

Cicero and America

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At the time of the American Founding, Marcus Tullius Cicero (106–43 BC), the Roman orator, statesman, and political philosopher, exerted a profound and important influence.¹ Cicero’s writings constituted a key part of the classical educational curriculum found in almost every grammar school, college, and university of the era, the aim of which “was the moulding [sic] of liberally educated youths through access to the contents of the Classics.”² Higher education especially “became gradually a training ground for the application of Aristotle, Cicero, Polybius, and other political scientists of old to the debates over the Declaration and Constitution.”³ Leading Americans, including many key figures of the American Revolution, regularly consulted the classics, including Cicero, for lessons applicable in their own day.

It is true that a few Founders came to doubt the utility of the classics for a modern, self-governing republic—most vocally Benjamin Rush, who emerged after the signing of the Constitution as “the principal opponent of classical learning as useless knowledge for America.”⁴ Yet, it is precisely this opposition that distinguishes Rush as the exception rather than the rule. Indeed, contrary to Rush, “education in the first century of America, predominantly theological and classical, was mainly prized for its usefulness” in shaping the character of those who benefited from it.⁵ As the historian Carl Richard has noted, “the founders always endorsed classical education on utilitarian grounds, [and] they defined ‘utility’ in the broadest possible manner. In addition to the writing models, knowledge, and ideas which the classics furnished, the founders contended that they were an indispensable training in virtue.”⁶ In the end, the failed efforts of Rush and others to “dethrone the age-old sovereignty of Latin and Greek” emphasized just how entrenched the classical curriculum was, which by 1800 in “the traditional grammar schools and the colleges remained virtually unchanged.”⁷

In a recent essay, historian Daniel Walker Howe memorialized the ubiquity of the classics in early American life and education (while also lamenting the virtual absence of the classics in contemporary America, a “state of affairs [that] would come as a shock to the Founders”). Howe observed that the Founders “believed that if a modern citizenry were to benefit from the lessons of history, its members had to know the history of Greece and Rome.”⁸ As Meyer Reinhold noted, Rome in particular served as a model for the founders of the new nation: “it was preeminently the Roman republic that was their exemplar, serving as a timeless model in which the civic virtues as well as corrupting vices stood out with classical clarity.”⁹ It was Cicero, of course, who had long been celebrated as the greatest individual embodiment of those ancient Roman civic virtues. What is more, given the deep sense of admiration that is on display in the writings of so many Renaissance and Enlightenment political thinkers—for whom Cicero “of all ancients was possibly the most esteemed and influential,”¹⁰ and to whom the American Founders

also looked quite frequently for inspiration and guidance—it is no exaggeration to claim that Cicero was one of the most influential figures in the American Revolution of any age, ancient or modern.¹¹

However, as Howe noted, except for a few rare and notable exceptions, the classics in general and Cicero in particular are hardly studied today, if they are even thought of at all. How is it that a political thinker formerly held in such high regard could in our time have fallen so low? By contrast, what was it about Cicero's political thought that the Founders so much admired? Even if we today are unable—whether for lack of will, or proper education, or both—to fathom the esteem in which Cicero was held in those days, it seems it would behoove us to make the attempt, if for no other reason than that a better understanding of what it is we are rejecting should provide us with a firmer grasp of what we have embraced in its stead. In so doing, we may yet rediscover truths applicable in our own age.

To that end, this article will offer an overview of Cicero's decisive impact on Western political history, up to and including the America Founding, followed by a consideration of Cicero's *De Officiis* (*On Duties*), one of three books—along with *De Re Publica* (*On the Republic*) and *De Legibus* (*On the Laws*)—in which Cicero explicitly treats his characteristic teaching or theme of the natural law.¹² Since *De Legibus* and parts of *De Re Publica* were also known to the Founders, this article will also include brief concluding comments on these two books. There are at least two reasons for a focus on *De Officiis* in particular: First, the theoretical concept or idea of natural law considered in that book plays a decisive role in the American Revolution, most notably in the Declaration of Independence and by extension the Constitution. As Richard Gummere observes, the pre-Revolutionary American colonists regarded as “fundamental” the ancient idea that “the Law of Nature [...] took precedence over any man-made legislation.” This idea “was the higher law, and it became the focus of all colonial appeals, culminating in the Declaration of Independence.”¹³ *De Officiis* is an important source for our understanding of one of the key ideas at the heart of the American political tradition. The second and more practical reason is that, of Cicero's political-philosophical writings, *De Officiis*, along with the *Tusculan Disputations*, “were the most widely read by early Americans, either as a college text or in translation.”¹⁴ An examination of one of the texts that early Americans themselves turned to most often to learn about the natural law, written by one of the most celebrated and revered classical authors of the day, should give us a clearer picture of what they thought they were doing in making a revolution in the name of that ancient doctrine.

And this fact gives rise to a third reason: Cicero writes in his own name in *De Officiis*, which he presents as a letter to his son. This dramatic convention—a father who had achieved supreme political glory and been hailed as a savior of the Roman republic, offering philosophical advice to a son about how to live a morally virtuous life—underscores the intended educative or character-shaping aspect of the work. In other words, not only does the book treat the idea of natural law in its theoretical dimension, it is meant to show the fundamental connection of that idea to moral virtue, and thereby to illustrate Cicero's belief in the unbreakable link between political theory and political practice. For Cicero, as well as for the American Founders, it is

impossible to understand fully or completely the one apart from the other. *De Officiis* has the effect, and purposely so, of shaping the souls or characters of those who read and take seriously its teaching. Which is in fact what happened in America at the time of the Revolution: the Founders were steeped, or rather steeped themselves, in a Ciceronian natural law tradition that simultaneously prepared them for republican self-government while also indicating to them the vital importance of educating future generations in what could properly be called the theory and the practice of the natural law. In this sense, Cicero's work offers us a view, admittedly through a Roman window, into the soul—that is, the motivating principles or ideas as well as the habits or moral virtues—of those who founded the American regime.

It is difficult for us today to appreciate the high regard in which previous ages held Cicero. Only a handful of contemporary scholars would be likely to echo the sentiments of the English classicist J. L. Strachan-Davidson, writing in 1894, just as Cicero's reputation was entering a steep decline: "If we were required to decide what ancient writings have most directly influenced the modern world, the award must probably go in favour [sic] of Plutarch's *Lives* and of the philosophical works of Cicero."¹⁵ Nevertheless, Cicero's voluminous writings—which include letters, speeches, and works of philosophy, politics, and rhetoric—and his ultimately doomed efforts to save the Roman Republic have captured the minds of numerous intellectual and political figures since his death at the hands of the Second Triumvirate in 43 BC. Regarded as a serious philosopher, he was also seen as a model of the virtuous statesman and orator that he celebrated in his own writings.¹⁶

Admiration for Cicero has not, of course, been universal, though perhaps no dissenter of any age has been as severe as his contemporary political enemy Mark Antony: Plutarch reports that Antony, after having insisted on Cicero's assassination, ordered the head and hands of his tormentor fastened over the rostra in the Roman Forum, presumably as a visible warning to others who might be tempted to cross him. And yet by contrast, Augustus Caesar, also complicit in Cicero's murder though apparently only reluctantly, when he came upon his grandson trying in vain to hide one of Cicero's books that he had just been reading, said, "My child, this was a learned man, and a lover of his country."¹⁷

Notable among his early admirers are the Roman rhetorician Quintilian—"a devoted follower" who considered Cicero to have been "both the Roman Demosthenes and the Roman Plato"—as well as the pagan writer Macrobius, who wrote a commentary on the Dream of Scipio that would be influential in the Middle Ages.¹⁸ Various fourth and fifth century "Christian Ciceros" felt his strong influence or even modeled their work on his, including Minucius Felix, Cyprian, Arnobius, Lactantius, Ambrose, Jerome, and Augustine.¹⁹ Yet theirs was not an unqualified embrace: "A famous passage in St. Jerome's letters (xxii.30) tells how, in a grave illness, he seemed to himself to be taken before the heavenly judgment-seat and, on claiming to be a Christian, to receive the answer, '*Mentiris: Ciceronianus es non Christianus.* [...]. In consequence he foreswore, if but temporarily and ineffectually, the delights of the pagan authors."²⁰ Indeed, this episode did not dissuade Jerome, who "began his concentrated study of Cicero after he had received his fateful warning."²¹ Cicero's writings were less well-known in

the Middle Ages—despite the fact that all of “Cicero’s extant philosophical works survive in Carolingian manuscripts.”²² Particularly admired in the field of rhetoric, he was as “a rule” thought of—at least until the twelfth century—as a “philosophical recluse” and was “disguised as a monastic scholar.”²³ Later, “Dante cites or alludes to Cicero some fifty times, and almost always as a philosopher,” at one point describing him as “Rome’s ‘best Aristotelian.’”²⁴

With the discovery of many of his writings in the fourteenth century—first and most importantly by Petrarch, an early Renaissance luminary who recovered the letters to Atticus and several speeches, but also by such intrepid archaeologists of antiquity as Poggio Bracciolini, Coluccio Salutati, and Boccaccio—and their subsequent publication and dissemination, Cicero’s reputation and influence began to arc toward its zenith.²⁵ It was in the Renaissance that Cicero assumed his “new place as a guide to life,” and came to be revered as a great statesman and philosopher who could serve as a virtuous model for imitation.²⁶ Indeed, Renaissance Humanists “were delighted to take Cicero as their model, for as they came to see him, Cicero had both preached and practiced the maxim that a good orator is a man of good character who employs his rhetorical resources in the public service.”²⁷

And it was this new view of Cicero that made such a deep and favorable impression on later Enlightenment thinkers—such as Jean Bodin, Hugo Grotius, James Harrington, John Locke, Voltaire, Diderot, Montesquieu, Rousseau, Adam Smith, and David Hume—whose appreciation for Cicero seemed only to grow in intensity in comparison to their Renaissance predecessors: “Cicero the thinker in action remained the Enlightenment’s ideal, the man who more than anyone else embodied the *vita activa*.”²⁸ Neal Wood describes the eighteenth century as the “peak of Cicero’s authority and prestige” and “a Ciceronian century.” Cicero himself was a “leading culture-hero of the age: revered as a great philosopher and superb stylist [...] a courageous statesman and dedicated patriot, the ardent defender of liberty against tyranny.”²⁹ A.E. Douglas notes that over these 400 or so years, roughly from the fifteenth through the eighteenth centuries, “every educated man had studied something of Cicero’s philosophical writings at school or university,” and as a result his “influence is past calculation or analysis.”³⁰

Which brings us to the American Founders, who inherited what was by the time of the Revolution a longstanding tradition of reverence for not only the classics in general but for Cicero in particular as a philosopher, statesman, and orator, a tradition that resonated deeply with Americans at all levels. As Meyer Reinhold wrote, “Evidence abounds for an American cult of antiquity during the eighteenth century.” Perhaps the most important aspect of this deep admiration—not to say worship—of the classics “was the tireless and purposeful reading by early Americans of the Classics as a repository of timeless models for guidance in republicanism and private and civic virtue.”³¹ The Americans sought out examples not only of good republican ideas but good republican behavior that could be honored as well as imitated. Although there were “numerous” such “classical role models” whose good character might serve as models for emulation in the young republic—e.g., Cato or Cincinnatus—“pride of place was given above all to Cicero.”³² Consider John Adams, to take but one of many possible examples, who wrote, “As all the ages of the world have not produced a greater statesman and philosopher united than

Cicero, his authority should have great weight.”³³ The Americans, like so many of those who preceded them, were drawn to Cicero because of his noble and heroic example—the great statesman offering principled resistance to tyranny in defense of republican government. But perhaps even more important for our purposes, Cicero’s political philosophy provided them with an explanation and defense of the natural law—a doctrine or idea that lay at the heart of the American Revolution and guided the subsequent attempts to found a republican form of government—and of the vital connection of that law to moral virtue and prudent statesmanship.

A noted scholar of the political thought of the American Founding, Charles R. Kesler, has written, “the language and logic of natural law run throughout the major documents and debates of the period.”³⁴ Meyer Reinhold concurs: “Indeed the classical doctrine of *ius naturale* enjoyed immense prestige in eighteenth-century America, as counter-claim overriding repugnant enactments of the crown and Parliament.”³⁵ As early as 1764, in the first major pamphlet to appear following the passage of the much despised Stamp Act, James Otis argued that all men, including the King and Parliament, were subject to a natural law that forbade the trampling of the natural rights of the colonists. Otis was convinced that his brethren across the ocean would eventually see the error of their ways, and so counseled obedience in what he believed would prove to be the interim.³⁶ Eventually, of course, as it became clear there would be no admission of wrongdoing and the situation only continued to deteriorate, obedience to a higher law would trump obedience to the so-called British constitution or British civil law, and the result was the Declaration of Independence.³⁷

It is here that the natural law makes its most obvious, but also most important, appearance: the Declaration’s argument relies explicitly on “the Laws of Nature and of Nature’s God” as its guiding principle.³⁸ Edward Corwin, in his indispensable little book *The “Higher Law” Background of American Constitutional Law* (1955), shows that the notion of natural law or a higher law, while it may have entered the American political tradition most directly or explicitly through the writings of John Locke, has deep and important roots in the writings of Cicero. Corwin traces a continuity of thought, at least in terms of natural law or a higher law, from the ancients to the American Founding.³⁹ Indeed, we can look to Thomas Jefferson himself, the principal author of the Declaration, for confirmation of both the continuity and the Ciceronian influence: when asked to cite the sources to which he looked when writing the document, Jefferson pointed to “the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, etc.”⁴⁰ Though he mentions two ancients and two moderns as his primary sources (never mind the rather pregnant “etc.”), what unites these authors in Jefferson’s mind is their common concern for public right or the right of the public to have a say in who rules them. In other words, Cicero’s political teaching about “public right”—whose characteristic feature, to repeat, is the natural law—constitutes one of the American Founding’s essential classical roots.

What does Cicero have to say about natural law in *De Officiis*?⁴¹ In the introduction to the work, Cicero tells his young son Marcus, who at the time was studying in Athens with Cratippus, the leading Peripatetic philosopher of the day, that this kind of topic is “preeminently suitable to your age and my authority” (*De Officiis* 1.4). But the work is not meant only for his son, rather it

is “also directed at others, particularly young Romans of the governing class.” Cicero believed that his “philosophical teaching could have a beneficial effect, particularly on the young.”⁴² On the one hand, Cicero addresses those aspiring gentlemen of any age who, like his son, must be taught that the purpose of philosophical study is to prepare oneself to serve the republic. As Cicero notes, it is “contrary to duty to be drawn [...] away from practical achievements” by a “devotion” to “the learning of truth.” Instead, he says, “all the praise that belongs to virtue lies in action” (*De Officiis* 1.18–19). This lesson was certainly not lost on the American Founders, for whom the study of the classics was, as we have seen, of great value for its “usefulness” in shaping the kind of character necessary to perpetuate freedom and republican government.⁴³ On the other hand, given the political crisis facing Rome in Cicero’s own day, it would not be surprising if Cicero also means to address those who may have studied Aristotle’s teaching regarding the great-souled or magnanimous man with Peripatetic teachers like Cratippus but drawn the wrong lesson. When Aristotle writes in his *Nicomachean Ethics* that the great-souled man is “like a rule and measure of what is beautiful and pleasant,” he suggests or implies that such a man is above or beyond conventional law or the laws of the regime, and that he deserves the greatest kind of honor (*NE* 1113a29–36). This teaching could have the ill, if unintended, effect of encouraging men like Caesar, who hold to a defective or perverted view of magnanimity, to sacrifice the common good for the sake of their personal quest for political glory. As Cicero notes, “It is a hateful fact that loftiness and greatness of spirit all too easily give birth to willfulness and an excessive desire for preeminence. Similarly, the more outstanding an individual is in greatness of spirit, the more he desires complete pre-eminence, or rather to be sole ruler.” And this “desire to surpass all others” leads one to sacrifice the demands of justice, to be willing to tear the political society apart in pursuit of this selfish ambition to rule without constraint (*De Officiis* 1.64).

Cicero seeks to educate such men that to have a truly “brave and great spirit” one must first have “disdain for things external,” and secondly one should seek to aid the republic by doing “deeds which are great” and “above all beneficial” while also undertaking on its behalf “difficult and laborious tasks” that “endanger both life itself and much that concerns life” (*De Officiis* 1.66). In other words, greatness of soul is achieved by putting the common good ahead of one’s personal ambitions, and this is true whether one has read Aristotle on magnanimity or not. Cicero wants to turn these men away from the immoderate pursuit of personal political glory—which can only lead to a competition for rule, the gradual destruction of superintending and moderating political institutions, and finally to the kind of tyranny that in fact occurred under Caesar. Rather, anyone who seeks pre-eminence will “devote himself entirely to the republic [...] and will protect the whole in such a way that the interest of none is disregarded.” He will “adhere to justice and what is honorable” no matter what the personal cost may be (*De Officiis* 1.86).

Cicero is not speaking here to the truly magnanimous or great-souled man as described by Aristotle. Indeed, he makes it clear at the beginning of the book that he speaks not to the man capable of “perfect” duties, but rather he speaks to those “medium” men who fall short of perfection, who seek to do their duty but may occasionally stumble or even be tempted to turn

away from true virtue toward a beguiling but ultimately corrupting imitation of it (*De Officiis* 1.8; 3.13–15).⁴⁴ This is why he critiques the kind of defective magnanimity or pride that he sees so much in evidence in his own day, and he recommends in response that “men whom success has made unbridled and over-confident should be led into the training-ring of reason and learning,” there to have their overzealous pride broken and eventually harnessed by justice and moderation (*De Officiis* 1.90). It is all too tempting, when blinded by the immoderate pursuit of glory, to deny that reason gives “commands” to human “impulse” (*De Officiis* 1.101). But a proper understanding of human nature will reveal that this nature is in fact subject to a “law of nature,” a law that commands “obedience” and submission “to reason” (*De Officiis* 1.102; cf. *De Re Publica* 3.33, *De Legibus* 1.18 and 2.8). This lesson, too, would have resonated deeply in America at a time when the colonists had become convinced that the King and Parliament were seeking a kind of political triumph or glory at the expense of the natural rights of the colonists.

In response to this situation, the Americans—taking their cue from Cicero, as well as many others, as Jefferson later noted—appealed to a natural law that, they believed, governed all human beings, even a sovereign King and his complicit Parliament. It was because of his repeated and egregious violations of “the Laws of Nature and of Nature’s God,” catalogued in the Declaration of Independence, that the signers of the Declaration assailed King George III as “barbarous” and therefore “totally unworthy” to be “the Head of a civilized nation.” Because the King displayed such a tyrannical “character,” he was declared “unfit to be the ruler of a free people.” In other words, it is only through obedience to the natural law that an individual or a political community may become civilized and come to possess the character appropriate to freedom and republican self-government rather than to the kind of tyranny and slavery so emblematic of barbarism in general and of this barbarian king in particular. Conversely, if individuals or political communities are civilized and possessed of good character (and the argument of the Declaration indicates the Americans think of themselves as such), they will seek constantly to live up to the natural law and to obey it. Indeed, obedience to this higher law may even require a people to *disobey* the civil or conventional law under which they live. Or, to put it in the language of the Declaration, “prudence” may “dictate” that “the Right of the People to alter or to abolish” their government has now become a “duty” or obligation to the natural law “to throw off such Government, and to provide new Guards for their future security.” To engage justly in a revolution of this type, that is, in a revolution that is not simply willful or an act of force but rather an act commanded by the right reason that is natural law, requires not only a careful study of the natural law—that is, knowledge of principles or doctrine—but also habits of behavior that are consistent with and even demanded by those principles or that doctrine, habits that when properly and fully developed are nothing other than the moral virtues.

Given that Cicero’s response to the kind of defective pride he seeks to tame and re-direct is to propose, in sum, that it obey the command of reason—in other words he seeks to moderate it—it is perhaps not surprising that the first explicit mention of the law of nature (*lege naturae*) occurs in the context of the discussion of the virtue of *decorum* or seemliness, Cicero’s new or at least re-defined and expanded version of moderation, which he equates with the whole of virtue, what

he calls *honestum* or the honorable (*De Officiis* 1.102). Cicero writes that the “essence” of *decorum* “cannot be separated from what is honorable: for what is seemly is honorable, and what is honorable is seemly” (*De Officiis* 1.93) What this means is that every virtuous act—whatever the particular virtue of soul that is on display—necessarily also entails obedience to the natural law and a corresponding display of seemliness or *decorum*, that is, an outward manifestation of the moderation that is wrapped up with every virtue of soul.

The fact that the natural law applies to all human beings causes Cicero to emphasize the “medium” nature of his discussion, and of his audience (*De Officiis* 1.8, 3.13–15). He writes, “Therefore this seemliness of which I speak relates to the whole of honorableness; and it is related in such a way that is it not seen by esoteric reasoning (*ut non recondita quadam ratione cernatur*), but springs ready to view” (*De Officiis* 1.95). The individual virtues may be separated from *decorum* in thought, as indeed they so often are by those philosophical speculators whom Cicero very much means to chastise: those dogmatic philosophical sects of his own day, of which he was so often critical for spending all their time getting lost in “esoteric reasoning” at the expense of their duty to the Roman republic. As Walter Nicgorski has written, Cicero thought this kind of dogmatism—which necessarily leads to abstruse and apolitical philosophical inquiries—to be a serious “failing,” and he sought instead to speak to “all erudite readers.”⁴⁵ But virtues that may be separable in theory turn out to be inseparable in everyday life, in life as lived by “medium” men in pursuit of medium virtue. One need not be capable of “perfect” (*perfectum*) duties, in other words, to be able to see and understand a display of healthy virtue, which by its very seemliness or decorousness will offer a kind of proof of its own inherent goodness.

Cicero’s teaching is in this sense anti-aristocratic and as such would likely have constituted another element of its appeal to the Founders of the American republic: wise and magnanimous human beings—or those kings and aristocrats who pretend to be such—are not the only ones who can recognize, and hope to imitate, the virtues necessary for the success of a democratic republic. Rather, Cicero very much seeks to exhort good men who give “any indication of virtue,” who are not “perfect” and not “clearly wise,” and who possess not true virtue but “images of virtue” (*simulacra virtutis*), to live honorable or virtuous, lives (*De Officiis* 1.46; 3.13–15). Indeed, as Publius noted in *Federalist* 55, a virtuous populace is the *sine qua non* of republican self-government: “Republican government presupposes the existence of these qualities [i.e., the moral virtues] in a higher degree than any other form.”⁴⁶

Now, it is true—and makes sense in a work devoted to knowing and doing one’s duties within the larger context of “public right”—that *De Officiis* gives primary emphasis or pride of place to justice, which Cicero calls “the most illustrious of the virtues” (*virtutis est splendor maximus*), and on account of which “men are called good” (*virī boni*) (*De Officiis* 1.20; cf. 1.153–160). Indeed, Cicero says later in the work that justice is “the mistress and queen of virtues” (*De Officiis* 3.28). What is more, it is only through adherence to justice that one might achieve true and lasting glory: greatness of soul that seeks personal advantage at the expense of the common good is “empty of justice,” and is therefore no virtue, but “a vice” and a “savagery which repels all humaneness (*humanitatem*)” (*De Officiis* 1.62; cf. 1.63–65, 86, 92, 157; 2.31–43; *De Re*

Publica 6.20–29). But *De Officiis* as a whole is striking in its emphasis on the virtue of moderation or what Cicero calls *decorum*, an aspect of the work that would have been particularly appealing to American colonists who thought the recent acts of the King represented the height of political *immoderation*. The Declaration’s indirect suggestion that only God may hold all three powers of government, and its indictment of the King for attempting to do the same, is an accusation of the worst kind of immoderate pursuit of political glory—not to mention injustice—which could only eventuate in the destruction of consent by the governed and would necessarily culminate in the worst kind of tyranny.⁴⁷ A natural law that emphasizes political moderation would then have been particularly well-received.

Not only has Cicero told us that the “essence” of *decorum* “cannot be separated” from *honestum*, that is, from the entirety of virtue, in the same passage he elaborates on this virtue’s comprehensive nature by describing its various component parts: a sense of shame (*verecundia*), the appropriate embellishment or decoration of life (*ornatus vitae*), temperance (*temperantia*), modesty (*modestia*), a calming of perturbations or agitations in the soul (*sedatio perturbationem animi*), and due measure (*modus*) in all things (*De Officiis* 1.93). In keeping with his aim of speaking to “medium” men, Cicero does not speak precisely about moderation, but instead emphasizes its broad or all-encompassing character. Along those lines, it should be noted that this approach constitutes a rejection of Plato’s equation of the virtue of moderation with knowledge—which may be helpful for the philosopher but is not of much use for Cicero’s “medium” man—but also goes beyond Aristotle’s circumscribed definition of moderation as being concerned only with bodily pleasures.⁴⁸ Or perhaps it is better to say that these older definitions of moderation are incorporated within Cicero’s broader understanding of *decorum*, a virtue which now becomes the primary virtue of the gentleman who is the explicit object of this book.⁴⁹ *Decorum* becomes the outward and necessary manifestation of any particular virtue of soul and whatever honorable act may follow from it. Honorable actions, whether having to do with the proper use of reason and speech, justice, or courage, are by definition decorous or seemly actions as well (*De Officiis* 1.94).

The virtue of *decorum* is evidence of a life lived in accordance with nature, which “has imposed on us” our “role” (*personam*), which “greatly excels and surpasses that of other creatures” (*De Officiis* 1.97). In fact, nature’s imposition takes two forms: “one is common, arising from the fact that we all have a share in reason and in the superiority by which we surpass the brute creatures.” Cicero is here emphatic: “Everything honorable and seemly is derived from this” (*a qua omne honestum decorumque trahitur*). Employing the very reason that distinguishes us from the lower animals enables us to play our proper “role” and discern what is truly honorable. But we must also be mindful of differences between and among individual natures or “souls” (*animis*) (*De Officiis* 1.107). Though we should never act “contrary to universal nature,” we must always keep in mind and “follow our own nature, so that even if other pursuits should be weightier and better, we should measure our own by the rule (*regula*) of our own nature” (*De Officiis* 1.110). Universal nature or reason may suggest the best possible choice or action in a particular situation, but the “rule of our own nature” may force us to abandon the best in favor of

the choice or action of which we are individually capable. Such a choice is no less honorable for failing to be perfect, a teaching in line with the overall aim of *De Officiis*, which is to produce a certain type of “gentleman” (*liberali*) who understands the difference between universal and particular natures and seeks to carry out his particular duty to nature as best he can in his own life (*De Officiis* 1.96; cf. 1.8, 46; 3.13–15).

In other words, the “role” that “nature” imposes on each of us is nothing other than our “duty” to do what our universal and individual natures, taken together, command in any given situation. This means that, in the case of a human nature that is “two-fold” (*duplex*), divided into reason and appetite, one part of that nature, reason, must “command,” and the other part, appetite, must “obey.” To live life in this way, where reason rules and each and every action we take can be explained by that reason, is “practically a definition of duty.” Cicero had earlier said that nature “imposed” (*imposuit*) our proper roles upon us; now he makes nature’s imposition or command explicit: “the law of nature” demands that the appetites or passions obey reason (*De Officiis* 1.100–102; cf. 1.97, 131–132).

The natural law that governs all human beings in every age and in every nation makes its first explicit appearance in the context of Cicero’s discussion of *decorum* or the seemingly, the proper manifestation or outward appearance that *honestum* or the honorable must necessarily take. Every human being, and every political community, thus has a duty to nature itself to submit the passions to reason, to obey a natural law that commands certain rules of decorum, in all areas of life. The natural law demands of all those who seek to display these virtues—not only moderation, but also wisdom, justice, and courage—that in their pursuit of *honestum* they never forget that an appropriate *decorum* is also required. The natural law first comes to sight as a teaching about political moderation.

The fundamentally moderate aspect of the natural law would not have been lost on Americans of the Founding generation. Neither would Cicero’s conclusion in the third book of *De Officiis* that the law of nature justifies the killing of a tyrant, an act that at first glance is striking for its seeming *immoderation* (*De Officiis* 3.19, 32). How does the most reasonable of laws, the law of nature, lead to—indeed command—such a violent outcome? In the third and final book of *De Officiis*, Cicero’s subject is the resolution of apparent conflicts between the honorable (*honestum*—the subject of the first book) and the useful or beneficial (*utile*—the subject of the second book), a conflict that could only come about in the case of “medium” men in pursuit of their “second-rate” (*secunda*) duties, but never in the case of the wise man for whom such a conflict would not be possible (*De Officiis* 3.15).⁵⁰ To resolve such conflicts, Cicero derives a corollary from the law of nature discussed above, which he calls in Latin a *formula*. This *formula*, when applied to seeming conflicts between the useful and the honorable, will allow those who employ it to “pronounce judgment without error.” He is emphatic about the reliability of this *formula*: “If we follow this when comparing courses, we shall never fall away from duty (*ab officio*)” (*De Officiis* 3.19). The application of this *formula* will show—inexorably if properly applied—that whatever is honorable is also useful, and whatever is truly useful will necessarily be honorable as well (*De Officiis* 3.20).

Cicero's definition and ensuing discussion of his *formula* emphasize the fact that it is derivative from the law of nature, which commands the impulses to follow reason. "Now then: for one man to take something from another and to increase his own advantage (*commodum*) at the cost of another's disadvantage (*incommodo*) is more contrary to nature than death, than poverty, than pain, and than anything else that may happen to his body or external possessions" (*De Officiis* 3.21). In other words, to seek one's own personal advantage at the expense of the political community would lead only to the destruction of "the common life and fellowship of men" (*convictum humanum et societatem*), which fellowship is "most of all in accordance with nature" (*De Officiis* 3.21). The reason of nature itself (*naturae ratio*)—which Cicero equates in this context with the "law of nations" (*iure gentium*) as well as the "divine and human law" (*lex divina et humana*)—therefore commands us never to harm another person for the sake of our own advantage, and those of us who seek to "live in accordance with nature" will obey this command (*De Officiis* 3.23). Indeed, "a man who is obedient to nature cannot harm another man" (*De Officiis* 3.25). Any human being who follows the dictates of his reason, or the law of nature, understands that to seek personal glory or advantage at the expense of the common good is contrary to human nature. It is to act in a way that is less than fully human. It is to act more like a beast—or, as in the case of King George III, a barbarian—than a man.

To put this lesson positively, nature itself commands "all men" to seek "one object," which is that the "benefit (*utilitas*) of each individual and of all together should be the same" (*De Officiis* 3.26). Cicero's *formula* measures utility or usefulness by a political standard: in terms of its relation to the entire regime. Any act that is truly useful for the entire regime, as opposed to one part of that regime, may be considered honorable. When a "medium" man has cause to "doubt" whether a particular course of action that would be beneficial could also be considered honorable, Cicero's *formula* serves to reveal whether there is merely an apparent, or an actual, conflict. It is notable that the *formula* itself is in fact useful for the type of "medium" gentleman in actual regimes who must constantly resolve real or apparent conflicts between the honorable and the useful. This *formula*—like medium duties themselves—is "shared, and widely accessible" (*De Officiis* 3.13–15, 18).

If Cicero's *formula* aids us in the discovery of our duty, then "the law of nature" commands us to carry that duty out, which could include, depending on the circumstances, the duty to kill a tyrant (*De Officiis* 3.27, 30, 31; cf. 1.102, 3.69, 72, 81). Cicero suggests tyrannicide is one of those troubling cases in which there is "doubt" whether an act that is seemingly beneficial is also honorable. Though the citizens suffering under the tyrant's yoke may have no doubts about the honorableness of the action, nevertheless, it is not to be undertaken lightly, especially given the fact that the tyrant's murderers will likely be those closest to him, his real or at least his pretended friends. But, at the end of the day, tyrannicide is an "example" of an act that is "generally and customarily considered to be dishonorable" but upon closer inspection "is found not to be so" (*De Officiis* 3.19). Why? Because the tyrant has violated the most sacrosanct of the laws of nature that governs the political community: his political success embodies the most extreme violation of the natural law that commands us to seek what is useful or advantageous for

the entire political community, and not just for ourselves. The tyrant triumphs at the expense of every other member of the regime, leading Cicero to declare that “there can be no fellowship between us and tyrants—on the contrary there is complete estrangement” (*De Officiis* 3.19). The community that existed between and among the tyrant and the other members of the society is, in effect, dissolved. Indeed, if the citizens of the regime do not act to “amputate” this unhealthy “limb,” which flourishes at the expense of the remainder of the body politic, the body itself is in danger of dying. It is the *tyrant’s* immoderation that threatens the well-being of the regime; killing the tyrant would restore the moderate balance necessary to continued political life. From this point of view, tyrannicide—obeying the natural law rather than the civil law of the tyrant—aims at a *restoration* of the kind of political moderation that the natural law demands (*De Officiis* 3.32).

It should be noted that Cicero speaks of the killing of a tyrant as an “example”—perhaps the starkest kind of example—“that can be more widely applied” (*De Officiis* 3.19). Regime change in the direction of the natural law does not necessarily imply the literal death of tyrannical rulers, only their political demise. But the natural law does justify their killing if they resist attempts to depose them and to restore “public right.” The American Founders seem to have taken both lessons, or implications, of the natural law to heart. The Declaration of Independence accuses the King of England of barbarian acts that mark him out as a tyrant, which justifies the American people when they act “to dissolve the political bands which have connected them” with Great Britain and “to assume among the powers of the earth” a “separate and equal station.” The Americans believe that “the Laws of Nature and of Nature’s God entitle them” to this “station.” The natural law is the foundation or source of the “self-evident” truths that “all men are created equal” and “that they are endowed by their Creator with certain unalienable Rights.” The King has violated that equality and trampled on those rights, and he is therefore in violation of natural law. In other words, the Americans thought their claim was eminently just, and they had a right to separate to escape the tyranny under which they found themselves. They thought they had a right to effect peaceful regime change, in the somewhat innocuous language of the Declaration, “to dissolve” the current political arrangement. However, they also made it clear that if the King wanted a fight, they believed the natural law imposed on them a “duty” to defend their rights, and to risk their “Lives,” their “Fortunes,” and their “Sacred Honor.” If it came to it, they thought themselves justified in killing the King or his soldiers, in defense of their freedom, which they ultimately saw as a defense of the natural law itself, and a defense of the most moderate kind of political order.

Cicero’s *De Officiis* offers a kind of training manual in virtue for the young and ambitious members of any regime, who, if they take the book’s lessons to heart—lessons grounded firmly in the law of nature—will be educated in a manner consistent with the good of the whole regime, or with what Jefferson called “public right.” Cicero’s book on duties helps to clarify and deepen our understanding of the natural law doctrine utilized by the Founders in making their revolution, while simultaneously establishing the indissoluble link between the natural law and the moral virtues. In that sense, *De Officiis* is not only a theoretical work of political philosophy, it has the

honorable and beneficial effect of fostering and encouraging the moral virtues in those who read it and take its teaching about natural law seriously. In the best case, latter-day students of Cicero will be led to see that taking the law of nature seriously means doing one's best to live up to that law by striving to exhibit all the virtues, and doing so with the kind of moderation or *decorum* that characterizes all true virtue. This individual or personal moderation or *decorum* may then serve as the basis for proper political moderation or *decorum* in the regime and its institutions.

Cicero completes this teaching about natural law and political moderation in *De Re Publica* and *De Legibus*. The fragmentary text of *De Re Publica* that we have today would not have been known to the Founders during the Revolution. As John Adams lamented in a letter to Thomas Jefferson, the loss of this work was "as much to be regretted as that of any Production of Antiquity."⁵¹ However, they did know some fragments of the work that had been preserved in other sources. Historian Carl Richard noted that James Wilson cited his "idol" Cicero "more often than any other author in his 1790 lectures to law students at the College of Philadelphia (now the University of Pennsylvania)," including an explicit quotation from *De Re Publica*: "True law is right reason, consonant with nature, spread through all people. It is constant and eternal; it summons to duty by its orders, it deters from crime by its prohibitions."⁵²

In keeping with the teaching of *De Officiis*, natural law or the "true law" is nothing other than reason itself, giving correct commands to the appetites or passions. Notably this law dispenses "orders" or commands (*iubendo*) which merely "summon" or call (*vocet*) us to do our "duty" (*officium*). Likewise, this higher law only "deters" us from criminal violations of it through its "prohibitions," but does not possess the ability to inflict what are commonly thought of as punishments. This means, as Cicero goes on to explain, that only "good" people will obey this law's commands and prohibitions, but the "wicked" are not moved by them. The natural law is thus a law for the gentleman of *De Officiis* who cares about virtue and who seeks to live in a just regime. It is only this sort of person who will realize that he has violated the natural law, and will then find he is living "in exile from himself." If the gentleman "scorns his nature" in this way, he will be acutely aware that he is paying "the greatest penalty," or the gentleman's penalty, which is his inner knowledge of wrongdoing. The natural law can only have an effect on the wicked insofar as it is incorporated into conventional law and given political teeth.

Thus, Cicero in *De Re Publica* begins to sketch a model or "example" (*exemplum*) of the best and most practicable republic, to give an institutional home to the political moderation he celebrates in *De Officiis*, by connecting the virtue of the gentleman to the virtue of the republic (*De Re Publica* 1.70, 2.66). Most importantly, Cicero's best republic is a mixed republic, a mix of the three pure forms of regime—monarchy or the rule of one, aristocracy or the rule of a few, and democracy or the rule of the many—which Cicero praises as most stable and most moderate precisely because it avoids the faults endemic to each pure form (*De Re Publica* 1.43–45, 54, 69). The character Scipio is emphatic: Nothing (*nihil*) is more moderate (*moderatus*) than this type of arrangement (*De Re Publica* 1.52). In other words, such a mixed regime hews most closely to the standard of *decorum* or political moderation demanded by natural law. Though a mixed regime, it will be led primarily by the "authority" of the best men of the regime whose

institutional home will be the senate (*De Re Publica* 1.57; cf. *De Legibus* 3.28). The education prescribed in *De Officiis* is meant to produce Cicero's "model statesman," to use Walter Nicgorski's phrase—or the *rector rei publicae*—who will seek to rule prudently in this senate on behalf of the people as a whole (*De Re Publica* 2.51).⁵³ As J. G. F. Powell has written, "The Roman senatorial order ideally functions as a reservoir of good and prudent *rectores rei publicae*, or in plain English, of statesmen, any of whom can take the helm when required."⁵⁴

The centrality of the institution of the senate and the natural law statesmen who will populate it links the book on duties and the book on the republic with *De Legibus*, in which Cicero legislates the establishment of the institutional home of political moderation or *decorum*.⁵⁵ Cicero writes several times in *De Legibus* that he is legislating for Scipio's mixed republic as described in *De Re Publica* (*De Legibus* 1.20; 2.14, 23; 3.4, 12), legislation he grounds firmly in the same natural law that calls us to do our duty in our study and practice of the moral virtues, and then in the establishment of the mixed republic that both reflects and fosters those virtues. The foundation of Cicero's legislation is "highest reason, rooted in nature (*ratio summa, insita in natura*)," which commands or orders us to do those things "that ought to be done (*quae facienda sunt*)," while at the same time prohibiting "the opposite things (*contraria*)" (*De Legibus* 1.18). Reason, he writes later in the book, impels us to do right things and calls us away from wrong ones (*De Legibus* 2.10). Furthermore, in *De Legibus* he emphasizes the crucial importance of *honestum* (what he had equated with *decorum* or the honorable in *De Officiis*), which he mentions no less than 13 times in his discussion of the natural foundation of all just laws (*De Legibus* 1.10, 32, 37, 41, 44 [2], 45 [2], 46 [2], 48, 54, 55).

Only if the senate is in fact a model of virtuous behavior (*specimen*) and free from vice (*vitio*)—only if it embodies the *honestum* and so also the *decorum* that is the aim of the education in *De Officiis* and which is so characteristic of the aristocracy that rules or guides the regime of *De Re Publica*—will Cicero's natural law republic be possible. It is notable that no citizen may enter the senate except by popular approval, a stipulation that preserves the mixed character of the regime, but also demands a populace virtuous enough to approve only those qualified for the task. Indeed, the bar is set quite high for the entire republic: As the character Marcus notes in *De Legibus*, the present speech (*oratio*) refers not to men of the present day but to those of the future (*futuris*), "if any of them will wish to obey these laws." And they will only wish to do so if they are the recipients of "a certain education and training," of the kind described especially in *De Officiis*. Cicero's three-part teaching about politics suggests that the founding and perpetuation of the natural law republic will not be possible unless it is solidly grounded in moral virtue or *honestum* (*De Legibus* 3.27–29).

The American Founders surely learned much from their study of *De Officiis*—as well as *De Re Publica* and *De Legibus*. Perhaps no lesson was more important for them than the fact that an unchanging human nature serves as the source of an eternal or timeless natural law that commands us to do our duty both individually and on behalf of the political community. Cicero sums up this duty in his concept of *honestum* or honorableness—right or appropriate action in every situation, no matter the virtue, or virtues, on display. The Founders were likely to have

seen in Cicero's view confirmation of their own view that human life takes place within fixed moral boundaries or limits that no one may rightly or justly cross. The attempt by the King of England to violate those limits, to disobey the law of nature, imposed on the Founders a duty to defend that law, and in so doing to defend human nature itself.

In our own time, it is no accident that Cicero and the American Founders are held in such low regard. Beginning in the nineteenth century, German historians—especially Theodor Mommsen and his predecessor Wilhelm Drumann, whom one scholar dubbed Cicero's "most diabolical detractor"—working under the influence of the founder of historicism, Georg Wilhelm Friedrich Hegel, launched an attack against Cicero from which he has yet to recover.⁵⁶ For them, the hero of ancient Rome was the world-historical figure of Julius Caesar. By contrast, they saw Cicero the politician as a cowardly if eloquent defender of aristocratic privilege (i.e., of his own self-interest) who failed to save the tottering Roman Republic, and they dismissed Cicero the political thinker as unoriginal and an eclectic transmitter of mostly Greek ideas. Following the rise of historicism, Cicero, and classical learning more generally, virtually disappeared from educational curricula in America in the twentieth century.⁵⁷ Only recently has the study of Cicero begun to make a very slow and gradual recovery. Likewise, the political thought and practices of the American Founders came under heavy attack in the late nineteenth and early twentieth centuries by politicians and political scientists who had also been heavily influenced by German historicism. Leading figures such as Woodrow Wilson, Theodore Roosevelt, John Dewey, Herbert Croly, Frank Goodnow, and many others attacked the Founders' principles as outdated and peculiar to their own age, which in turn served as a basis for rejecting the Founders' political practice, especially their ideas of separation of powers and limited government.⁵⁸

The American Founders understood, in no small part because of their reading of Cicero, that "the natural law character of the Constitution was essential to its remaining a limited Constitution. Natural law was the ground of the limited Constitution."⁵⁹ The Founders also understood that this same natural law commanded the practice of the moral virtues on the part of those citizens who live under a limited Constitution. Limited government and moral virtue are two sides of the same natural law coin. If we as a nation are ever to return to a limited Constitution of the kind the Founders established, we will have to rediscover the idea of natural law—and take seriously once again the moral virtues—upon which such a Constitution is necessarily based. The task for proponents of a limited Constitution is thus in one sense quite clear: they must engage in a type of political-philosophical archaeology, which if pursued with diligence and thoughtfulness will lead them back through many and varied sources, to be sure, and if pursued all the way to its very roots must lead them eventually to one of the greatest teachers of natural law, Marcus Tullius Cicero.

Endnotes

1. Richard 1994, 1–11, provides a concise overview of the “classical republican” school of historiography, which did much to focus the attention of scholars on the classical influences on the American Founding, but which “seldom focused much attention upon individual ancients and their relationship to the founders’ thought.” Richard laments that historians of this school “devote [...] little attention to the founders’ classical reading.”
2. Reinhold 1975a, 3–6, quote at 4–5; cf. Richard 1994, 19–38.
3. Gummere 1985 [1963], 69; cf. 66: “The record of the signers of the Declaration of Independence and the Constitution, with their frequent invocation of classical testimony, reveals the close connection between their studies and their political activity. Twenty-seven men with college backgrounds out of fifty-six at the congress supported the Declaration [...] and twenty-three out of thirty-nine [...] committed themselves to the Constitution.”
4. Reinhold 1975b, 126.
5. *Ibid.*, 108–109.
6. Richard 1994, 37.
7. Reinhold 1975b, 116, 125; cf. 128: Much more typical of the Founders is the reaction of John Adams to Rush’s attack, who wrote to Thomas Jefferson, “Classics, in spite of our friend Rush, I must think indispensable”; Jefferson himself “retained an active and committed love of the classics to the end of his life.” See also Adams 1856, 10: 105. Richard 1994, 196–231, takes this question up at length, in a chapter titled, “The Myth of Classical Decline.”
8. Howe 2011, 31.
9. Reinhold 1979, 225; cf. 233: the “paramount model for the Founding Fathers [...] was the constitution of Rome.”
10. Wood 1988, 1–2.
11. See Gay 1995 [1966], 259: “One obvious reason why the Renaissance and the Enlightenment seem, and are, so much alike is that both admired classical antiquity,

especially ancient Rome.” What is more, the “family resemblance” between these two eras “was confirmed by a common admiration for Cicero.”

12. All in-text citations are from the works listed as follows: *De Officiis* for *On Duties* (Cicero 1913); *Tusculan Disputations* for *Tusculan Disputations* (Cicero 1927); *De Res Publica* for *On the Republic* (Cicero 1928); *De Legibus* for *On the Laws* (Cicero 1928); *De Oratore* for *On the Orator* (Cicero 1942). Also, *NE* for *Nicomachean Ethics* (Aristotle 1934); *Charmides* for *Charmides* (Plato 1927); *Republic* for *Republic* (Plato 2013). Translations are my own.
13. Gummere 1985 [1963], 97.
14. Reinhold 1975a, 58.
15. Strachan-Davidson 1894, 369.
16. For summaries of Cicero’s posthumous treatment—and mistreatment—see: Douglas 1965, 157–166; Lacey 1978, 170–176; McKeon 1950, 1–9, 19–20; Rawson 1983, 299–308; Wood 1988, 1–13, includes numerous additional source references; cf. Slaughter 1921; Nicgorski 1978; Douglas 1979 [1968]; and Holton 1963.
17. Plutarch 1992, 439, 441. Cf. Nicgorski 1978, 73–81, for a discussion of the “fabric of criticism” of Cicero that stretches back to Plutarch himself.
18. Lacey 1978, 170.
19. McKeon 1950, 3–4.
20. Douglas 1965, 157.
21. Gay 1995, 219.
22. Douglas 1965, 158.
23. *Ibid.*, 169n30; Baron 1938, 79.
24. Douglas 1965, 162.
25. Gay 1995, 261–262, recounts the dramatic story of the re-discovery in various monastery libraries of several manuscripts, written by Cicero and others, that had been lost or at

least unknown for several centuries. Bolgar 1977 [1954], 526–529, provides a table of translations of Cicero’s works into vernacular languages prior to 1600.

26. Douglas 1965, 163.

27. Gay 1995, 261.

28. *Ibid.*, 192.

29. Wood 1988, 3.

30. Douglas 1965, 164.

31. Reinhold 1975a, 2.

32. Reinhold 1979, 229.

33. Adams 1851, 295.

34. Kesler 1996, 549; Brennan 1992, 975, writes that “the founding generation almost universally accepted natural law.”

35. Reinhold 1979, 226.

36. Otis 1975 [1967], 28–33.

37. Gummere 1985, 103, notes: “Many ideas in the Declaration of Independence are anticipated by James Otis.”

38. Citations of the Declaration of Independence are in Hillsdale College Politics Faculty 2012.

39. See, generally, Corwin 1955, but especially 9–17.

40. Ford 1904–05, 342–43.

41. Kries 2008, especially 380–82, 391–93, suggests a close reading of *De Officiis* reveals the work to be anti-Stoic, contrary to the prevailing scholarly view; see, e.g., Griffin and Atkins 2008 [1991], xix–xxi. Nicgorski 1984, especially 560, 569–571, and Colish 1985, especially 151, also question the supposedly Stoic nature of Cicero’s natural law

teaching. Notably, Koester 1968, especially 521–522, 527–530, demonstrates that there is virtually no evidence that the term “natural law” occurs in Greek before Cicero’s time; rather, the Stoics spoke of a “reason of nature” that applied to the wise man alone. Martens 2003, 13–30, does not dispute Koester’s findings—Cicero was in fact the first to use the term “*lex naturae*” on a “regular basis”—but he nevertheless wishes to claim a Stoic origin for natural law, despite what he admits is scanty or even non-existent evidence. For further discussion of this question, see Caspar 2011, 8–12.

42. Griffin and Atkins 2008 [1991], xvii–xviii.
43. Reinhold 1975b, 108–109.
44. Cf. *De Officiis* 1.4: “A book about duties (*de officiis*) is not directed to a small group of philosophers or great-souled men but has “the widest application.”
45. Nicgorski 1984, 571. Cf. Barlow 1987, 371–372; *De Re Publica* 1.2; *De Oratore* 1.56–57, 2.61; *Tusculan Disputations* 2.5–8.
46. Rossiter 1999 [1961], 314.
47. Kesler 1996, 555–556; Jaffa 1978, 131–132.
48. Plato, *Charmides* 166e–167a; Aristotle, *NE* 1117b23–1118b9. Plato’s *Republic* describes a more comprehensive virtue of moderation that stretches throughout all parts of soul and city, at 430d–432a, but even in this more political book the typically Platonic equation of virtue and knowledge is not abandoned.
49. Cf. *Tusculan Disputations* 3.16, where Cicero says of *sophrosune*, the Greek word for moderation: “I am accustomed to calling it *temperantia*, but also *moderationem*, and sometimes also *modestiam*.” As noted above, Cicero refuses to be forced into narrow philosophical corners.
50. Cf. *De Legibus* 1.34: In a community of wise men, there are no “distinctions” or “differences” and “everything is equal.”
51. Gummere 1985, 194, quoting Adams 1856, 104.
52. Richard 1994, 175; Richard 2003, 189; Wilson 2007, 523; cf. Richard 2004, 88–89; *De Re Publica* 3.33.

53. Nicgorski 1991, 238–245.
54. Powell 1994, 22, 27.
55. Reinhold 1979, 226, writes that “the classical roots of the American appeal” to natural law “notably” included *De Legibus*.
56. Slaughter 1921, 123.
57. Howe 2011, 36, notes that by 1900 only half of public high school students in the United States were taking Latin, and “then began a long, gradual decline.”
58. See, e.g., Pestritto 2005.
59. Kesler 1996, 561.

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