs* were elected to limit the authority of the consuls,”⁴² and that the office of tribunes was created “in

³² *De Re Publica*, Bk 3.23.

³³ *De Re Publica*, Bk 3.23.

³⁴ *De Re Publica*, Bk 3.23.

³⁵ *De Re Publica*, Bk 3.23.

³⁶ *De Re Publica*, Bk 1.67.

³⁷ *De Re Publica*, Bk 1.68.

³⁸ *De Re Publica*, Bk 3.45.

³⁹ *De Re Publica*, Bk 3.47.

⁴⁰ *De Re Publica*, Bk 2.46. Tarquin – or more completely, Tarquinius Superbus – was Rome’s last king, reigning about 450 years before the Roman civil war. Tarquin’s tyranny also helped precipitate and further Rome’s movement from a monarchy to a mixed government.

⁴¹ *De Re Publica*, Bk 2.58. Scipio stated that long before Rome formed its tribunate, Sparta and Crete adopted councils of five ephors and ten cosmoi respectively to hold its leaders accountable.

⁴² *De Re Publica*, Bk 2.58. (See also *De Legibus*, Bk 3.16.) Even though the tribunate was supposedly an institution for the *plebeians*, Gruen has noted that during the Ciceronian Age – roughly the two decades before the Roman civil war of Julius Caesar began – it was in many respects “an arm of the aristocracy.” (p.24). Gruen found in his research that even though members of patrician families were barred from holding the office – the majority of the tribunes were still from the upper class families.(pp. 180-188).

order to reduce the power and authority of the Senate.”⁴³

However, Cicero writes that another reason for including the democratic element in Rome’s *res publica* was to prevent uprisings and thus maintain political stability. Protests, public demonstrations, and even riots by the common people were not unusual at various times in Rome’s history. For example, shortly after Caesar assumed the office of consul, when Bibulus (as co-consul) and Cato opposed his legislative proposals, the people rioted against them and the Senate subsequently passed Caesar’s bills. In *De Re Publica* Scipio mentions rioting of the people over debt relief “about fifteen years after the Republic’s inception”⁴⁴ – an issue that fomented sedition amongst the people – as a motive for the ancient senate’s adoption of the tribunate.

Therefore, two major practical reasons for Cicero that the democratic element should have some involvement in the Republic’s mixed government is to permit the *plebs* to hold the consuls and the senate accountable, and to give them a voice so they are less likely to revolt.

That said, our understanding of Cicero’s attitude toward the democratic element and its role is still not complete. We know that he abhors mob rule, but representative government in the form of the tribunate ameliorates that aspect of the democratic element as well as providing a palliative for the people. But does he view the tribunate and the involvement of the *plebs* in Roman government as a purifier and a savior of Rome, or more like a necessary evil? The distinction is important in Cicero’s ideology. The first suggests that the involvement of the people or their representatives will be welcomed, while the second suggests they will be tolerated. So where does Cicero, stand on this issue?

Toward the end of Book 2 of *De Re Publica*, Scipio remarks that “One must bear in mind what I said at the outset, namely that unless a state maintains a fair balance of rights, duties, and functions (the magistrates having adequate power, the aristocratic council adequate influence, and the people adequate freedom), its constitutional organization cannot be preserved from change.”⁴⁵ In this view, stability of the republic requires that ‘power’ and ‘influence’ rest with the magistrates (the senators) and the aristocratic classes respectively, but liberty with the people. Here, Cicero makes a significant distinction between the aristocratic and democratic elements, but what might this liberty entail?

In Book 3 of *De Legibus*, after some preliminary discussion on best constitutions, Quintus asks Marcus to respond to his view of the tribunate – the democratic element of the Senate. Quintus had said that the power of the tribunes was “pernicious”, and like the sedition that led to the creation of its office in the first place, it still promoted “sedition.”⁴⁶ He said that during its infancy, the tribunate was killed off, “as deformed children should be,” but it came back to life

⁴³ *De Re Publica*, Bk 2.59.

⁴⁴ *De Re Publica*, Bk 2.57. Jonathan Powell’s and Niall Rudd’s explanatory notes about this sedition suggest the gravity of the situation: “In 494 the *plebeians* seceded [from Rome] and set up their own organization, which included two tribunes.”(218) The senate’s incorporation of the *tribunate*, was done in part, therefore, to prevent Rome from splitting apart.

⁴⁵ *De Re Publica*, Bk 2.57.

⁴⁶ *De Legibus*, Bk 3.19.

“even more ugly and horrible” than before.⁴⁷ It disrupted the Senate, damaged the senate’s honor, and (in reference to a democracy’s failure to take merit into account when choosing officials) “made the lowest equal to the highest.”⁴⁸ Quintus then cited several examples of how various tribunes in Rome’s history caused turmoil and fights in senatorial proceedings. (Quintus was somewhat disingenuous here by putting all the blame on the tribunes and failing to mention that the senate or upper class citizens had most of these various tribunes murdered.)

Marcus responds to Quintus by agreeing that he correctly discerned “the faults of the tribunate,”⁴⁹ but he failed to give credit to the positive things the tribunes have done for Rome. He adds, “I admit that there is an element of evil inherent in the office of tribune, but without that evil we would not have the good which was the whole purpose of setting it up.”⁵⁰

So what is the good that comes out of this ‘evil’ office? In short, the good, according to Marcus, is that the tribunate helps mollify the *plebeian* class whose members might otherwise revolt against the upper classes, and act as an undisciplined yet powerful mob. He acknowledges that “the crude power of the people is much more savage and violent” than the power of the “*plebeian* tribunes”⁵¹ so having tribunes is the lesser of two evils.

This perspective or attitude is seemingly on display when Marcus mentions some instances in which the senate satisfied the people, but seem to suggest approvingly that the people were duped. The senate’s adoption of the tribunate, and giving them the power of veto, “enabled lesser men to *imagine* (from *puto, putare*) that they were equal to the leading men,” so that the “highest class” is no longer “the target of [the common peoples’] resentment” and “common people do not engage in dangerous concerns over their rights,”⁵² He commented that during Rome’s history “the common people were *induced* (from *adduco, adducere*) by many excellent regulations to acquiesce in the aristocrats’ [i.e. Senate’s] authority.”⁵³ When discussing the merits of secret versus open ballots, Marcus says: “The consequence is that, thanks to my [voting] law, the *appearance* of liberty (*quasi vindicem libertatis*) is given to the people, the authority of the aristocracy is retained, and the cause of quarreling [between the upper classes and the *plebs*] is removed.”⁵⁴ (Italics in this paragraph are mine.)

In these excerpts from *De Legibus*, Marcus and Quintus have corroborated what was said in *De Re Publica* at the end of Book 2 – that authority belongs with the aristocratic and monarchic elements, but liberty with the democratic. Interestingly, Marcus suggests that the “*appearance* of liberty” is enough. Superficial or nominal freedom is sufficient for mollification, and for Cicero, this was his priority. In reference to laws he passed as consul in 63, Marcus (as Cicero’s

⁴⁷ *De Legibus*, Bk 3.19.

⁴⁸ *De Legibus*, Bk 3.19.

⁴⁹ *De Legibus*, Bk 3.23.

⁵⁰ *De Legibus*, Bk 3.23.

⁵¹ *De Legibus*, Bk 3.23.

⁵² *De Legibus*, Bk 3.24.

⁵³ *De Legibus*, Bk 3.25.

⁵⁴ *De Legibus*, Bk 3.39.

persona) says that his (Cicero's) regulations were well crafted because they "induced" the people to "acquiesce" to the authority of the senate; the voting law was good because it ultimately "retained" the authority of the aristocracy and removed reasons for the *plebs* to rebel against that authority. The tribunate made the *plebs* "imagine" that they had equal power (when they really did not). In the midst of this, Marcus exclaims:

Think of the good sense that our forefathers showed in this matter. After the Senate had conceded that power [i.e., veto power] to the *plebs*, the weapons fell from their hands, the rebellion was extinguished, and a compromise was found which enabled lesser folk to imagine that they were equal to the leading men. That alone was what saved the country.⁵⁵

Cicero did not so much consider the democratic arm of the Senate, the tribunate, as an 'office of redemption' that guarded Rome against monarchical and aristocratic excesses, but as an 'office of sedition.' For Rome to be stable, and for the senate to retain its authority over Rome, the people had to be placated.

Thus, to conclude this section, Cicero's "carefully proportioned" mixture of the three simple constitutions into a republic, means the democratic element has a small proportion. A properly proportioned republic for him means the democratic element has little to no real authority in the republic. Scipio, in complementing Tarquin, an early king of Rome who ensured that the aristocracy had the greatest voting power, remarked: "[Tarquin] thus safeguarded a principle which should always be observed in politics, namely that the greatest power should not rest with the greatest number."⁵⁶ Instead the democratic element has liberty, which acts as a palliative to keep the people's support for the aristocratic and monarchic elements. If the democratic element can be mollified, the other elements can retain their authority. This is the basic ideology of Cicero as it pertains to the democratic element.

The Monarchical Element

This section examines Cicero's assessment of the monarchical element in a republic's mixed constitution. In the Roman Republic, the monarchical element was the office of consul. Two consuls were elected annually, serving one year terms that would begin on January 1. Like a British parliamentary system, the consuls were elected from the legislative branch – from Rome's Senate.

During their conversation in *De Re Publica*, Scipio mentions several times that he prefers a monarchy over the other two simple constitutions and says that it can be better than the other two.⁵⁷ In Book 1.54, Scipio remarks to Laelius: "I prefer a mixture of all three, but if one has to be preferred in its pure form, I would prefer monarchy ..." In Book 3 after Scipio agrees with Mummius that a democracy is the least desirable of the three simple types of constitutions,

⁵⁵ *De Legibus*, Bk 3.24.

⁵⁶ *De Re Publica*, Bk 2.39

⁵⁷ *De Re Publica*: Bk 1, sections 54, 61, 64, and 69. Bk 3.47.

Scipio remarks that a monarchy can be as good as an aristocracy:

But I don't agree with you [Mummius] that aristocracy is superior to monarchy. If it is good sense that governs a state, what does it matter whether that quality is exercised by one or by a group? ... But when mention is made of a king, we think at once of a bad king. Here, however, we are not talking about a bad [*iniusto*] king, we are concerned [*quaerimus*] with the concept of a state ruled by a monarch.⁵⁸

Scipio then mentions Rome's first three kings – Romulus, Pompilius, and Tullus,⁵⁹ who were instrumental in founding Rome's first workable Senate and set of laws – in order to make his point that a good king can do much good for a state.

In addition to the positive contributions that founding monarchs can make, there are other contributions that a monarchical figure can make to a state. One is that the monarch can be a father figure to a nation of people, being a locus of their affections and a force for unity. Another is that with fewer people involved in deliberations, a monarch can carry out a more expedient form of rule than 'rule by the few' or 'rule by many'. Indecision might plague a monarchy, but gridlock does not. Thus monarchy, at least in theory, is probably the best form of rule in times of emergency.

These positives notwithstanding, however, monarchy has a glaring defect. If the monarch becomes corrupt, the monarchy turns into a tyranny, which Scipio claims is the "worst kind of government."⁶⁰ Tyrants can have a fatal impact on a republic, because "wherever there is a tyrant, one cannot say ... that there is a defective republic ... there is no republic at all."⁶¹ It is no longer a republic because a republic by definition is a *res publica* or "the property of the public,"⁶² and the tyrant treats the state as *his* property or private thing (*res privata*), not that of the people or the public.

Cicero gives several perspectives on tyrants in *De Re Publica*, but one of these in particular deserves a closer look. That perspective is that a tyrant is unjust. Scipio remarks that "as soon as a king begins to rule unjustly, that kind of government vanishes on the spot, for that same man has become a tyrant."⁶³ Thus for Cicero a good king acts justly, and a tyrant does not. So what does Cicero mean by the word 'just'?

Recta ratio and being 'just'

Cicero's conception of what is just is derived from his conception of law. For him, rightly construed laws begin with nature, that is, they are derived from nature.

Cicero's theory has as part of its basis, as do most natural law theories, that people share the

⁵⁸ *De Re Publica*, Bk 3.47.

⁵⁹ Cicero had discussed Romulus in 2.4-23 of *De Re Publica*, Pompilius in Bk 2.23-30, and Tullus in Bk 2.31.

⁶⁰ *De Re Publica*, Bk 1.65.

⁶¹ *De Re Publica*, Bk 3.43.

⁶² *De Re Publica*, Bk 3.43.

⁶³ *De Re Publica*, Bk 1.65.

same basic human nature.⁶⁴ In *De Legibus*, Marcus – who is the voice of Cicero – says to Atticus and Quintus that if it were not for “corrupt habits and foolish opinions” that cause people to deviate from their original (or true) nature, “everyone would be like everyone else. ... there is no essential difference within mankind.”⁶⁵

Part of this sameness is with intellectual *attributes*, including the latent ability to reason. However, while everyone has latent reasoning ability, not everyone has the same level of reasoning *skill* because the skill must be developed and learned – or as Marcus put it: “While [reason] may vary [from person to person] in what it teaches, it is constant in its ability to learn.”⁶⁶ The contribution of reason is that it completes knowledge. Our senses interact with the outside world as “servants and messengers”⁶⁷ through touching objects, hearing a noise, hearing someone speaking, seeing an object, seeing an apparent cause-effect phenomenon, and so on. These sensations then create perceptions in our mind that act as our “foundation ... for knowledge.”⁶⁸ Reason completes our knowledge by interpreting the perceptions, evaluating them, giving them context, and enabling people to then “make valid deductions, to argue, refute our opponents, debate, solve problems, [and] draw conclusions.”⁶⁹ The greater a person has developed their reason to process various perceptions and, from them, complete knowledge, the greater is his reasoning skill.

When reason “has developed and become complete,” says Marcus, then it “is rightly called wisdom.”⁷⁰ In the political realm, we might call this political wisdom. But Marcus also says that “when reason is fully formed and completed in the human mind, then it too is law”⁷¹ and he says that “reason fully developed” is “moral excellence.”⁷² Thus to Cicero reason, law, and moral excellence are closely related, and we might say that reason and law are manifestations of moral excellence.

For the wisdom in making law, Cicero reserves a special name. He calls it “*recta ratio*” (right reason) or the more fully “*recta ratio imperandi atque prohibendi*” (right reason in commanding and forbidding).⁷³ In another place Marcus comments:

⁶⁴ *De Legibus*, Bk 1.24-32.

⁶⁵ *De Legibus*, Bk 1.29.

⁶⁶ *De Legibus*, Bk 1.30.

⁶⁷ *De Legibus*, Bk 1.26.

⁶⁸ *De Legibus*, Bk 1.26.

⁶⁹ *De Legibus*, Bk 1.30.

⁷⁰ *De Legibus*, Bk 1.22.

⁷¹ *De Legibus*, Bk 1.19.

⁷² *De Legibus*, Bk 1.46.

⁷³ The Latin is from Bk 1.42 of *De Legibus* at www.thelatinlibrary.com/cicero/leg1.shtml. Cicero uses the specific phrase ‘right reason in commanding and forbidding’ in two places – Bk 1, sections 33 and 42 of *De Legibus*. The Latin in 1.33 is *recta ratio in iubendo et uetando*, slightly different from 1.42, but having the same basic meaning in English. He uses the phrase ‘right reason’ (or the language of right reason) in many places besides these two – in *De Legibus*, Bk 1.23 and Bk 2.10; in *De Re Publica*, Bk 3.33 – by which he still means right reason in commanding and forbidding.

... law was not thought up by the intelligence of human beings ... rather [it] is an eternal force which rules the world by the wisdom of its *commands and prohibitions*. ... that original and final law is the intelligence of God, who *ordains or forbids* everything by reason. Hence that law ... represents the reason and intelligence of a wise man directed to issuing *commands and prohibitions*.⁷⁴ (italics mine)

In Cicero's lone reference to *recta ratio* in *De Re Publica* Laelius states, "law in the proper sense is right reason in harmony with nature. It is ... unchanging and eternal, calling people to their duty by its commands and deterring them from wrongdoing by its prohibitions."⁷⁵

This raises a question. Can the commands and prohibitions of *recta ratio* be arbitrarily chosen as long as one arrives at them via 'skilled' reason? For Cicero, the answer would be no.

Right reason, or Cicero's *recta ratio*, is not an independent entity. By writing that it is "unchanging and eternal," Cicero is implying that it is tethered to something. That something is nature, and the gods that made nature and gave people their nature. Cicero views human reason as linked to, and a part of or a subset of, the divine reason, which is perfect. Marcus proposes that for humans, "their mind is implanted in them by God,"⁷⁶ and because "reason is present in both man and God, there is a primordial partnership in reason between" them.⁷⁷ Thus while humans' reason commands and forbids them in their actions, that commanding and forbidding is also indirectly from God (and more specifically for Cicero, from the highest of the Gods, Jupiter).⁷⁸

Because reason has a common source or is constructed the same in everyone, if unconstrained it would 'say' the same things to everyone regarding specific good and bad actions, or regarding specific true laws (the laws imparted to someone by reason). In addition, if people listened to reason, they would have similar notions of good and bad because reason is constant. However people can be encumbered from 'hearing' reason because of their corrupt habits and foolish opinions, as Marcus notes:

For our minds, however, all kinds of traps are laid, either by the people just mentioned, who on receiving young untrained minds stain them and twist them ... or else by that power which lurks within ... namely pleasure ... Seduced by [pleasure's] charms, our minds fail to see clearly enough the things that are naturally good.⁷⁹

Thus, the people whom Cicero would have as lawmakers, are the people who have learned to control their vices and have trained their mind to participate in and be taught by reason at work in their mind. When people do this, they can achieve a state of 'right reason', which allows them

⁷⁴ *De Legibus*, Bk 2.8.

⁷⁵ *De Re Publica*, Bk 3.33.

⁷⁶ *De Legibus*, Bk 1.24.

⁷⁷ *De Legibus*, Bk 1.23.

⁷⁸ "Therefore the authentic original law, whose function is to command and forbid, is the right reason of Jupiter, Lord of all." (*De Legibus*, Bk 2.10.)

⁷⁹ *De Legibus*, Bk 1.47.

to realize or know ‘true law’ in what to do or not to do – that is, to know what reason commands and forbids.

Law that is created on this basis – as the “divine mind”⁸⁰ in man – is just law, according to Cicero. The lawmaker who employs *recta ratio* will produce just laws, and the ruler who rules in accordance with *recta ratio* will be a just ruler. Conversely, a king begins to rule unjustly when he no longer rules according to *recta ratio*.

Concern yet Support for the Monarchial Element

While Cicero expresses concern about a monarchy turning into a tyranny, his main concern is not merely that it can become a tyranny, but how *easy* it can become a tyranny, especially when considering how difficult it is for a state to prevent it. Scipio explains to his fellow discussants that the monarchial “form of constitution is most liable to change [of the three simple constitutions]; for when it is upset by the incompetence of one man there is nothing to stop it from falling head long into ruin.”⁸¹

Yet despite the risks of a monarchy, the benefits to the state of having a monarch-like figure are still significant, so in the main, Cicero supports the monarchial element in a republic, which in Rome was the office of the consuls. The benefit of the mixed government is that both the aristocratic and democratic elements can help prevent the monarchial element from devolving into tyranny. Having a king-like figure heading the state was important to Cicero because “when the people are deprived of a just king, they are like orphans. A sense of loss lingers within their hearts.”⁸² But this does not mean the king-like figure needed to be a monarch. The co-consuls as Rome’s ‘monarchs’ were alternatives to an actual monarch.

Cicero’s ideology, then, embraces the idea of a visible and vibrant monarchial element in a republic. The monarchial element should have significant authority and should participate in governing. However, just as important ideologically, is that Cicero tenaciously holds to the idea that the monarchial element must rule in accordance with *recta ratio*. This will help ensure that a republic’s leaders are just, and will help ensure that the republic will not devolve into a tyranny.

The Aristocratic Element

The aristocratic element has as its chief strength that the best men rule and for this reason, Cicero favors it. However it also has a weakness: the common people, the masses, do not partake in government. But where does Cicero stand in his support for aristocracy compared to the monarchial element? To answer this question, I will begin with Marcus, Cicero’s *persona* in *De Legibus*.

In Book 3 of *De Legibus*, Marcus, his friend Atticus, and his brother Quintus discuss the merits of the three types of constitutions as they pertain to Rome’s mixed government. After a

⁸⁰ *De Legibus*, Bk 2.9-11.

⁸¹ *De Re Publica*, Bk 2.43.

⁸² *De Re Publica*, Bk 1.64.

long discussion on the laws, the conversation shifts and Marcus then remarks: “We are ... talking about the harmoniously mixed constitution which Scipio praises in those [six] books [of *De Re Publica*] and prefers to all others ...”⁸³ Atticus then asks Marcus: “Well then, will you ... explain why you regard your system as the best?” and Marcus responds with, “I am happy to oblige, Atticus.”⁸⁴

During the ensuing dialog, Marcus voices his support of the Senate. In talking about a voting law that Cicero was able to pass through the Senate while he was consul, Marcus states, “thanks to my law, the appearance of liberty is given to the people, the authority of the aristocracy is retained (*auctoritas bonorum retinetur*), and the cause of quarreling is removed.”⁸⁵ Here, Cicero reveals a priority, and perhaps his highest priority – to preserve authority in the Senate. Earlier in Book 3, Marcus remarked that the Senate gave freedom to the tribunate “in such a way that the common people were induced ... to acquiesce in the aristocrats’ authority,”⁸⁶ showing further that Senatorial authority was a priority for Cicero. A few leafs later Marcus remarks:

But this defect [that censors can no longer co-opt] is immediately mitigated by a confirmation of the Senate’s authority, for my law goes on to say ‘Its decrees shall be binding.’ The fact is that if the Senate controls public policy, and if everyone supports its decrees ... then a constitutional compromise takes place whereby the power is vested in the people, but authority in the hands of the Senate (*auctoritas in senatu sit*). As a result of that compromise, the moderate and harmonious condition of the state described earlier is preserved.⁸⁷

Here one finds Cicero writing that the word of the Senate should be final (‘its decrees shall be binding’), that authority should rest in the Senate, and that the key to harmony in a mixed constitution as Rome had, was to maintain that authority in the Senate, in the aristocratic element.

Finally, near the end of *De Legibus*, Atticus remarks with the apparent sanction of Marcus: “I have never liked any populist measure. I hold that the best government is the type set up by Marcus here when he was consul – the type that is controlled by the aristocracy.”⁸⁸

For Cicero, however, was it merely having an institutional structure where *auctoritas* resided primarily with the aristocracy, or was more required of a republic than just this?

In *De Re Publica* Cicero’s interlocutors had converged on the idea that an aristocracy is a government by the best. Scipio calls it a “vulgar misconception” that “those with large fortunes and possessions or those who belong to famous families” are the best.⁸⁹ He does, however, assert that ‘the few’ should be people of merit. In criticizing the problem with a government

⁸³ *De Legibus*, Bk 3.12.

⁸⁴ *De Legibus*, Bk 3.12-13.

⁸⁵ *De Legibus*, Bk 3.39.

⁸⁶ *De Legibus*, Bk 3.25.

⁸⁷ *De Legibus*, Bk 3.27-28.

⁸⁸ *De Legibus*, Bk 3.37.

⁸⁹ *De Re Publica*, Bk 1.51.

“carried on entirely by the people,” Scipio remarked that “it acknowledges no degrees of merit,” whereas in an aristocracy it did.⁹⁰ So if the wealthy and those from famous families are not ‘the best’ or the people of merit, who are?

Scipio informs the reader that the ‘best’ entails a demonstration of “good sense and skill in living one’s own life and directing the lives of others.”⁹¹ Later, when he was recounting the best and worst of leadership in Rome’s early history, Scipio remarked that the ruler who understood what would enhance the “interests and prestige” of the state, was also the man who by his “good sense and devoted efforts, can preserve the country.”⁹² Towards the end of Book 2 Scipio tells his friends that the man of good (political) sense is one who (using a metaphor for the ever-changing state) could direct and control an “enormous wild beast.” And how is this ‘beast’ controlled and directed? Through that faculty of the human mind that “is called reason.”⁹³ Scipio also remarks that “government cannot be carried on without the highest degree of justice.”⁹⁴ As we saw before, in the discussion on monarchy, to be just as a ruler means to be directed by reason, and not just quotidian reason, but by *recta ratio* – “*recta ratio imperandi atque prohibendi*” (right reason in commanding and forbidding)⁹⁵ – a high form of reason.

Cicero’s care for *recta ratio* reflects his understanding that not just a monarch, but also a government of the few could become tyrannical. Scipio remarked that an aristocracy can become tyrannical when “some crookedness diverts the leaders from their course” and he admitted that each of the three simple forms “could easily degenerate into their corrupt versions.”⁹⁶ In Book 2, Scipio recounts the Board of Ten from Rome’s early history, remarking that by their third year in power they had become “cruel and greedy in their domination over the people.”⁹⁷ Marcus likewise admits that it is possible for the aristocratic element to become corrupt.⁹⁸

The solution for the corruption is that the members of the aristocracy – the senators in the case of Cicero’s Rome – must keep guard over their motives. Marcus wrote that the “moderate and harmonious condition of the state” as is possible in a republic, will occur if a law is observed, that law being “The [senatorial] order shall be of unblemished behavior, and shall set an example to the rest.”⁹⁹ That unblemished behavior begins with ruling and lawmaking that are in accordance with *recta ratio*.

⁹⁰ *De Re Publica*, Bk 1.43.

⁹¹ *De Re Publica*, Bk 1.51.

⁹² *De Re Publica*, Bk 2.51.

⁹³ *De Re Publica*, Bk 2.67 – for both of the prior citations.

⁹⁴ *De Re Publica*, Bk 2.70.

⁹⁵ *De Legibus*, Bk 1.42.

⁹⁶ *De Re Publica*, Bk I.68-69.

⁹⁷ *De Re Publica*, Bk 2.63

⁹⁸ *De Legibus*, Bk 3.32.

⁹⁹ *De Legibus*, Bk 3.28 and Bk 3.10.

Cicero's ideology of the Roman Republic includes the idea of supreme authority in the aristocratic element – the Senate. But an institutional structure that puts authority in the aristocratic element was not enough to ensure the continued political health of a republic. Those who served in the Senate – the aristocratic element – some portion of them must also bring *recta ratio* with them to their Senate deliberations. Without it, the aristocratic element, like the monarchial, could become unjust – the condition for tyranny – and if it did, the republic would then be dead.

Summary of Cicero's Political Ideology

The distinctive aspects of Cicero's political ideology in *De Re Publica* and *De Legibus* can be found by examining the proportion of authority that he sanctions for the three simple forms of government that comprise his favorite form of government – the mixed constitution – and more specifically, a well-functioning republic.

Cicero begins his political ideology with the idea that a republic is a *res publica* – a public thing – and the implication is that all citizens should have a role in the republic in some way. A second important idea is that to ensure that the republic remains a *res publica*, the government should be a mixed constitution. In this way, 'the many' – the common people, the *plebeians* – can participate in and have a stake in the government, 'the few' – the elite of Rome – will have an opportunity to be heard and to participate, and 'the one' – a man who has abilities to be like a father figure to the Romans – can contribute to the state.

In no place does Cicero ever take the position that any of these three elements – the many, the few, the one – should be absent from a republic. Instead, Scipio, the *quasi-persona* of Cicero, firmly states that he considers "the best constitution for a State to be that which is a balanced combination (*confusa modice*) of the three forms mentioned, kingship, aristocracy, and democracy ..." ¹⁰⁰ But, as shown above, this raises the question of what to Cicero is a well proportioned or balanced mixture of the three.

On the issue of the proper balance, Cicero takes the position that authority should reside in the aristocratic and the monarchial elements, which in the Roman Republic, would be the Senate and the two consuls, and that liberty and a small degree of power should reside with the democratic element, which in the Roman Republic would be the tribunate and the comitias. ¹⁰¹ The liberty and small degree of power that Cicero would bestow on the democratic element is not so much because of the contributions they could make to Rome, but because he believes they need to be placated so they do not riot and disrupt senatorial proceedings.

As for the aristocratic and monarchial elements, Scipio favors authority in the monarchial element over the aristocratic, while Marcus clearly favors the aristocratic. So which is it for

¹⁰⁰ *De Re Publica*, Bk 2.41. (C.W. Keyes translation). In other places, as already noted above, Scipio used the words "a carefully proportioned mixture" (*moderatum et permixtum tribus*) and a "moderate and balanced form of the three good simple forms (*aequatum et temperatum ex tribus optimis*)" to describe the mixture of the three - *De Re Publica*, Bk 1.45 (Rudd translation), and Bk 1.69 (C.W. Keyes translation).

¹⁰¹ In a letter to Plancus in March 43, using language that he often used in 44 and 43, Cicero urged him to fight for "liberty of the Roman people and the authority of the Senate." Letters to Friends, Book X.6.

Cicero? First of all, at the end of *De Re Publica*, Scipio defends the monarchical form of government in the context of considering the kings that helped found Rome. They were wise and benevolent, and established an institutional structure, a political culture, and a set of laws that enabled Rome to endure, prosper and grow during the 400 or so years preceding Cicero's day. Scipio, however, does not laud great consuls suggesting he is being somewhat nostalgic. Second, we might challenge a widely held (and generally accepted) view that Scipio is the *persona* of Cicero, and therefore is the mouthpiece of Cicero's ideas in *De Re Publica*. One does not find in the other writings of Cicero a view that the monarchical element should have primacy over the aristocratic.

Marcus in *De Legibus*, however, is clearly the *persona* of Cicero, taking credit for the passage of laws (for example) that the real Cicero passed while he was consul. Marcus places the primacy of authority in the Senate, a position that one finds often in the other writings of Cicero. In just the *epistolae* (letters) of Cicero, he mentions the authority of the Senate a few dozen times.¹⁰² In addition, Cicero expresses great concern in his letters that Rome, under the first triumvirate, then Caesar, and then Anthony might devolve into a monarchy.¹⁰³

Therefore, from an ideological standpoint, Cicero held that both the aristocratic and the monarchical elements of Rome's Republic should share authority, but the Senate was a higher authority. In respects this makes sense because in the Roman Republic, the monarchical element is not an office separate from the aristocratic element – as it is in a Presidential system – but is rather an office that emanates from the aristocratic element – as it does in a Parliamentary system. The consuls are elected from the Senate, and only senators who have previously been elected to the higher offices of the Senate are eligible for a consul nomination.

Last, and very importantly, however, Cicero does not support authority in the aristocratic and monarchical elements without qualification, and this separates him from many of the *patricians* in Rome. Through both Marcus and Scipio, Cicero tells us that leaders in the government must rule and legislate according to *recta ratio*. At one point, Marcus states that it would be foolish to believe that “everything decreed by the institutions or laws of a particular country is just. ... There is one, single, justice ... one single law. That law is right reason (*recta ratio*) in commanding and forbidding.”¹⁰⁴ Right reason is reason that has been developed to the point of making skillful discernment, and Cicero requires it of his political leaders. Because of this, he is against the idea that men are qualified for positions of political leadership on the basis of wealth or of being born into prominent families.

As for which idea is the most important to Cicero, which idea is the chief idea and the idea that Cicero would defend with his life, it is that a senate ruling with *recta ratio* should be the highest authority in a republic. For Cicero, if this is lost, the republic is lost.

¹⁰² This is clearly on display in his *Phillipics*, but one sees it throughout his letters, a summary of which would be too lengthy to include here.

¹⁰³ Cicero's hostility to a king (not the office of consul, however, which Cicero remained faithful to), is in many of his letters from 44 and 43. Prior to that, one still finds this concern, but stated less frequently.

¹⁰⁴ *De Legibus*, Bk 1.42.

Cicero did not join with the traditional republican magistrates nor Pompey when civil war broke out, even though Cicero clearly preferred Pompey's governing and friendship over that of Caesar. Although Cicero does not state clearly why he did not go with them, one can speculate that he disagreed with them ideologically, lacking confidence that they were practicing *recta ratio* in their handling of the war.

The Affective Element

If we return to Sartori's distinction between the pragmatist and the ideologist, a set of ideas that one holds with little affect, are still malleable, and are still treated with an open mind, are not those of an ideologist, but a pragmatist. For Cicero, however, his ideas had become quite settled in his mind, he felt very strongly about the rightness of his ideas, and he had tremendous emotional and psychological attachment to those ideas. He was therefore an ideologist.

The affective element with Cicero was very strong, and is easily seen in his letters. For example, in an August 50 letter to Rufus, Cicero wrote that nothing was more precious to him than the Republic.¹⁰⁵ In an August 46 letter to Manius Curius, Cicero wrote that the Republic "is dearer to me than life itself."¹⁰⁶ Statements such as these are common in Cicero's letters.

Concluding Remarks

Ancient works have not typically been viewed as ideological in their content, but gradually this view is changing. As for Cicero, his work has generally not been examined for its ideological content. This article hopes to change that perception, having shown that there is a salient ideological strain pervading Cicero's two main works on political philosophy – *De Re Publica* and *De Legibus*.

¹⁰⁵ *Epistolae ad Familiares*, Bk II.15.

¹⁰⁶ *Epistolae ad Familiares*, Bk VII.28.

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