

Henderson Prize Winner
For the Best Senior Thesis on a Law-Related Subject
2008

Zachary Squire
“Property and the Conception of the State in Cicero”
Department of Classics

Zachary Squire has written an extraordinary senior thesis on the idea of private property in Cicero’s philosophical works, and its relationship to both law and state. In this novel and stunningly persuasive reading of Cicero, Cicero becomes the first thinker on record to argue that the main and primary purpose of the state is to protect and encourage the basic and fundamentally free functioning of private property.

Squire’s treatment of Cicero not only uses his own close readings – and independent translations – of Cicero’s philosophical writings, but it also demonstrates convincingly what Cicero did and did not owe to his Greek forebears, particularly Aristotle. In Squire’s view, Cicero breaks from the more moralistic reading of the state that one finds in Aristotle. Instead, Cicero – as Squire reconstructs him – describes a state that intervenes minimally and is concerned primarily with the maintenance of property and order, rather than with the moral education of its citizens. The Cicero that emerges from this reading is strikingly modern, and one can see more easily how Cicero would have influenced later thinkers in the liberal tradition of rights theory.

To recast Cicero in this way, Squire treats Roman law as part of the evidence that Cicero would have had about how the state actually functioned in his day. Squire’s discussion of Roman law is sure-footed, knowledgeable and beautifully tied to the broader conception of the relationship between the citizen and the state in the late Republic. In fact, the discussion of Roman law becomes the crucial backdrop for understanding Cicero. Like later discussions of Locke on private property, Squire sees Cicero as working with the conceptions of private law of his day to build his political theory. Squire’s thesis shows something that legal theorists have known about major political theorists in other times and places – but never before about Cicero – that law often provides the first draft of political theory, and that conceptions central to political philosophy often work hand-in-hand with the law on offer at the time.

This is an extraordinary senior thesis, one that makes a contribution to knowledge of the sort one normally expects only of doctoral dissertations. The thesis is beautifully written, elegantly crafted and strikingly – and successfully – ambitious in its scope and claims. The Program in Law and Public Affairs is pleased to award the 2008 Henderson Prize for the Best Senior Thesis in Law to Zachary Squires for teaching us so much about Cicero’s conceptions of property, state and law.