

Lex PAULSON, *Cicero and the People's Will: Philosophy and Power at the End of the Roman Republic*, Cambridge University Press, Cambridge (et al.) 2023.

This book does both more and less than its title promises. Paulson tells the story of how in Cicero's oeuvre *voluntas* emerges as a permanent, distinct entity, a will rather than a willing, both at the individual and collective level. He thus attributes to Cicero, not Augustine or the Imperial Stoics, the origin of modern conceptions of will and, in addition, the invention of a «will of the people» in political theory. He thus demonstrates that Cicero must be taken seriously as a contributor to the history of will, not just as an intermediary source but as a thinker and practitioner with an agenda of his own. The book is also an impressive illustration of the fact that in Cicero all thought is political. In this respect, too, Paulson's choice to read different genres (speeches, letters, *retorica, philosophica*) together is often illuminating.

After a brief account of Greek parallels and the Latin context of Cicero's uses of *voluntas* (chapter 1), Paulson follows a roughly chronological structure, overlaid with a thematic arrangement: *voluntas* in legal and rhetorical theory (chapter 2); *voluntas* in law and rhetoric and in social and political relations involving the elite, *i.e.* the relation of *orator* and his client and audience, political collaboration, *amicitia*, and *patronage* (chapters 3 and 4); *voluntas populi* and its role in Cicero's constitutional thought (chapter 5); (*libera*) *voluntas* as constitutive of the moral self and political autonomy as well as responsibility (chapters 6 to 8). An «Epilogue» indicates key points in the afterlife of Cicero's thought: the reception by Augustine and the influence of Cicero's *voluntas populi* on Rousseau's *volonté générale*, on Thomas Jefferson, on the conception of statehood in the Universal Declaration of Human Rights, and on the ailments of modern representative democracies.

Although Paulson repeatedly claims that one should not expect a coherent theory of will or a clear-cut conception of *voluntas* in Cicero's oeuvre, he identifies three core features that he regards as crucial for Cicero's notion and use of the term (summarized 8-10). The first is (i) «durability»: *voluntas* persists in time and becomes reified as a distinct thing, an independent power or faculty of the mind, not just a temporary state or disposition. By comparison with Latin and Greek parallels and close reading of single passages (*e.g.* 207-208), Paulson attempts to show how this



durability emerges in the earliest writings, and throughout the book he presents many passages in which *voluntas* may be read as a will, not a single volition. However, to my mind, not enough of a careful argument is made that they *must* be read in this way. Paulson is an intelligent and perceptive reader, but our perceptions may mislead, and at a certain point he begins reading passages under the assumption that *voluntas* is a permanent will rather than arguing that it is so. More work needs to be done, and it is not made easier by the fact that Paulson, wisely to my mind, refrains from defining more precisely the psychological nature or ontological status of the «will» he identifies as implicit but not clearly conceptualized in Cicero's writings. The second feature of Ciceronian *voluntas* that Paulson identifies is what he calls (II) «measurability», the fact that it can vary in kind or intensity. The third is (III) «moral bivalence», that *voluntas* can be good or bad, virtuous or evil, rational or irrational. It should be noted here that the second and third features are compatible also with a conception of *voluntas* as non-durable and non-reified.

In addition to this, Paulson states the following differences between Greek terms of volition and *voluntas* in Latin usage generally: (IV) *voluntas* «implies the active pursuit of an object» (not just a wish or wanting, 19). As a socio-political factor it thus characterizes society and its institutions as a dynamic doing, a constant enactment and realization of relations rather than a static order. (V) Unlike Greek *prohairesis* or *boulēsis*, e.g., *voluntas* can be rational or irrational. (VI) Especially in legal usage as «lawful judgment» (24), explicitly stated *voluntas* implies social status and the right to make a choice (35). This in turn implies the faculty of reasoning, from which Cicero develops (VII) a normative requirement of rationality both as the mark of the rational human being and that which confers or justifies the right to have one's *voluntas* respected.

The most interesting part of the book is the chapter on *voluntas populi*, to which Paulson brings his own experience as a practitioner and theorist of collective political action and mobilization¹. He identifies «the

¹ According to the biography on the cover, Paulson directs a School of Collective Intelligence at the «Université Mohammed VI Polytechnique (Morocco) and lectures in advocacy at Sciences Po, Paris» and worked as an organizer and «mobilization strategist for [...] presidential campaigns», including those of «Barack Obama in 2008 and Emmanuel Macron in 2017. He has led projects in democratic innovation and leadership for UNICEF, the US State Department, the French National Assembly, and the National Democratic Institute [...], and has worked to advance democratic innovation at the European Commission and in India, Tunisia, Egypt, Uganda, Senegal, the Czech Republic, and Ukraine».

will of the people» as the foundation in Cicero's historical and normative construction of the Roman state. The Roman thinker's original contribution to Roman constitutional thought, Paulson claims, consists in framing that constitution in terms of his specific notion of *voluntas* and a representationalism understood as a trusteeship relation between people and the ruling elite they elect. «The will of the people», as Paulson argues, is an idea absent from Greek political thought but «fundamental» to the *res publica* as Cicero conceives it: the various characteristics of *voluntas* (i to vi, above) coalesce into a coherent theory. *Res publica* being the *res populi*, it is (a) constituted by the social will of its citizens to form a community and abide by common norms. At the same time, (b) the «people» becomes the sovereign whose status of «ownership» confers on it the right of political decision making according to its free will (vi). Nevertheless, because of its «moral bivalence» (iii), «the will of the people» needs to be constrained in order to prevent harm to the *res publica* and thus the interest (*utilitas*) of «the people». Paulson describes two basic moves by which Cicero thus both posits the absolute sovereignty of the people and restricts it. The first consists in a specific mode by which «the will of the people» executes its power. It must be limited to the election of representatives: «enlightened leaders must intervene to form [the *voluntas populi*] by persuasion, interpret it when obscure, and enact it as their trustee» (111). The goodwill (*voluntas*) of the people electing the leader serves as legitimation and support and is reciprocated by the righteous will of the leader committed to the service not of his own interest but that of the *res publica*. Not only administration but also legislation is the task of these «trustees», the current magistrates and the senate as the body composed of leaders on whom «the will of the people» has conferred legitimate power by election. The second move, distinguishing different senses of «people», serves to justify this limitation and is based on the requirement that *voluntas* as lawful choice be rational (vii). As sovereign of the *res publica*, the people encompasses all citizens – ruler(s), the aristocracy, or the *dēmos* of Greek political theory together. It is the will of «people» in this sense that Cicero – in another important innovation, according to Paulson – conceives as unitary and singular (115-117). In a narrow sense, however, *populus* is only one of the social groups of which a state is composed: the multitude in contrast to the ruling elite. The multitude is not capable of sufficient insight in the universal principles, natural *ius* modelled on the Stoic Common Law,

that must guide rational action and thus underlie proper *voluntas*. The rational agency of the multitude as «people» therefore consists in electing leaders, who by their personal good will and wisdom are capable of implementing «the will of the people» in the first sense, if need be even against the volitions and personal interests of the multitude. If, thirdly, a multitude fails to acquiesce to this limit or embraces leaders lacking in wisdom and good will, it loses its status as «people» and becomes a mob. According to Paulson, this «ideal of elite representation» both «marks a qualitative leap beyond the mixed constitutionalism of Polybius and Aristotle» and includes «key claims that would ignite revolutions and that bedevil us today: The *populus* is both semidivine sovereign and fallible mob; the community has a single will even when a large minority shouts “no”; and, most consequentially, the people’s will needs a ruling class to fulfill it» (108).

Paulson’s book is a *tour de force* of synthesis, full of keen observations and original ideas, such as the suggestion that Cicero’s psychological dualism may be a reflection the hierarchical dualism of his politics, and that, accordingly, care of the soul in the later *philosophica* becomes a form of continued politics (149, 214-217). Bringing to the topic the urgency of someone in the fray of battles for that endangered good, democratic power, Paulson’s book is engaging to read and written to engage. But, as valuable and attractive as they may be, these qualities also entail serious problems. In his desire to tell an interesting and convincing story, Paulson tends to overstate his points and thus mislead the non-expert public he also seems to address. Is it really true that «Cicero does not allow that ordinary Roman citizens could *ever* choose rationally without guidance» (138, the author’s emphasis)?² He makes a case rather than presenting carefully weighed evidence for the reader to judge his claims.

The author is someone for whom classics is only one aspect in a wider ranging academic profile and whose many projects outside the university limit his time for research and publication. There are signs of hasty editing. As «reference editions for Cicero’s corpus» Paulson names

² To quote just a few more phrases: «This nebulous space between lawful and self-serving will is the gap through which Caesar will march his legions» (75); «Rome’s highest ideal: *libertas*» (125); «Against the bloody demagogues, Cicero wants to affirm the people’s uncoerced ... power to choose» (110); «The *Pro Sestio* is a prologue to Cicero’s two seminal treatises [sic!] on politics and the state» (122). 106 it is implied (by omission?) that Cicero won the case against Verres because of his strategy of presenting himself as a champion of the people’s will.

«those of the Loeb Classical Library» (264). With a few exceptions, mostly when he wishes to unify terminology, Paulson takes English translations from this series without explicitly citing the translator. Thus, it can happen that in the same paragraph one encounters a translation by a Loeb editor and a translation by Paulson himself. Latin quotations as well as own translations indicate a less than perfect mastery of the Latin language³. There is no hint that Paulson regularly consults critical editions or commentaries. Secondary readings are extremely selective with enormous gaps in all areas, too many to enumerate. This is understandable given the subject range of the book, but as a consequence, Paulson can never be trusted to be truly well informed about what he writes. Usually, scholars mitigate this common problem by limiting themselves not only to a workable subject but also a certain discipline and methodology. But Paulson's work is neither a lexical study, nor a study of a philosophical or political concept in whichever words it may be expressed. It sits right in the middle and is best characterized as an account of a political idea for which occurrences of the word *voluntas* both provide a thread of passages from which the story (55) is woven and a heuristic tool to find ancestors of modern «will» and whatever hazy notion Cicero may have connected to that word. Paulson's interest in the discipline of ancient history seems to be limited too. At least, much of the relevant research on the social and political history of the Late Republic is neither cited nor discussed. A particularly problematic omission, to my mind, is the lack of a proper discussion of the social composition of the population of Rome and the different kinds of public assembly in their relation to the kinds of *populus* that Cicero distinguishes or rejects. Even if Cicero's writing represents a distorted and biased view of who exactly the people are and is blind to many of the people actually living in the state, for example the enslaved, one should at least discuss whether *populus* for him is the «people» as they are represented in the *comitia centuriata*, i.e. an electorate distinguished by property class with the wealthiest citizens having a vote of far greater weight and voting first, or the *concilium plebis* (which Paulson does not clearly distinguish from the *contio*) in which no such property distinction obtained. This is important,

³ For example: «that an *exceptionem* for Epaminondas' circumstances is implied» (39); «that certain statues erected in Verres' honor were either *sua voluntate statuisse* ("set up of their own will")» (74); «*commodi et rationes*» (109); *consulat* in *rep.* 5, 8 is changed from «considers» (in Keyes's translation) to «consults» (130).

for example, because legislation was the prerogative of the *concilium plebis* and legislation by «the people» is what Cicero wishes to abolish. The distinction between «elite» or «ruling class» and the multitude of common «people» in the narrow sense is also hard to map onto Roman socio-political reality. What, for example, are the Roman knights in this binary division? Members of the ruling elite? As military commanders, advisors of elected magistrates, members of the judiciary, or *publicani*, for example, Roman knights did participate in the administration of the state. Or are they part of the multitude? Maybe the real *populus*, while those that we would regard as multitude are just the rabble too irrational to participate in «the will of the people»? Especially if one wishes to learn from ancient mistakes to overcome contemporary problems, nuance is important.

In short, this is a book that only someone with Paulson's profile could have produced, both for better and for worse. It merits careful study and sets an important agenda for more specialized scholars. I will certainly consult it again in the course of my own research⁴, but I would not recommend it to students.

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⁴ Unfortunately, Paulson does not provide a detailed *index locorum* but only a register including some indications about where particular works are discussed.