

Cicero on Education: The Humanizing Arts¹

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Early in Book V of his *Tusculan Disputations* Cicero gave what has become a classic expression of the Socratic turn of philosophy.

But from the earliest philosophy to the time of Socrates, who sat under Archelaus, a disciple of Anaxagoras, motion and number were explored as well as the origin and destiny of all things; those philosophers zealously inquired after the sizes of the stars, the distances between them, their paths and all heavenly phenomena. Socrates was the first to call philosophy down from the heavens, to set it in the cities and even to bring it into the household; he compelled it to inquire into life and character and issues of good and evil [*de vita et moribus rebusque bonis et malis*] (*Tusc.* 5. 10-11).²

Cicero sought in himself and in the young whom he attempted to influence a continuing Socratic renewal as philosophers of the household and political community,

¹ A substantial portion of this essay appeared earlier in a paper prepared for the 2012 American Political Science Association meeting and titled "Political Science, Cicero and Education." The portion was also utilized later in 2012 in a paper titled "Cicero on the Nature of Citizen Education and the Role of the Liberal Arts," presented to a symposium sponsored by The Center for Thomas More Studies at the University of Dallas. The discussion on these occasions and comments received contributed to the refinement of the essay that follows.

² For other descriptions by Cicero of the Socratic redirection of philosophy, see *Brutus* (*Brut.*) 30-31 and *Academica* (*Ac.*) 1.15-16. The translation here and in what follows is mine unless otherwise indicated. The Latin titles to Cicero's works will be spelled out the first time a work is cited in a footnote; at that point there will be found an indication of the abbreviated title of the work for subsequent citations.



extending even to an unpopular willingness to learn from “those Greeks.” Inquiry was to arise from the moral horizon of ordinary life and in the ordinary language of public life.

The question of how to educate arises in this horizon from an interest in how to live rightly and how to order our communities rightly. So it is our question too, a living question, and not one that is merely historical. Principles and/or segments (mini-treatises) on education have been an important part of classical writings on politics from the beginning. This feature is most memorably found in Plato’s treatment of the education of guardian-rulers in his *Republic*. One might quite compellingly argue that there is no need for Plato’s authority to see the significance of education for regime development and regime maintenance; rather it is a matter of common sense. Citizen education and leadership education have been important concerns for democratic theorists from John Dewey to this very day. Some of us marvel that there can be so much public concern with the needed technical capacities of people for the modern world and so little concern with the capacities of citizens to give moral and political direction to modern political communities and states. Our liberal republics cry out for a leadership that is richly educated and capable of the necessary moral leadership.

Plato’s authority was great for Cicero even as he insistently maintained his independence from him in some respects.³ That authority, in this case, goes hand-in-hand with his Roman-inflected common sense that calls out for some explicit attention to education. Our task here is to seek greater completion of Cicero’s political theory by supplying the guidance for education that appears to have been lost in segments of his *De Re Publica* that were not recovered with Cardinal Mai’s substantial

³ *De Re Publica (Rep.)* 2. 52 is a key place where Cicero confesses his fundamental reliance on Plato’s political teaching.



finding early in the nineteenth century of the long missing text.⁴ This effort for a greater completion, sufficient reason though it is for pursuing Cicero on education, does not exhaust the reasons for seeking to know better this dimension of his thought. Cicero in his own person has served in the Western tradition, recurrently from the Church Fathers on, as exemplar in many respects of the educated and responsible citizen-statesman as well as moral teacher. Quite independent of political theory, his thoughts on education, whether reflected in or drawn from his own educational experience, appear to be worth gathering and exploring in the light of our own need for models or for the elements that would allow us to construct principles and directions for models appropriate for our time. Cicero is, in many respects, a model as well as a conveyor of models.

Let us approach this search initially working within and then out from that dialogue of Cicero where the *lacuna* regarding education is most explicit, namely *De Re Publica*. This is also Cicero's first philosophical work as such, setting aside for now his rhetorical works (which often have significant philosophical aspects) such as *De Oratore* and much earlier, his *De Inventione*. *De Re Publica* (54-51 B.C.) comes at a transition point between Cicero's life being dominated by the ascent and then the troubles of his active political life and the intensive philosophical writing of essentially the last decade of his life. That former part of life includes much of the oratorical achievement that critically assisted his political ascent, and understandably his first reflective writings are about the art of rhetoric and the orator. This divide, which *De Re Publica* can be seen to mark in his life, is not one in which the two sides or two periods of his life are mutually exclusive. Cicero has a philosophical disposition and a love for philosophy throughout

⁴ Recently in preparing a new Oxford Classical Texts edition, J. G. R. Powell has revisited the original manuscript and made some adjustments in the placement and ordering of fragments. His edited critical edition is M. Tulli Ciceronis, *De Re Publica, De Legibus, Cato Major De Senectute, Laelius De Amicitia* (Oxford: Oxford University Press, 2006). Here Powell retains in brackets the established section numbers for Cicero's *De Re Publica*.



his life. Cicero tells us so not only later in life,⁵ but also in his first extant writing, *De Inventione*, an exercise on a branch of the art of rhetoric done in his late teens or early twenties that already manifests this disposition and love.⁶ In that latter period of life, one generally of forced withdrawal to the work of writing, Cicero's political interests and strivings are hardly absent; were they so, he might not have lost his life in the violence of the disintegrating Republic. His way of life at that point is but a half-chosen one; with the political forum and the active sphere of politics largely closed to him, he chooses to write in order to educate those to follow.⁷

The *De Re Publica* has been, of course, the political theorist's primary book of Cicero, for reasons, no doubt, of its direct engagement of political themes already introduced by the great Greek theorists, Plato and Aristotle, but likely also because some of its topics such as natural law, consent of the people, the mixed and balanced constitution are often seen as anticipatory of, if not contributory to, the American constitutional tradition.⁸ This text shows in its two prologues to its very first book⁹ the struggle to defend a Socratic focus for discussion over against more speculative and theoretical topics. The practical focus on the need and usefulness to understand a model

⁵ See especially *Brut.* 315-16 and *De Natura Deorum (N.D.)* 1. 6-7.

⁶ *De Inventione (Inv.)* 1. 1 and *passim*.

⁷ See especially *De Divinatione (Div.)* 2. 5-7; *Epistulae ad Familiares (Fam.)* 9. 18. 1-2. There was a Peripatetic named Demetrius of Phalerum, a follower of Theophrastus, who lived in the 4th century B.C. and seems for Cicero to offer something of a model and precursor for Cicero's service to Rome. Cicero writes of Demetrius (*De Legibus (Leg.)* 3. 13-14) as one who "has done the quite extraordinary thing of drawing learning out from its shaded scholarly retreat, not only into the sunlight and dust but even into the very frontlines of political contention." At *De Finibus (Fin.)* 5. 54 Cicero has Piso describe how Demetrius turned his banishment from politics to writing certain notable works that provided cultivation of the soul (*animi*) and nourishment of humanity (*humanitatis*).

⁸ A translation of and commentary on *De Re Publica* published in the United States in 1929 was the combined effort George Sabine, an influential political theorist, and Stanley Barney Smith, a classicist. Cicero, *On the Commonwealth* (Columbus, Ohio: Ohio State University Press, 1929). This edition has passed to other publishers but continues in print and has been, often exclusively, the chief source of Cicero's writings to which political theorists have been exposed.

⁹ The reference here is to the prologue in Cicero's own name and then the preliminary discussion of the dialogue before the conversation settles around the question, "What is the best constitution?"



of the best constitution and then the principle of justice which it entails becomes a way of drawing Romans to philosophical inquiry for Cicero, as it seems it was for Scipio and Laelius, admired statesmen of the century before, whom Cicero cast as *personae* in this dialogue. A Socratic redirection is at work, likely more naturally attractive to the Romans than it was originally to the Greeks, for the Romans, that is, if there must be philosophy at all.

This is not the occasion to follow the unfolding of *De Re Publica* in detail,¹⁰ but suffice it to say that the dialogue moves to defend a conception of the best constitution that is captured largely but not entirely in the Roman Republic as developed to about the time of Scipio and Laelius. Critical to this process of development and to maintaining a stable and just political order in the face of ever-changing circumstances is the leader, the *princeps*, the statesman, the *rector* or first citizen. The qualities of prudence and devotion to the commonweal that marked some of the better Roman kings are among the chief qualities Cicero would want in the republican statesman for his time and the future, whether that statesman operated as a consul, tribune or member of the Senate.¹¹ Cicero chooses not to follow Plato in portraying an imaginary political community as the best constituted regime; rather, he wants to focus attention on existing political structures and the real, if not perfect, achievements in those structures and practices. Cicero's is a city in time rather than one in speech, and that city in time is necessarily dynamic in the balances of elements it strikes and in its potential for change for worse or better. All depends on leadership, and even the qualities of the

¹⁰ This has been attempted in my essay, "Cicero's Focus: From the Best Regime to the Model Statesman," *Political Theory* (May 1991), 19: 230-51. See also the earlier piece by J. Jackson Barlow on the theme of the education of the younger *personae* within the dialogue. "The Education of Statesmen in Cicero's *De Republica*." *Polity* (Spring 1987), 19: 353-74.

¹¹ Cicero writes to his brother in 60 B.C. of the need for leaders and rulers who are characterized by their pursuit of *doctrina, virtutem et humanitatem*. *Epistulae ad Quintum Fratrem* (Q. Fr.)1.1.29; see also *Fam.*1.9.12.



citizens depend on leadership rather than simply determine that leadership. This interactive, cyclical process Cicero specifically invokes at the start of Book V. This was, of course, a lesson not lost on Plato; even as his philosopher-rulers were to hold a conception of the best city ever in mind, he counseled that their most important trust was to care for the education of the community. Cicero ever points to model statesmen and perfect orators as the vehicles to whatever improvement is possible in changing circumstances. If he can be said to have an imaginary model, it is that man of prudence, the true leader, that man for all seasons and challenges.

So, how would Cicero have his true statesman, his prince we might say, educated? Given a republic and one without impenetrable class barriers, how would Cicero have all citizens educated? All citizens, after all, represent the pool from which republican leaders could arise, do they not? What then would the *De Re Publica* have said about the education of such men? More fully and aptly put, this question must be, what can we say that the text likely said on the basis of the fragments, how the missing segment is approached, and on the basis of other aspects of this dialogue? Our method will be to attend to what we can learn on education from this dialogue and then to move on to *De Legibus*, which he apparently worked on (but did not complete to the point of circulation) simultaneously with his writing and rewriting¹² his *De Re Publica*, and then to the *De Oratore* completed just before Cicero undertook *De Re Publica*. At that point, some topics will have emerged that with our commentary might contribute to a fuller understanding of Cicero's conception of education.

Book IV of *De Re Publica*, that is, the collection of fragments usually taken to constitute Book IV, is where education in the just and best republic is apparently considered. Given what has preceded in this dialogue, that education would above all

¹² A process that can be largely followed in Cicero's correspondence of the time. *Q.Fr.* 14.1; 3.5.1-2.



have been shaped and measured by its capacity to draw out the talents and to draw forth in public service philosopher-statesmen of the likes of Scipio. Though the fragments offer very little to go on and surely very, very little that one might be assured of, there are among the fragments and in passages elsewhere in the dialogue indications not only on the basic thrust of Book IV but also on a framework for Cicero's educational thinking. The framework drawn alone from *De Re Publica* is an interpretive aid in understanding the part of education that Book IV appears to cover, but it gains credibility as we come to find how well it is supported and embellished throughout the writings of Cicero and becomes then an even more reliable framework for interpreting Cicero on education.

After Scipio in Book II (64) has carried his review of Rome's development into the republican period and thus carried his listeners close to the actual instantiation of his model of the best regime, his young nephew Tubero, taking advantage of a pause in the historical narrative, asks to learn about the training (*disciplina*), customs (*mores*) and laws (*leges*) that enable Romans like himself to constitute and to conserve the kind of political community Scipio has embraced. Scipio indicates that these matters will be treated at an appropriate point in his discourse, and it is reasonable to infer that Book IV was to be the place. What we have of Book IV suggests that the focus and emphasis in handling these matters was on early or pre-adolescent education.

Another statement of Scipio made in his discourse in Book I (28) provides a suggestion of a framework in which to see the entire educational process, if not the entire task of politics. This statement reflects the perspective gifted him in the Dream of Scipio (the Dream having occurred earlier in real time, but yet to be recounted in this dialogue). Here Scipio claims that only those are truly human who "are perfected in the arts befitting humanity" (*qui essent politii propriis humanitatis artibus*). What is suggested is a developmental process, possibly one that moves from simple, almost bestial beginnings to a peak of philosophical discourse. Though there is significant support for



Cicero's attraction to such an understanding early in *De Inventione* and in *De Oratore* 1.32-34, both penned before *De Re Publica*, this dialogue also contains such a view of anthropological development in the early and somewhat fragmented pages of Book III. As in those prior treatments, reason and speech are here shown interacting toward the end of their mutual development and with the effect of pulling human beings together and out of their solitary isolation.¹³ The other fuller sources for this developmental theory more clearly introduce the role of talented and dedicated leaders who draw this early process along. Here in Book III's apparent prologue and Cicero's direct voice, it is noted that the art of reason appears to develop an art of numbers and hence measurement, finds itself in touch with the eternal, and draws people to study the motions of the stars and the regularities of time. It seems a basis for astronomy is suggested. After a missing portion of the text, reason's development is seen to reach an apparent peak where it is led to inquire into the right way of living, a peak surpassed only when joined with experience in service of the political community. Note should be taken that reason's peak reflects the Socratic turn, inquiry into moral and hence political matters.

This is quite consistently Cicero's position when we come on passages throughout his works suggestive of a hierarchy about matters to be learned. The passage at this point in Book III can draw the reader back to the second prologue of Book I, the preliminary discussion of the dialogue Cicero reports, for in this early exchange revolving around the phenomenon of the two suns there seems a friendly struggle between Scipio's being drawn to the highest things as objects of delight and divine-touched fulfillment and Laelius's insistence (1,33) that all the boyhood studies developing reason and speech are aimed at the highest arts which are those concerned

¹³ Cicero in *Pro Sestio* (*Sest.* 91-92) offers a version of human development that emphasizes the critical capacity to make and live under law as a distinguishing human quality. See also *De Officiis* (*Off.*) 1.11-17, 50.



with understanding and serving the political community. Laelius apparently wins the day with Cicero, for not only does the dialogue take the turn he wishes, but when we encounter Cicero's thinking in his last philosophical work, *De Officiis*, his treatment of the inclination to knowing and to wisdom is marked by disciplining that tendency in the direction of practical wisdom rather than letting it flourish and delight in the fine points of metaphysical and mathematical inquiry.¹⁴ Justice there is truly the queen of the virtues. Scipio, again here in the early exchanges of *De Re Publica*, is himself defending the wider understanding of the cosmos as a critically useful perspective in the knowledge of man and his communities, in his development of an appropriate humanity. He is not unmoved by the Socratic pull or focus. Again, remembering that the Dream has occurred at an earlier point of life, during Scipio's active military career, one must notice that while the Dream has treated Scipio's ears,¹⁵ sight and intellect to a tranquillity of order and delight that is a promised reward, the message of his grandfather in the Dream comes down to be that of Laelius and Cicero himself most regularly, namely, embrace the human order in which you live and make sure you fulfill your responsibilities there.

It appears that Cicero is working with an understanding of human development in which education in the appropriate arts is the mode of development. It extends from the necessities that the powers of reason and speech allow humans to attain or attain more readily, to the art of arts that might direct all endeavors to the good of the community. It appears that the focus of Book IV is, above all, on training or learning (*disciplina*), which we might call, with some textual justification, arts preparatory in a process of development. The overall developmental framework then might be seen in

¹⁴ A similar check on the pure delights of literary studies is noted in the *Pro Archia* (*Arch.*)12; see also 6 where there is criticism of learning merely to be fashionable; Cicero seems to have a focused earnestness about what must be studied and a proper hierarchy.

¹⁵ Music has a role, at least in the Dream of Scipio, in drawing one to and/or experiencing the transcendent: *Rep.* 6. 18-19.



three essential stages with somewhat blurred rather than sharply distinct divisions.

The stages are:

- 1) the preparatory arts aimed at developing the essential human powers of speech (expression) and reason, the latter inclusive of the reason of mathematics; during this process there is exposure to music and the riches of literary studies and history;
- 2) the professional arts, notably law and rhetoric, arts useful for citizenship and public service;
- 3) the art of arts, that concerned with ordering all the others toward the communal good, namely developed prudence or practical reason; one must suppose that such moral growth as this represents is going on all along from stage one and into the decision implied in stage 2.

This theory of stages, derived more from across Cicero's writings than simply from *De Re Publica*, cannot then decisively resolve the question raised earlier about the limits or range of what would have been offered in Book IV or the related question of whether the expectation for Book IV, namely that it would address the training, customs and laws requisite for the good regime, is applicable to more than the preparatory arts of pre-adolescent education. It seems likely, however, that that triad of training, customs and laws describes an approach to early education more than it would the study and practice of rhetoric or of law and surely more than the ascent to philosophy through friends and/or teachers.

Particulars of Cicero's Texts

Let us turn now to the actual fragments of Book IV for what light they give on the nature and range of the Book's contents. With respect to an educational direction, the Book represents an appeal to old Roman traditions (4:12) in explicit contrast to Greek views and practices (4:3) and specifically Platonic ways such as those of his



Republic. However much Cicero (Scipio) shares the essential political teaching of Plato, he seems to have pointedly rejected the Platonic formulations for early education even as Scipio's friends note his reluctance to single out Plato for criticism. He rejects a uniform, legally sanctioned system of education. It would seem, indeed, to be pre-adolescent education that is at issue here. The old Roman traditions are what led to the excellent men of the past, like Cato and Scipio. There is some evidence that such education is to be family-centered with appropriate freedom and flexibility with respect to the availability of local schools; it is to be governed more by general customs than general laws (4:3).¹⁶ Earlier in the dialogue, Scipio is portrayed praising his father for the care he took with his education; in doing that, Cicero replicates his own explicit gratitude to his father for his education. Scipio's actual words here (1:36) are notable in the context of this paper: he speaks of his strong desire for knowledge from boyhood (*a pueritia*) enriched by liberal (*non illiberaliter*) studies. Surely that gratitude, in Cicero's case if not in both, might have had in mind, at least in part, opportunities given for education for more advanced learning with notable teachers and, in effect, apprenticeships whether in the home or outside of it, opportunities such as Cicero had within his home and then in being sent to Rome and later to Athens by his father. However, again it is more likely that most in mind in these cases is the basic education that disposed Cicero and Scipio to want such opportunities and prepared them to take advantage of them.

Within these few pages of fragments that constitute Book IV, there is criticism of Greek ways of using gymnastic and apparent criticism of their handling the censorship of poets, but no clear indication what Cicero might have been advocating in those

¹⁶ At *Leg.* 3.4, Cicero speaks of his intent here to propose laws for "free peoples." One might expect that his laws for education would have that character.



areas.¹⁷ It is likely that Cicero's Scipio would have spoken about both these areas at this point, for both were at the center of Greek discussions of early education. Elsewhere in Cicero, notably in *Pro Archia*, there is evidence of the role of letters or literature including poetry in his early education. Later in his *Brutus* (205, 207) Cicero described Lucius Aelius as a man of great learning in Greek and Roman literature and Roman as well as general history.¹⁸ Only Varro, in Cicero's view, surpassed Aelius in such wide and significant learning. In his adolescence Cicero sought to learn from Aelius who also composed speeches but had no desire to be an orator in his own right. Then Cicero comes to mention a highly regarded orator, Curio (213-14), who was deficient in his view by being devoid of any of the noble arts (*honestarum artium*); among these according to Cicero are poetry, oratory, history and law inclusive of that of public right or political philosophy. Within the Roman family's nourishing of reason and expression, the most essential arts, there was apparently the understandable desire to expose the young in exercising those arts to beautiful writing, to rich, chiefly patriotic, historical accounts and even to logical exercises. This was a kind of stocking the mind richly, even as the essential arts were exercised. Likely there was something comparable for the arts of number and music in those early years. At *De Oratore* 3. 58, Cicero has Crassus note that poetry, music, mathematics and dialectic or logic all have a part in forming the young for virtue and *humanitas*. Later in that same Book III of *De Oratore*, the range of the liberal arts, likely in Cicero's view, is highlighted in the boasting of the Sophist Hippias. They include geometry, literature, poetry and music. Later in his *Tusculans* (1.4-5), Cicero highlights how public honor and desire for fame encourage development of the arts; he exemplifies this with the arts of music and number, marks

¹⁷ Later in *De Officiis* (*Off.* 1. 79) Cicero writes to his son and other young men that the body must be trained and disciplined if it is to be able to do what reason will direct it to do; overall health is one of the goods that there is a duty to attend to.

¹⁸ Within *De Re Publica* (2. 18-19, 37) Cicero's awareness of the role of poetry and music in Greek education, as well as the intersection of this tradition with that of early Rome, is evident.



for the Greeks he says of being truly educated.

So it appears that Book IV's treatise on education would primarily have covered pre-adolescent years and emphasized the preparatory arts for young men born to the freedom of citizenship (4:3, *disciplinam puerilem ingenuis*). Recall the passage at 2.64 where Tubero's observation led us to believe that we would learn in Book IV of the training, customs and laws that would shape education and human development in the best regime. What has emerged from close and focused inquiry of *De Re Publica* is some sense of the nature of this training and that it would be governed more by custom than by uniform and rigid laws. There is perhaps no real tension between Tubero's expectation that the educational discourse to follow consider the role of law and the fact that the role of law with respect to this level of education is said to be nil or minimal. After all, should we encounter someone who asks us to speak of government's role in regulating a certain kind of business or in regulating speech and we respond by saying there should be no regulation at all, we have met the request. The role of law with respect to early Roman education may be so minimal that it should, in Cicero's expectations, but enforce the respect for customs in the leading families and specifically the role of the father. However, such an interpretive harmonization on the role of law cannot overcome the challenge of two other texts of Cicero which necessarily leave readers uncertain just how law in Cicero's view was to operate with respect to education.

Back in the third book of *De Re Publica* (3.7), in Cicero's direct voice in his prologue, the importance of law and established ways (*leges et instituta*) in developing the potential in humans is stressed in tandem with what certain wise men do directly through "words and arts" (*verbis et artibus*). It is likely that this is a formulation, more respectful than some earlier ones in the dialogue, of the ways of philosophers, those who often teach in quiet corners rather than enter the political fray and shape the ways of the political community. Though this passage elevates the importance of what is



done through laws, once again it may be that in the case of early education that law as such is to be gentle, respectful of family ways and of customs. Law's ways would be to back off, as it were. This harmonizing interpretation is facilitated by the fact that *instituta* is frequently best translated as customs or *mores*. So in the case of early education, what revered leaders have done is more in shaping customs than passing strict and uniform laws; it is interesting to note that at 5.1-2, in another prologue of Cicero, he provides a fascinating account of what he regards as the best dimension of Roman history, namely what has been called (above, p. 5) "the interactive cyclical process," the dialectic between leaders and customs, each shaping the other in turn as generations come and go. Custom rather than law is what is made prominent in this description, and adaptable prudent leadership is implied.

What then might law contribute directly beyond its indirect nourishing of certain customs is a question that returns when we turn our attention to the extant portions of Cicero's *De Legibus*, a dialogue written it seems in close conjunction with *De Re Publica* but never circulated in Cicero's lifetime and possibly not completed. It is a dialogue in which the *personae* are Cicero himself, his brother Quintus and his dear and long-term friend Atticus. There are powerful discussions in Books I and II about the foundations of law and the idea of natural law to which we will shortly have reason to turn. Yet, the point of the work according to Cicero is, following Plato in a sense, to complement the portrayal of the best regime in *De Re Publica* with a set of basic laws that are suitable. Cicero's proposed laws often reflect but sometimes seek to improve upon existing laws and practices. At one point in Book III (10, 28) Cicero is found presenting a fundamental law about the character of men called to serve in the Senate, men whom he explicitly expects to hold up as models for all citizens. In his commentary on this provision he remarks (29) how difficult it will be to have men of such character available unless this is done through a certain kind of education and training (*educatione quadam et disciplina*). He then adds that he may "perhaps" say something about this if a place and time can be



found for it. Atticus emphasizes the importance of this prospect, noting that it will have a place in the systematic treatment of law which Cicero is undertaking and there is time aplenty. Yet this consideration of education and training never happens in what follows of the extant remainder of *De Legibus*. So it appears that the laws Cicero is formulating were to have something to say about education and training. Strangely, as in *De Re Publica*, the text that would bear directly on this matter is lost to us. Just what the laws would say and at what level or levels of human development a legal approach would do some good remains unknown to us. Perhaps it is not unreasonable to infer, given the moral nature of the goal Cicero has here, that Cicero would be seeking to shape and direct young plants unto virtuous ways.

Legal Education

Despite the loss of the texts that would allow a more specific understanding of how Cicero thinks law should impact education, law commands considerable attention in Cicero's writings and represents one of Cicero's own major fields of study. Though he likely considered law in the course of his boyhood education at home and in Arpinum where learning the Twelve Tables and learning Roman civic foundations would have been part of historical/literary studies, he begins a kind of formal apprenticeship in law as in rhetoric when sent to Rome at some point after his sixteenth year. It appears that his focus on law and rhetoric is a conscious choice of himself and his father, a choice of empowering oneself to enter Roman politics. Through defending and prosecuting, law used with eloquence is a grand instrument of empowerment; through these arts Cicero built his network of friends and allies and advanced his political career as he had seen others do before him. Cicero at times wrote about the interdependence between success in the law and that in rhetoric which he calls eloquence or true eloquence. Given what orators are called to talk about whether in the court or in assemblies, knowledge of law is requisite for the full understanding that can



supply genuine eloquence. At the same time, eloquence is more difficult to attain than mastery of the law, and eloquence has a wider sphere and greater usefulness in general (*Off.* 2.66). From his first writings as a young man Cicero recognized that legal knowledge, or any knowledge or virtue for that matter, is inert when not supplied with the power of eloquence. It is eloquence that can persuade not just a jury in a case but also a public assembly to a policy or a law, such as a law bearing on education, that helps attain the common good. It is eloquence that can exhort to action and even to the pursuit of wisdom that is philosophy. So legal education clearly is instrumental education, especially when joined with rhetorical education and its fruit, eloquence. Perhaps, the supplying of an instrumental art is the very character of professional education.

It seems important to notice that Cicero does use the term art (*ars*) to speak of knowledge of law and legal matters (*De Or.* 2. 142); he does so not nearly as often as he applies the term to rhetoric and eloquence. Yet he writes at times of the learning or training (*disciplina*) in the law (*Leg.* 1.17) and a kind of system of the laws (*ordo legum*, *Leg.* 3.30), descriptions that suggest the organization of an art. Possessing the art of law, like other arts, implies a mastery of its nature such that one can teach it effectively (*Leg.* 2.47), and it seems clear that it is among the good arts (*bonae artes*) that retired statesmen (including Cicero in part) would find satisfaction teaching (*Senec.* 29). It seems the art of law like that of rhetoric (on which Cicero is explicit in this respect) follows nature and is derivative from experience (*De Or.* 2.356). This can help us understand that the mode of education in law was above all to sit under, work with and observe good lawyers in action, the mode of apprenticeship (*Brut.* 304ff.). Art seems to be understood by Cicero as a way of holding in a methodical and ordered way what we know about a sector of human experience. It is the reason or *ratio* represented in a certain body of knowledge and would necessarily make it accessible, usable and teachable (*De Or.* 1. 186-88; *Off.* 1.19).



Cicero consistently indicates his great respect for the ordinary knowledge of law, that is such knowledge as that bearing on property disputes and inheritances. The ordinary art of law is seen to contribute to order and peace in the political community. Though aware that this ordinary art of law is the more marketable and hence profitable (*Fin.* 1.12, now as then, we might add), Cicero advises his students of the law and friends in the law that there is something more important and ultimately more critical to the art of law, that is, a knowledge of the very foundations of law. The true mastery of law resists being consumed by the concerns of ordinary law and entails a seeking for the wisdom that allows a perspective on the nature of the whole and hence on an understanding of the self as well as the ground and role of law. It is at the end of Book I of *De Legibus* (58-62) that Cicero eloquently shows that the first fruit of a search for the foundation of law is an answer to the Socratic search for direction in life and thus entails self-understanding. This is the kind of understanding that leads to proper use of the art, providing in effect moral guidance that all arts need, including the art of rhetoric and that of legislating, both mentioned in this key passage.

Law may be an art, but could we consider it one of the *artes humanitatis*, the arts that are conducive to the possession of the quality, *humanitas*, that is, the arts that mark the man of prudence, the statesman on whom Cicero's best constitution depends? Law as an art is like any art that entails a grasping of the rationale of a sector of experience; it entails the classifying and organizing capacities of reason. Like any art, to educate in the law involves an exercise in and likely a development of reason, the human's distinguishing feature. That minimalist feature of any art means a contribution is being made to human development, to human excellence. Education in the law is on the path to *humanitas*. But law, like any art, can drop off that path by a failure of misuse, by not being used in accord with nature, a fuller conception of nature that is, than the part of nature a specific art, like law, is based on.

Thus, the search for self-understanding in the context of the whole of nature, the



search emphasized by the Socratic turn, is critical if law is to be an instrument of *humanitas* for the individual or for the community. The fruit of that search is to give both the process of the study of law and then the use of the legal art, proper direction and priorities. Such fruit would provide both the necessary grounding of law and the basis for integration of it with all significant human activities. The inquiries into the foundations of law that Cicero makes in Books I and II of *De Legibus* provide instances where the fruit of the Socratic search is linked with the function of the art of law. Such a linking would be hypothetically possible for any art, something as mundane as building aqueducts. Just as any art involves the practice and development of the human's rational capacities, so each and every art must be wedded to proper purposes. Law, however, when well directed makes a more significant contribution to attaining *humanitas* than most arts, for in itself it is usually a highly sophisticated rational system (for Cicero, more so than history, but less so than rhetoric) and beyond that, it empowers one to do justice in court cases and in making founding laws as well as in ordinary legislation. Law then is not just an art but a critical and significant human art. Well-directed legal service represents the work of a free person serving a free community; an art so serving freedom could quite properly be called a liberal art. Law has now and then and only ambiguously held this title since the time of Cicero; this is in contrast to the assured status of rhetoric as a liberal art. Cicero saw both as critical to human, truly human, development; they represent *artes humanitatis*. These are first-order professions because they are so critical to attaining and maintaining justice in community and thus to having communities that facilitate their humanizing impact on all members.

Rhetorical Education

We have already been drawn into the topic of education in the art of rhetoric and its fruit, genuine eloquence, by what was noted above of the parallels and differences



from legal education. In fact, Cicero has written much more and has written more explicitly about the art of rhetoric than the art of the law and that fact has perhaps contributed importantly to its relatively secure place among the liberal arts through Western history. Thus all that has been said about the nature of an art and its representing an exercise of reason and a step toward a full *humanitas* is of course applicable to the art of rhetoric. There is some evidence that Cicero's own study of rhetoric began before his being sent to Rome, and that his literary studies at and around home, such as with Archias, moved into early rhetorical training. We know from *De Inventione* that he is writing about the art of rhetoric likely around his twentieth year. In that first and substantial dialogue he wrote, *De Oratore*, there is considerable and subtle discussion about the very art of rhetoric and what it can and cannot contribute to oratorical excellence. Just how elaborate and detailed the art should be and how much one should be constrained by it in actual performance as speaker are explored. There is a strain in the discussion that downplays the significance of the art as a way to success as an orator. We encounter the delightful twist that the greatest art as a persuasive speaker is to conceal art, to appear artless. As in the case of law, Cicero is more interested in the example of great achievers, in this case, orators (*De Or.* 1. 23) than in the technical aspects of rhetorical manuals. Overall, however, just as he respects the concerns of ordinary law, he knows the ordinary rhetorical art contributes to and is likely a condition of the greatest achievement in the field.

Knowing the law might seem an inert and quite limited state when compared with possession of the rhetorical art, Cicero appreciated that rhetoric and its fruit, eloquence, has a wider field of application and is capable of engaging all matters as topics.¹⁹ Insofar as that is true, it would be among the reasons that rhetoric is more

¹⁹ At *Tusc.* 2. 7-8, Cicero can be found illustrating how logic and rhetoric contribute to philosophizing.



difficult than law and thus it represents a greater development of human reason as an art (*De Or.* 1. 186). Furthermore, rhetoric is both a body of knowledge (types of arguments, character of audiences, etc.) and a utilization of that knowledge in effective persuasion. The art then entails a certain understanding as well as effective expression (primarily in speech at the time). “Delivery, delivery, delivery – delivery is everything” represents one of the capsule summaries of rhetoric Cicero knew. It can be said that the art of rhetoric exercises and develops both reason and speech (expression or language), and it is in that sense that it is already a truly significant art among arts which as arts do contribute to human development and hence to the *humanitas* that marks the peak of that development. Perhaps to call law an art requires, even if Cicero is not clear on this point with respect to legal knowledge, that we include the use of the knowledge of law, e.g. in counseling, in judging, in legislating. Thus the art is truly possessed when legal knowledge is actually used effectively. We must, however, notice that the using of law usually entails using rhetoric (*Orator*, 12, 13, 141). That can bring home to us the range and the greater significance of rhetoric as well as the interdependence of the fundamental human arts.

Yet just as in the case of law, rhetoric needs to serve a proper end, needs a larger perspective grounded in the nature of things if it is to stay on the path to realizing *humanitas* for its possessor as well as for those it works upon. For Cicero this is the big issue concerning rhetoric, namely, its need for philosophical guidance. He is insistent on this from the first pages of his first extant writing, *De Inventione*, to his last writing *De Officiis*. This concern shapes and dominates his greatest rhetorical writing, *De Oratore*. There in his own voice (1.5) he asserts his long-standing position that true eloquence is the fruit of the arts of the most prudent of men (*prudentissimorum hominum artibus*).²⁰

²⁰ See the discussion of a number of passages from the texts of Cicero bearing on *humanitas* as the defining quality of Cicero's *princeps* or statesman. Gerard B. Wegemer, *Young Thomas More and the Arts of*



Later Crassus, likely Cicero's spokesman in the dialogue, will complain of the separation between those teaching the right principles of living and those teaching the principles of speaking (3. 57-58). The orator needs the knowledge that is the fruit of the Socratic turn to be truly complete as orator, the perfect orator (3. 122-23). In a sense the orator needs to know all things to rise to his peak, but most importantly he needs to know moral and political philosophy that might provide some direction for his life and his art. It is philosophy that yields prudence that is the art of arts for Cicero.²¹

Fusion of the Arts: Educating the Model Statesman

Beyond the preparatory arts nourished along with appropriate literary and historical studies, the statesman needs the great arts of law and rhetoric; if he is to be the greatest or a model, he needs the most perfected forms of those arts. To possess those perfected forms would take him far toward his own completion or perfection in the political art, for in each case the perfected forms call for a joining of a philosophical understanding of self and community in the context of the whole of nature. It is this understanding and the moral direction it can yield to which the Socratic turn points. Thus in turning the legal artist to the foundation of law and in turning the orator toward comprehensive understanding and especially moral and political philosophy, Cicero, with sandals on his feet and in Roman toga, is urging the Socratic turn toward a common critical point. It is the same point to which the political art itself is pointed when at the end of Book II of *De Re Publica* the critical question of justice is raised, then to be pursued, it seems primarily by Laelius, in the badly fragmented Book III that follows. This, however, is clear, that all arguments about model or better and worse

Liberty (Cambridge: Cambridge University Press, 2011), 31 ff.

²¹ On the many things the complete or perfect orator needs to know with some indication of relative importance among them, see *Brut.* 23, 322, 331; *Orator (Orat.)*120, 148; *De Partitione Oratoria (Part.)*140; *De Oratore (De Or.)*1. 73; 3. 55, 142-43.



regimes, constitutions and institutions turn on whether there is a true justice in the very nature of things. Cicero's Crassus in *De Oratore* (3.21) spoke of the unity of the free and human arts. That unity is especially and importantly manifest in the shared need for a conception of the good for self and community grounded in the nature of things. Without such, arts empower simply to create a chaos of conflicting self-interests. Without such, one cannot really make sense of the idea that there are arts appropriate to our humanity. To be entirely without these arts is simply not to be human.²² With all these arts culminating in the wisdom that is the art of arts, one is fit to be the model statesman.

Finally, it seems important to comment on two ideas that have been around in scholarship and reflections on Cicero and that would likely be the source of objections to this paper's emphasis on the philosophical dimension of Cicero's model statesman. Both are inclined to detract from taking seriously, or as seriously as this essay does, the significance of the Socratic turn and its fruit in wisdom, as formative for Cicero and his thinking. The objections focus around what I will call (1) a soft interpretation of *humanitas* and (2) an insistence that Cicero's thought is more the product of a rhetorical culture than a philosophical one. Each of these positions and the hypothetical objections I suggest they likely would spawn requires proper engagement in a full paper. Despite the apparent congeniality of these objections with such ill-informed attacks on Cicero the philosopher as found in the famous Roman historian, Theodor Mommsen, these objections can and do at times come from people who positively appreciate the overall achievement of Cicero and his political orientation.

Should *humanitas* be understood primarily as possessing the characteristics of an

²² In *De Senectute* (*Senec.*) 7 and 9, Cicero returns to the issue of what is the distinctively human, writing that it is the way of virtue, and *humanitas* is the fruit of or a reflection of the arts of virtue. At *Tusc.* 3. 2-4, Cicero shows acute awareness of how a good natural disposition and exceptional abilities can be corrupted by certain environments and failures in education.



upper class Roman? A smooth civility, a graciousness? Or could it mean, as we often do, humane in the sense of decent and “understanding” in such a way as to be disposed to be compassionate and merciful? Or could it mean, as I have used it in this paper, the completeness of the human virtues ordered and guarded by reason developed into prudence? In this way, *humanitas* is taken as full human development, a peak expected of one who is to lead other humans, one who is a model statesman. Cicero is most often credited with introducing and emphasizing the term and concept of *humanitas* to our Western discourse. In his extant writings, he uses the term well over 200 times, most but not all of which are instances where the meaning is the distinguishing quality of the well-ordered soul of full virtue. It should be kept in mind that “kindly,” “humane,” and “gentlemanly” ways may often, or at least sometimes, be the byproduct though not the essential character of such a soul. That Cicero’s use of *humanitas* was predominantly as invoked in this essay is confirmed in one of Cicero’s earliest commentators, Aulus Gellius in the second century. Gellius then already detected the stronger, richer, moral meaning that Cicero placed in *humanitas*, writing,

That *humanitas* does not mean what the common people think, but those who have spoken pure Latin have given the word a more restricted meaning. . . .

Those who have spoken Latin and have used the language correctly do not give to the word *humanitas* the meaning which it is commonly thought to have, namely, what the Greeks call [*philanthropia*], signifying a kind of friendly spirit and good-feeling towards all men without distinction; but they gave to *humanitas* about the force of the Greek [*paideia*], that is, what we call *eruditionem institutionemque in bonas artes*, or “education and training in the liberal arts.” Those who earnestly desire and seek after these are most highly humanized. For the pursuit of that kind of knowledge, and the training given by it, have been granted to



man alone of all the animals, and for that reason it is termed *humanitas*, or “humanity.” . . . That it is in this sense that our earlier writers have used the word, and in particular Marcus Varro and Marcus Tullius [Cicero], . . . almost all the literature shows.²³

Cicero’s great achievement as an orator and his substantial writings on rhetoric make it understandable that his philosophical work would be seen by some as somehow incidental to or even derivative from and clearly subordinate to his attachment to rhetoric. To criticize Cicero as merely a rhetorician or as one giving his readers a “rhetoricized philosophy” goes at least as far back as the Petrarchan period of the Renaissance. In the last half century, Jerrold Seigel, Otto Bird and Bruce Kimball have all associated Cicero with a rhetorical tradition in the West, one often at odds with the philosophical and scientific traditions.²⁴ Seigel has written not unreasonably in this vein that “[T]he whole structure of Cicero’s philosophical culture was shaped by the rhetorical foundation of his thought.”²⁵ Less plausible is James Zetzel’s incidental interpretation of *De Oratore* as teaching that rhetoric is “the master art to which philosophy, at least ethics, should be subordinated.”²⁶ Such interpretations can be contested with an examination and weighing of the *De Oratore* and other writings of Cicero that have been invoked in this essay. More important even in speaking to this entire way of viewing the relation of rhetoric to philosophy in Cicero is the need to understand the nature of the philosophy Cicero contends is controlling and directive of

²³ Consulted online at http://penelope.uchicago.edu/Thayer/E/Roman/Texts/Gellius/13.*.html (This is vol. II of the 1927 Loeb edition of Gellius’s *Noctes Attic*, Bk. 13, trans., J.C. Rolfe).

²⁴ Jerrold Seigel, *Rhetoric and Philosophy in Renaissance Humanism* (Princeton: Princeton University Press, 1968); Otto A. Bird, *Cultures in Conflict* (Notre Dame, IN: University of Notre Dame Press, 1976); Bruce A. Kimball, *Orators and Philosophers: A History of the Idea of Liberal Education* (New York: College Board Publications, 1995).

²⁵ Seigel, 28-29.

²⁶ “Introduction,” to Cicero, *On the Commonwealth and On the Laws*, (ed.) James E. G. Zetzel (Cambridge: Cambridge University Press, 1999), xi.



all the arts. It is philosophy that grows from the needs his Socratic turn highlights. It is a philosophy that yields a wisdom of practical assurances built on a Socratic and Academic skepticism.

In closure, I turn to celebrate in more detail than the earlier citation, the closing section of Book I of *De Legibus* (58-63). This section is more than the eulogy of philosophy which it is often recognized to be; it shows an integration and hierarchy of the various kinds of learning that Cicero found significant. It presents philosophy as a pursuit of “knowing ourselves,” a knowledge that can aid us, like a bountiful mother, in grasping the law in nature which will be a divine gift toward attaining all true goods.²⁷ Through self-knowledge, including the spark of the divine and the inclinations to the good within, the human is capable of identifying the virtues, including that master virtue of prudence. A sharper eye in these matters and a greater overall assurance come with the practice of piety and an understanding that sees the self in a larger, divinely ordered whole. Then one develops reason even further to defend the sense of self and the whole which has been attained, and one comes to develop and utilize rhetoric in ruling, making laws and punishing. Cicero has described an ascent from moral perplexity to a sense of the human good and then an equipping of the self to serve that good and the political community that fosters and protects it. This is a framework for politics and education in which philosophy is seen to take its directive role, a philosophy that rises from the ordinary horizons of household and citizenship.

²⁷ Here as well as in *De Or.* 1. 186-88 and *Brut.* 152-53, 322, philosophy is seen as the art of arts, the mother or light of all the arts and hence the mother of all the goods that come from them. There are two senses of this motherhood operative in Cicero: first, that philosophy as the way of reason, thus as an analytical and organizing power, is the primary agent for developing art in any field, such as law, rhetoric or history; secondly, and what is emphasized at this point in the essay and most frequently in Cicero, is that philosophy is capable of directing any art to its true end in respect of the human good; it is the art of good living. That is the art of arts in the more important sense.

