How to Lose a Constitution—Lessons from Roman History

By Lawrence W. Reed
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FEE President Lawrence W. Reed delivered these remarks, compiled from other articles and speeches, to mark the final event at FEE's original headquarters in Irvington, New York, on Saturday, August 23, 2014.

I begin with this remark of the celebrated Roman historian Livy, written 2,000 years ago:

There is an exceptionally beneficial and fruitful advantage to be derived from the study of the past. There you see, set in the clear light of historical truth, examples of every possible type. From these you can select for yourself and your country what to imitate, and also what, as being mischievous in its inception and disastrous in its consequences, you should avoid.

The history of ancient Rome spans a thousand years—roughly 500 as a republic and 500 as an imperial autocracy, with the birth of Christ occurring almost precisely in the middle. The closest parallels between Roman and American civilizations are to be found in Rome's first half-millennium as a republic. We in our day can derive the most instructive lessons from that period. The tyranny of the empire came *after* the republic was destroyed and *that's* the truly awful consequence of decay that America can yet avoid.

Both Rome and America were born in revolt against monarchy—Americans against the British and Romans against the Etruscans. Wary of concentrated authority, both established republics with checks and balances, separation of powers and protection of certain rights of at least many people, if not all. Despite shortcomings, the establishment of the Roman Republic in the sixth century B.C. and the American Republic in the eighteenth century A.D. represented the greatest advances for individual liberty in the history of the world. Unparalleled prosperity and influence resulted in both cases. Both established constitutions intended to preserve the liberties bestowed on large numbers of people—the Americans a written one, the Romans, like the British, an unwritten one that was nonetheless revered for centuries as precedent not to be violated and definitely worth fighting and even dying for.

Upon winning their freedom, Romans split the top position of power between two men—the consuls. One was to be a check upon the other and neither, except in emergency situations, was to serve more than one year. Legislative bodies—the Senate and assemblies of elected representatives—were established. Incidentally, the Senate was retained in name, though not in power, for the entire thousand years of Roman history. Even as freedom vanished, the later tyrants couldn't quite bring themselves to abolish the symbols of republicanism. So if America ever loses its Republic, it wouldn't be surprising if it kept its House and Senate. As in the case of Rome, our legislative bodies may even formally ratify the final extinction of the freedom they've been voting against for decades.

Let me share with you what I call, "The Three Most Stubborn Lessons of History," and then I'll go back and briefly relate each to the Roman Republic:

Number One: No people who lost their character kept their liberties.

Number Two: Power that is shackled and dispersed is preferable to power that is unrestrained and centralized.

Number Three: The here-and-now is rarely as important as tomorrow.

Now to the first of the three: *No people who lost their character kept their liberties.*

Character, as I am using the term, embodies the trait of virtue, which is from the Latin *virtus*, meaning courageous honesty. Above all, it was esteemed by the early Romans of the republic. It was routinely taught in the home by mothers and fathers. Indeed, all formal education took place in the home in the first two and a half centuries of the republic. Schools didn't appear until the third century B.C. and even they did not receive government funding until well after the Republic faded.

I guess the lesson there is that government funding is not necessary for civilizational decline, but it can sure help it along.

Other traits of character stressed in early Rome were *gravitas* (dignity), *continentia* (self-discipline), *industria* (diligence), *benevolentia* (goodwill), *pietas* (loyalty and a sense of duty), and *simplicitas* (candor).

The connection between character and liberty is powerful. Liberty—by which I mean rule of law, respect for and protection of the lives, rights, property and contracts of others—is the *only* social arrangement that requires character. No other system, especially socialism, asks much of you other than to keep quiet, pay your taxes and go get yourself killed when the State so directs. The absence of character produces chaos and tyranny. Its *presence* makes liberty possible.

Rome rose from nothing and sustained itself as a great entity for centuries because of its strong character.

When Romans allowed the temptations of the welfare state to erode their character, when they abandoned responsibility, self-discipline, self-reliance and respect for the property of others and began to use government to rob Peter and pay Paul, they turned down a fateful, destructive path.

In the waning years of the Republic, a rogue named Clodius ran for the office of tribune. He bribed the electorate with promises of free grain at taxpayer expense and won. Thereafter, Romans in growing numbers embraced the notion that voting for a living could be more lucrative than working for one.

Candidates for Roman office spent huge sums to win public favor, then plundered the population afterwards to make good on their promises to the greedy mob that elected them. As the republic gave way to dictatorship, a succession of emperors built their power on the handouts they controlled. Nearly a third of the city of Rome received public relief payments by the time of Christ.

The historian H. J. Haskell describes this tragic turn of ideas and events:

Less than a century after the Republic had faded into the autocracy of the Empire, the people had lost all taste for democratic institutions. On the death of an emperor, the Senate debated the question of restoring the Republic. But the commons preferred the rule of an extravagant despot who would continue the dole and furnish them free shows. The mob outside clamored for 'one ruler' of the world.

It's frightening to consider how easily a sturdy people, when they let their guard and character down, can be bought and paid for by the welfare State. And once they sell themselves for that mess of pottage from politicians, it's not *impossible* to turn back, but it's *not easy* either.

Now to the second lesson: *Power that is shackled and dispersed is preferable to power that is unrestrained and centralized.*

Just like Americans 2,500 years later, Romans got it right when they determined at their nation's birth that concentrated power was the main problem of governance and the source of endless other problems. They—and we—once understood the wisdom of Lord Acton's famous admonition: "Power corrupts and absolute power corrupts absolutely." I always like to add my own corollary to that: "Power attracts the already corrupted."

Power concentrates because that's what power does if the people are not vigilant. In Rome, cities and provinces lost their independence to the central government after demanding funds from that government to bail them out of financial difficulty. The greatest of all Roman historians, Tacitus, noted how freedom was undermined when the focus of Roman legislation changed from the security and good of all to the satisfaction of particular individuals and interest groups. In his words, "And now bills were passed, not only for national objects but for *individual* cases, and laws were most numerous when the commonwealth was most corrupt."

In 33 A.D., a financial panic gripped Rome. The government responded by a massive issuance of zero-interest credit. Businesses that happily took the bait found themselves later thoroughly ensnared. After all, he who pays the piper calls the tune.

Roman leaders increasingly sought power not only against their own people, but over others as well. They embarked upon one foreign adventure after another, at first for the security of Rome, later often for the sake of domination or plunder. Add the costs of empire to the costs of a welfare State, and eventually bills come due that even the most power-mad tax collector cannot pay without cheating the people of a sound currency. The Emperor Nero, who once rubbed his hands together and declared "Let us tax, let us tax again, let us tax until no one owns anything!" was also the first emperor to debase the Roman coin by reducing its silver content.

Power is an exceedingly dangerous thing in the hands of any government. This popular quote is often attributed to George Washington and though that's never been verified, it nonetheless sounds like something almost any of our Founders could have said or would have agreed with: "Government is not reason; it is not eloquence; it is FORCE and like fire, it can be either a dangerous servant or a fearful master."

Now to the third lesson: *The here-and-now is rarely as important as tomorrow*.

Early Romans, as with early Americans, built and planned and lived for the future. They sacrificed present gratification so the future would be better. Then there came a time in both societies when living for the moment ruled the day. The feeling was, get what you can now regardless of the cost or who pays for it or how untenable a situation it may cause for you or others tomorrow. If problems arise, some future generation will figure it out after we're gone.

We've heard a lot of talk in recent years that certain companies are "too big to fail." But in dealing with that imaginary, short-term problem, we've handed huge chunks of our lives and economy over to a government that is arguably too big to succeed. Rome did precisely the same thing. Live for the moment, damn the future, "Apres moi, le deluge."

You might ask, was there a reason why I spent more time on the first lesson than I did on the second and third? Yes there is. Character is the key. It's everything. Little of value is possible without it. And there's hardly any better use of time that to study men and women who possess it—*or possessed it*—in copious quantities. And now, I'd like to tell you about one such person.

I have a question for you: If you could go back in time and spend one hour in conversation with ten people—each one separately and privately—whom would you choose?

My list isn't exactly the same from one day to the next but at least a couple names are always on it, without fail. One of them is Marcus Tullius Cicero. He was the greatest citizen of the greatest ancient civilization, Rome. He was its most eloquent orator and its most distinguished man of letters. He was elected to its highest office as well as most of

the lesser ones that were of any importance. More than anyone else, he introduced to Rome the best of the ideas of the Greeks. More of his written and spoken work survives to this day—including hundreds of speeches and letters—than that of any other historical figure before 1000 A.D. Most importantly, he gave his life for peace and liberty as the greatest defender of the Roman Republic before it plunged into the darkness of a welfare-warfare state.

Cato Institute scholar Jim Powell opened his remarkable book, *The Triumph of Liberty: A 2,000 –Year History, Told Through the Lives of Freedom's Greatest Champions* (Free Press, 2000), with a chapter on this Roman hero—a chapter he closed with this fitting tribute: "Cicero urged people to reason together. He championed decency and peace, and he gave the modern world some of the most fundamental idea of liberty. At a time when speaking freely was dangerous, he courageously denounced tyranny. He helped keep the torch of liberty burning bright for more than two thousand years." To Powell's remarks I would add that Cicero was the greatest defender of the Roman Constitution as it was under sustained assault by the lust of the power-seeking, the erosion of personal character, and the consequent rise of the welfare-warfare State.

Who *wouldn't* want to have an hour with this man?

It is not, please note, the magnificent buildings in which he spoke—the Senate, the Forum, for example—which deserve our highest admiration. It is *the man*, his ideas and his courage in expressing them. P. J. O'Rourke said, "The Romans have had 2,000 years to fix up the Forum and just look at the place!" But Cicero's ideas are as solid and venerable and eternal as ever.

Marcus Tullius Cicero was born in 106 B.C. in the small town of Arpinum about 60 miles southeast of Rome. He began practicing law in his early twenties. His most celebrated case, which he won, required him to defend a man accused of murdering his father. He secured an acquittal by convincing the jury that the real murderers were closely aligned to the highest public officials in Rome. It was the first but not the last time that he put himself in grave danger for what he believed to be right.

Roman voters rewarded Cicero with victory in one office after another as he worked his way up the ladder of government. Along the way, the patrician nobility of Rome never quite embraced him because he hailed from a slightly more humble class, the so-called equestrian order. He reached the pinnacle of office in 63 B.C. when, at the age of 43, Romans elected him co-consul.

The consulship was the Republic's highest office though authority under the Roman Constitution was shared between two coequal consuls. One could veto the decisions of the other and both were limited to a single one-year term. Cicero's co-consul, Gaius Antonius Hybrida, was so overshadowed by his colleague's eloquence and magnetism that he's but a footnote today. In contrast, Cicero emerged as the savior of the Republic amid a spectacular plot to snuff it out.

The ringleader of the vast conspiracy was a senator named Lucius Sergius Cataline. This disgruntled, power hungry Roman assembled an extensive network of fellow travelers, including some fellow senators. The plan was to ignite a general insurrection across Italy, march on Rome with the aid of mercenaries, assassinate Cicero and his co-consul, seize power and crush all opposition. Cicero learned of the plot and quietly conducted his own investigations. Then in a series of four powerful orations before the Senate, with Cataline himself present for the first, he cut loose. The great orator mesmerized the Senate with these opening lines and the blistering indictment that followed:

"How long, O Catiline, will you abuse our patience? And for how long will that madness of yours mock us? To what end will your unbridled audacity hurl itself?"

Before Cicero was finished, Cataline fled the Senate. He rallied his dwindling army but was ultimately killed in battle. Other top conspirators were exposed and executed. Cicero, on whom the Senate had conferred emergency power, walked away from that power and restored the Republic. He was given the honorary title of *Pater Patriae* (Father of the Country).

But Rome at the time of the Catalinarian conspiracy was not the Rome of two or three centuries before, when honor, virtue, and character were the watchwords of Roman life. By Cicero's time, the place was rife with corruption and power lust. The outward appearances of a Republic were undermined daily by civil strife and a growing welfare-warfare State. Many who gave lip service in public to Republican values were privately conniving to secure power or wealth through political connections. Others were corrupted or bribed into silence by government handouts. The Republic was on life support and Cicero's voice was soon to be drowned out by a rising tide of political intrigue and violence and popular apathy.

In 60 B.C., Julius Caesar (then a senator and military general with boundless ambition) tried to get Cicero to join a powerful partnership that became known as the First Triumvirate, but Cicero's republican sentiments prompted him to reject the offer. Two years later and barely five years after crushing Cataline's conspiracy, Cicero found himself on the wrong side of senatorial intrigue. Political opponents connived to thwart his influence, resulting in a brief exile to northern Greece.

He returned to a hero's welcome but retired to his writing. Over the next decade or so, he gifted the world with impressive literary and philosophical work, one of my favorites being "De Officiis" ("On Duties"). In it he wrote, "The chief purpose in the establishment of states and constitutional orders was that individual property rights might be secured . . . It is the peculiar function of state and city to guarantee to every man the free and undisturbed control of his own property."

Politics, however, wouldn't leave Cicero alone. Rivalry between Caesar and another leading political figure and general, Pompey, exploded into civil war. Cicero reluctantly sided with the latter, whom he regarded as the lesser of two evils and less dangerous to the Republic. But Caesar triumphed over Pompey, who was killed in Egypt, and then cowed the Senate into naming him dictator for life. A month later, Caesar was

assassinated in the Senate by pro-Republican forces. When Mark Antony attempted to succeed Caesar as dictator, Cicero spearheaded the Republican cause once again, delivering a series of 14 powerful speeches known in history as the Phillippics.

Cicero's oratory never soared higher. With the remnants of the Republic hanging by a thread, he threw the scroll at Antony. The would-be dictator, Cicero declared, was nothing but a bloodthirsty tyrant-in-waiting. "I fought for the Republic when I was young," he asserted. "I shall not abandon her in my old age. I scorned the daggers of Catiline; I shall not tremble before yours. Rather, I would willingly expose my body to them, if by my death the liberty of the nation could be recovered and the agony of the Roman people could at last bring to birth that with which it has been so long in labor."

Antony and his fellow conspirators named Cicero an enemy of the State and sent the assassin Herennius to take him out. On December 7, 43 B.C., the killer found his target. The great statesman bared his neck and faced his assailant with these last words: "There is nothing proper about what you are doing, soldier, but do try to kill me properly."

With one sword stroke to the neck, the life of the last major obstacle to dictatorship was extinguished. At that moment, the 500-year-old Republic expired too, to be replaced by an imperial autocracy. Roman liberty was gone. On the orders of Antony, Cicero's hands were severed and nailed along with his head to the speaker's platform in the Forum. Antony's wife personally pulled out Cicero's tongue and in a rage against his oratory, stabbed it repeatedly with her hairpin.

Powell reports in "The Triumph of Liberty" that a century after the ghastly deed, the Roman writer Quintillian declared that Cicero was "the name not of a man but of eloquence itself." Thirteen centuries later, when the printing press was invented, the first book it produced was the Gutenberg Bible, but the second was Cicero's dissertation "On Duties." Three more centuries passed when Thomas Jefferson called Cicero "the first master of the world." And John Adams proclaimed that "all the ages of the world have not produced a greater statesman and philosopher" than Marcus Tullius Cicero.

Some might say Cicero's labors to save the Roman Republic were, at least in hindsight, a waste of time. He gave his life for an ideal that he was able to extend tenuously for maybe a couple of decades.

But if I had an hour with Cicero, I would thank him. I would want him to know of the inspiration he remains to lovers of liberty everywhere, more than two millennia after he lived. I would share with him one of my favorite remarks about heroism, from the screenwriter and film producer Joss Whedon: "The thing about a hero, is even when it doesn't look like there's a light at the end of the tunnel, he's going to keep digging, he's going to keep trying to do right and make up for what's gone before, just because that's who he is."

And that is exactly who Cicero *was*.

Do we citizens of 2014 have the character to preserve our liberties? That's the $64,000 question, isn't it? By almost any measure, the standards we as citizens keep and expect of those we elect have slipped badly in recent years. Though everybody complains about politicians who pander, perhaps they do it because we are increasingly a pander-able people. Too many are willing to look the other way when politicians misbehave, as long as they are of the right party or deliver the goods we personally want. Our celebrity-drenched culture focuses incessantly on the vapid and the irresponsible. Our role models would make our grandparents cringe. We cut corners and sacrifice character all the time for power, money, attention, or other ephemeral gratifications. Our Constitution is skirted, misinterpreted and all but ignored by our highest authorities but few Americans seem to care.

Bad character leads to bad policy and bad economics, which is bad for liberty. Without character, a free society is not just unlikely, it's impossible.

I will close by asking, and then answering, an important question. To avoid the fate of the dead-and-buried Roman Republic, what does America need today?

America needs more men and women who do not have a price at which they can be bought; who do not borrow from integrity to pay for expediency; who have their priorities straight and in proper order; whose handshake is an ironclad contract; who are not afraid of taking risks to advance what is right; who are honest in matters both large and small; who treat the rights and property of others as they expect others should regard theirs.

America needs more men and women whose ambitions are big enough to include others; who know how to win with grace and lose with dignity; who do not believe that shrewdness and cunning and ruthlessness are the three keys to success; who still have friends they made twenty years ago; who put principle and consistency above politics or personal advancement; and who are not afraid to go against the grain of popular opinion, who regard their own self-reliance and responsibility as infinitely more sacred than a handout from the government.

America needs more men and women who do not forsake what is right just to get consensus because it makes them look good; who know how important it is to lead by example, not by barking orders; who would not have you do something they would not do themselves; who work to turn even the most adverse circumstances into opportunities to learn and improve; who truly love liberty and are eager to give more than lip service to it; and who love even those who have done some injustice or unfairness to them.

America in other words, needs more men and women of character.