

Cicero

Ancient Roman Senator

Marcus Tullius Cicero was born in 106 B.C.E. in a town outside of Rome. His family was part of the local nobility but not of the wealthy Roman elite. One of the few career options open to someone of his social standing was law. Cicero quickly became known for his excellence in oration and built a successful law practice. When he turned his attention to politics, he enjoyed similar success. After serving in four elected offices, Cicero became a member of the Roman Senate.

The Senate was the main governing body of the Roman Republic, a representative form of government established by the ancient Romans. In this form of government, elected officials, called senators, hold power. This is in contrast to a direct democracy, in which decisions are made by all citizens. The senators of the Roman Republic served for life.

During Cicero's time in the Senate, political power became concentrated in the hands of fewer and fewer people. Cicero believed that Roman politicians had become corrupt, because they took rights away from the people. When Julius Caesar, Pompey, and Crassus took control of Roman politics, Cicero did not support them. As a result, he lost his property and was exiled.

Throughout his life, Cicero wrote many letters, speeches, and essays in support of the Roman Republic. He wrote about civic virtue, or the idea that people had a duty to participate in government and to be morally responsible while in office. In particular, the elite had a special duty as role models for Roman citizens. Cicero believed that senators and other members of the elite needed to commit to pursuing the republic's well-being over their own fame, wealth, and power. In his book *Des Officiis* (On Duties), Cicero described two types of injustices he saw committed by politicians.

There are . . . two kinds of injustice—the one, on the part of those who inflict wrong, the other on the part of those who, when they can, do not shield from wrong those upon whom it is being inflicted . . . He who does not prevent or oppose wrong, if he can, is just as guilty of wrong as if he deserted his parents or his friends or his country.

Cicero was eventually allowed to return from exile, only to witness Julius Caesar become dictator of Rome. With the consolidation of power in the hands of one individual, the Roman Republic would never reflect Cicero's ideal vision again.

Archbishop Stephen Langton Witness to the Sealing of the Magna Carta

Stephen Langton was born around the year 1150 in England. Though his father was a landowner, Langton decided to pursue a religious career. After entering the clergy, he studied in Paris and wrote several works on theological topics. When the archbishop of Canterbury died, Langton was elected to that position, with strong support from the pope. However, King John of England refused to recognize Langton as archbishop due to a long-standing feud with the church.

Langton's election as archbishop of Canterbury in 1207 came at a tumultuous time in English politics. King John was not only quarreling with the church, he was also struggling to hold on to English lands in France. To finance his wars, he levied heavy taxes. Under England's feudal government, barons and other nobles had to pay taxes to the king for the privilege of land and protection. King John's punishments for those who did not pay were arbitrary and severe. As a result, the barons felt that their traditional rights were being ignored. Archbishop Langton supported the barons. In 1212, for example, he forced the king to give a fair trial to some barons accused of treason.

Eventually, the angry barons took up arms and captured London. Soon thereafter, they forced the king to put his seal on a document that later became the Magna Carta, or great charter. Archbishop Langton was one of the witnesses at this event. The Magna Carta was an agreement between the barons and the king. In return for keeping his rule, King John agreed to uphold the traditional rights of the barons. The Magna Carta limited the king's power by reminding him that he did not have absolute power—even the king had to follow the law. The charter included protection against the type of arbitrary punishment that King John had forced upon the barons.

No constable or other royal official shall take corn [grain] or other movable goods from any man without immediate payment, unless the seller voluntarily offers postponement of this [payment] . . .

No official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it . . .

No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land . . .

To no one will we sell, to no one deny or delay right or justice.

Originally, the Magna Carta was intended only to protect the rights and property of the barons—the wealthy elite of England. Eventually, however, its protections were extended to all the British people. The Magna Carta became one of the cornerstones of constitutional rights in Britain.

John Somers

Member of the 1689 English Parliament

John Somers was born in 1651 near Worcester, England. His father was a successful lawyer. After an education at Trinity College in Oxford, Somers followed in his father's career. Although his interests included a wide range of law, he was especially knowledgeable in constitutional law. As a junior counsel, for example, he helped his team win a case by citing precedents stating that a law could not be suspended without Parliament's consent. In 1689, Somers became a member of the English Parliament.

Somers entered Parliament during an unsettled time in English history known as the Glorious Revolution. When King Charles II died in 1685, he left no eligible heirs. Instead, his brother, James II, peacefully ascended to the throne. Over the next several years, however, the king showed more and more favoritism toward Catholics, angering Protestant members of Parliament. In 1688, King James fled from England amid increasing opposition over his Catholic religion and his abuse of power. Parliament invited a Dutch prince, William of Orange, and Mary, the Protestant daughter of James, to rule England together. In 1689, the members of Parliament drafted a Declaration of Rights that outlined the conditions under which the two monarchs would rule. Somers headed the committee that created this document, which became known as the English Bill of Rights.

The English Bill of Rights outlawed certain acts that had been committed by James II and stated that he had given up the throne. By accepting the Bill of Rights, William III and Mary II were recognized as the lawful rulers of England. Most important, the English Bill of Rights declared that all Englishmen had certain civil and political rights that could not be violated. Such rights included the right to free elections and freedom of speech in Parliament.

That the raising or keeping a Standing Army within the Kingdome in time of Peace unlesse it be with Consent of Parliament is against Law . . .

That Election of Members of Parliament ought to be free

That the Freedome of Speech and Debates or Proceedings in Parliament ought not to be impeached [put on trial] or questioned in any Court or Place out of Parliament

That excessive Bayle ought not to be required nor excessive Fines imposed nor cruell and unusuall Punishments inflicted.

The English Bill of Rights limited the power of the ruler by acknowledging these rights. It also strengthened the power of Parliament to govern the people.

John Locke

English Philosopher

John Locke was born in 1632 in England. His father was a lawyer who had served in the military. Locke studied at Christ Church in Oxford, and it seemed likely that he would become a minister. Instead, he became a doctor. In 1667, he became the personal physician for a wealthy politician and moved to London.

In London, Locke pursued his interest in philosophy, which had begun during his medical studies. He was particularly interested in issues of religious freedom and the rights of citizens. He continued to read, write, and discuss political philosophy. In 1683, Locke fled to Holland when his ideas were seen by the English government as a challenge to the king's authority. In 1689, he returned to England after a series of events in Great Britain known as the Glorious Revolution. As a result of the revolution, Parliament forced the new rulers to respect its authority by accepting a Bill of Rights, which limited the monarch's power.

Locke supported the changes brought about by the Glorious Revolution. In 1689, he published *Two Treatises of Government*, which outlined his view of government. Locke did not believe in the divine right of monarchs to rule. Instead, he supported a government in which the monarch's power was limited in order to respect the rights of the people. He also believed there were certain natural rights that belonged to all people.

Man [who is] born . . . with a title to . . . all the rights and privileges of the law of nature, equally with any other man, or number of men in the world, hath [have] by nature a power, not only to preserve his property, that is, his life, liberty and estate, against the injuries and attempts of other men; but to judge of, and punish the breaches [violations] of that law . . . as he is persuaded the offence deserves.

In exchange for protection of these natural rights, the people gave power to government to make and enforce laws. Locke argued that government's authority existed only by a social contract, or agreement, among free people to let it exist. Therefore, if the government failed to respect the natural rights of the people, it could be overthrown.

Baron de Montesquieu French Philosopher

Charles-Louis de Secondat was born in 1689 outside of Bordeaux, France, to a wealthy family. After studying science and history, he became a lawyer. After his uncle's death in 1716, he inherited his title and became Baron de Montesquieu. He became a member of the Bordeaux and French Academies of Science, where he studied the customs and government of European countries.

In France, the king and nobility lived extravagantly. King Louis XIV, for example, renovated and expanded his royal palace, Chateau de Versailles, at great expense. Visitors were awestruck by its luxurious grandeur and were entertained with lavish balls, dinners, performances, and celebrations. Montesquieu disapproved of the lifestyle and freedoms of the wealthy French elite. In 1721, he published his first major work, *The Persian Letters*, in which he wrote about the people of Europe from the perspective of foreign visitors. This book was a criticism of several French institutions, such as the king's court and the Catholic church.

Published in 1748, *The Spirit of the Laws* was Montesquieu's most famous work. In it, he discussed three types of government. In describing the pros and cons of each type, he stated that the success of a democracy depends on keeping an appropriate balance of power within the government. Montesquieu proposed that power be divided among three groups of officials, or branches, of government. This idea became known as "separation of powers." Each branch would be separate and equal, but with different powers to avoid placing too much power in the hands of one individual or one group of individuals.

When the legislative and executive powers are united in the same person, or in the same body of magistrates [public officials], there can be no liberty . . .

Again, there is no liberty, if the power of judging be not separated from the legislative and executive powers. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be the legislator. Were it joined to the executive power, the judge might behave with all the violence of an oppressor.

In looking at the countries of Europe, Montesquieu thought England provided a good model of government. In England, power was divided among the Parliament (which made laws), the king (who enforced laws), and the courts (which interpreted laws).

John Adams American Founding Father

John Adams was born in 1735 in Braintree, Massachusetts. His father was active in the local church and in local politics. After graduating from Harvard College in 1755, Adams taught school in Worcester, Massachusetts. He then decided to pursue a career in law and studied under attorney James Putnam. Over the next several years, Adams became one of Boston's most successful lawyers.

Adams firmly believed in the traditions of English law. For example, he defended the British soldiers charged in the Boston Massacre in 1770. After 1770, Adams became an outspoken critic of the way the British government treated its subjects in the American colonies. He increasingly supported a fight for independence against British rule. In 1774, he was elected as a delegate from Massachusetts to the First Continental Congress in Philadelphia. This congress met to discuss colonial opposition to England. Adams actively participated in this congress and in the Second Continental Congress in 1775. He nominated George Washington to serve as commander in chief of the Continental Army. He also spoke strongly in favor of drafting a declaration of independence from England. He suggested that Thomas Jefferson be one of the writers of this declaration.

In 1776, Adams wrote *Thoughts on Government*. In this book, he provided an outline for government if the colonies were to declare independence from England. He believed that history was providing the colonies with a unique opportunity to form their own independent, free governments. Adams's vision reflected the influence of ancient and modern philosophy. He wrote about a democratic form of government in which a small group of people represented the society as a whole and made the laws.

How shall your laws be made? In a large society, inhabiting an extensive country, it is impossible that the whole should assemble, to make laws: The first necessary step then, is, to depute [give] power from the many, to a few of the most wise and good . . .

The greatest care should be employed in constituting this Representative Assembly. It should be in miniature, an exact portrait of the people at large. It should think, feel, reason, and act like them. That it may be the interest of this Assembly to do strict justice at all times, it should be an equal representation, or in other words equal interest among the people should have equal interest in it.

Thoughts on Government was circulated throughout the colonies and became a framework for several state constitutions. Adams was also a principal drafter of the Massachusetts Constitution, which was ratified and went into effect in 1780.

Thomas Jefferson American Founding Father

Thomas Jefferson was born in 1743 in Shadwell, Virginia. His father was a successful planter, and his mother was a member of one of the most distinguished families in Virginia. After studying at the College of William and Mary, Jefferson became a lawyer. Although he earned a reputation of being extremely knowledgeable, he was also seen as shy and reserved. Nonetheless, in 1768, he was elected to Virginia's House of Burgesses.

As a legislator, Jefferson was strongly opposed to Britain's authority over the American colonies. In 1774, he wrote *A Summary View of the Rights of British America*. In it, he encouraged the growing sentiment for the colonies to declare independence. In 1775, he was appointed a delegate to the Second Continental Congress in Philadelphia. The purpose of this congress was to organize the colonial war effort in rebellion against England. In 1776, he was appointed to a five-man committee to draft a formal declaration of independence from England. Because he was a gifted writer and scholar of philosophy, Jefferson was nominated to write the first draft of the declaration.

In the Declaration of Independence, Jefferson outlined the grievances that the colonies had against King George III. Most important, Jefferson expressed his belief that all men have certain natural rights. Because these rights exist with or without a government, a government cannot take them away. Thus, if a government failed to respect these natural rights, the citizens of that government had a right to overthrow it.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. —That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

Many changes were made to Jefferson's draft. In fact, an entire one-fifth of the draft was either revised or deleted. This excerpt, however, remained untouched.